

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under Clause 14 of
the First Schedule to the Act

BETWEEN

**CHRISTIAN WHATA (TRUSTEE
OF THE WAIHANGA KAINGA
TRUST)**

ENV-2009-AKL-000349

Appellant

AND

**AUCKLAND COUNCIL (as
successor to 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 notice of appeal and the memorandum of the parties dated 30 September 2011.
- [2] This consent order relates to the appeal by Christian Whata (Trustee of the Waihanga Kainga Trust) against the proposed Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) (Appeal Reference: ENV-2009-AKL-000349).
- [3] The appeal relates to the following topics:



- (a) ENV-2009-304-000467: HGI – Dwellings/ residential uses – land unit specific dwelling provisions
- (b) ENV-2009-304-000478: HGI – Development controls – building coverage
- (c) ENV-2009-304-000481: HGI – Development controls – noise
- (d) ENV-2009-304-000484: HGI – Land use activities – general
- (e) ENV-2009-304-000506: HGI – Miscellaneous text – general

[4] Answer Services Holdings Ltd is a party to the appeal under section 274 of the Act and has signed the memorandum of the parties setting out the relief sought.

[5] No other person has given notice of an intention to become a party under section 274.

[6] 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 for present purposes that:

- (a) All relevant parties to the proceedings have executed the memorandum requesting this order;
- (b) All relevant 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 Resource Management Act 1991, including in particular Part 2.

Order

[7] Therefore, the Court orders, by consent, that:



- (a) The Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) is amended as set out in schedule 1 to this consent order;
- (b) The appeal is otherwise dismissed; and
- (c) There is no order for costs.

DATED at Auckland this 3rd day of October 2011



L J Newhook
Environment Judge



SCHEDULE 1

The "building coverage" development control for the Open Space 2 (recreation and community facilities) land unit in Table 10C.4 is amended to read (additions underlined):

"300m²; or for sites that abut land zoned Island Residential 1 or Island Residential 2, 300m² or 15% net site area, whichever is the lesser."

