

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

MICHOL FISHER, IAN
JESPERSEN AND NOEL LYNCH

ENV-2009-AKL-000327

Appellants

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 17 November 2010.
2. No person has given notice to become an interested party to this matter under section 274.
3. All parties have signed the memorandum setting out the relief sought.
4. 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

- 5. Therefore, this Court orders by consent that Sheet 25 Map 1 of the proposed Auckland City District Plan: Hauraki Gulf Islands Section 2006 is amended (as set out in the amended Sheet 25 Map 1, referenced as "A", **attached** to this consent order) to reclassify part of the property at 691 Orapiu Road, Waiheke Island (legally described as Lot 2 DP 194989 and contained in certificate of title NA124A/611) to landform 6 'regenerating slopes' whilst retaining the balance of the property as landform 7 – 'forest and bush.'
- 6. The appeal is otherwise dismissed.
- 7. There is no order as to costs.

DATED at Auckland this *23rd* day of *November* 2010



L J Newhook
Environment Judge

