

AUCKLAND COUNCIL

08 DEC 2010

HENDERSON

CIVIL - SANFORD
MC AULEY

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under clause 14 of
the First Schedule of the Act

BETWEEN

BRUCE CHRISTIANSEN, JOHN
ELLIOT, WARREN FOUNTAIN
AND CLINTON SANFORD as
Trustees of the ORAMA
CHRISTIAN TRUST

ENV-2009-AKL-000276

Appellant

AND

AUCKLAND COUNCIL (formerly
AUCKLAND CITY COUNCIL)

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook, sitting alone under section 279 of the Act

IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the memorandum of the parties in support of the draft consent order dated 19 November 2010.
2. No person has given notice of an intention to become a party to this appeal under section 274 of the Act.
3. The Court is making this order under section 279(1)(b) of the Act, such order being by consent rather than representing a decision or determination on the merits pursuant to section 297. The Court understands that for the present purposes that:



- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including Part 2 of the Act.

Orders

4. Therefore, this Court orders by consent that Appendix 9 41-16 Orama Concept Plan of the proposed Auckland City District Plan: Hauraki Gulf Islands Section 2006 (**district plan**) is amended as set out below:

- (a) amend the final paragraph of clause 1.0 to state (additions in **bold**, deletions in ~~strikethrough~~) :

Future development will focus on the central part of the bay where most of the buildings currently exist, which is denoted as Main Bay, area **AB**. Limited development will be provided for in areas **AB** and C (Arthurs Bay and BBQ Bay respectively) as identified on figure 41-16. The intention is that the Karaka Bay area will continue to be used for a range of activities that are consistent with the Trust's purpose and philosophy.

- (b) delete figure 41-16 'Orama Concept Plan' and replace with a new figure 41-16 "Orama Concept Plan" **attached** as "**A**" to this consent order.
- (c) amend clause 4.0 'Rules – activity table' to change the activity status of the following activities from discretionary to permitted:
 - (i) Art galleries and museums
 - (ii) Care centres
 - (iii) Offices
 - (iv) Restaurant, café and other eating places



- (v) Retail premises.
- (d) amend clause 5.0 'Rules – Development controls' as follows (additions in **bold**, deletions in strikethrough):

~~With the exception of building coverage for areas B and C the development controls for the underlying land unit apply. Refer to part 10c – Development controls for land units and settlement areas.~~

Building coverage **5000m² for area A – Main Bay**
~~500~~**1000m² for area B – Arthurs Bay**
500m² for area C – BBQ Bay

5. The appeal is otherwise dismissed.
6. There is no order as to costs.

DATED at Auckland this 6th day of December 2010



L J Newhook
Environment Judge



Appendix A

