

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

**Anthony Pope, Alan Moore
and Wynyardwood Trustee
Services Limited as Trustees
of the A R POPE FAMILY
TRUST, Alan Moore and
Wynyardwood Trustee
Services Limited as Trustees
of the CORY ROAD FAMILY
TRUST and Sandra Pope,
Alan Moore and
Wynyardwood Trustee
Services Limited as Trustees
of the S POPE FAMILY
TRUST**

ENV-2009-AKL-000357

Appellants

AND

**AUCKLAND COUNCIL (as
successor to Auckland City
Council)**

Respondent

BEFORE THE ENVIRONMENT COURT

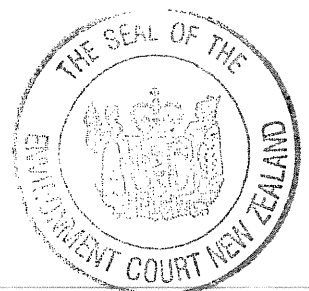
Environment Judge L J Newhook sitting alone under section 279 of the Act

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 15 August 2011.



[2] This consent order relates to the appeal by A R Pope Family Trust, S Pope Family Trust and the Cory Family Trust against the proposed Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) (Appeal Reference: ENV-2009-AKL-000357).

[3] The appeal relates to the following topics:

- (a) ENV-2009-304-000478: HGI – Development controls – building coverage
- (b) ENV-2009-304-000480: HGI – Development controls – height

[4] Parties to the appeal under section 274 of the Act are:

- (a) Answer Services Holdings Limited; and
- (b) Progressive Enterprises Limited.

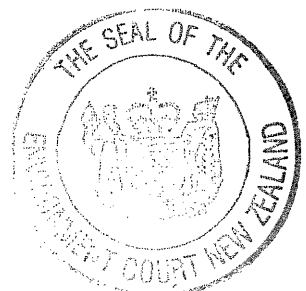
[5] The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (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


[6] 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;
- (b) The appeal is otherwise dismissed; and

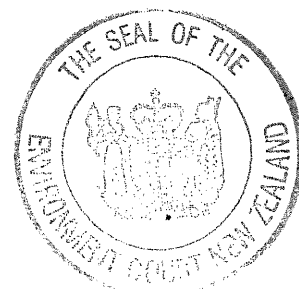


(c) There is no order for costs.

DATED at Auckland this 20th day of August 2011



L J Newhook
Environment Judge



SCHEDULE 1

Table 10c.2 'Development controls – commercial 1-7' is amended to include the following additions (additions underlined):

- a. The "height" development control for the Commercial 5 (industrial) land unit is amended to read "8m or 10m ***"
- b. The "building coverage" development control for the Commercial 5 (industrial) land unit is amended to read "40% of net site area or 50% net site area ***"

The key for table 10c.2 'Development controls – commercial 1-7' is amended to include:

*** The 10m height limit and 50% building coverage apply only to 102A, D, E, F Ostend Road (Lots 20-27 DP 33320 and Lot 1 DP 207850), 102B & C Ostend Road (Pt Lot 60 DP 11656), 96 Ostend Road (Lot 19 DP 33320), Ostend, Waiheke Island.

