

**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** **PAUL ROBERT DOOLE as trustee of EAST LODGE TRUST (as successor to Orapiu Lodge Limited)**

ENV-2009-AKL-000345

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 1 December 2011.
- [2] This consent order relates to the appeal by Orapiu Lodge Limited against the proposed Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) (Appeal Reference: ENV-2009-AKL-000345). Paul Robert Doole as trustee of East Lodge Trust is the successor to the appeal by Orapiu Lodge Limited having purchased the property to which this appeal relates.



[3] The appeal relates to topic ENV-2009-304-000504: reclassification of land – landforms – site specific.

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

- (a) S Adrichem;
- (b) R Wedekind;
- (c) S Diener;
- (d) J Morton;
- (e) I & J Bremner;
- (f) D & J Grayson;
- (g) P Dew; and
- (h) Waiheke Island Community Planning Group.

[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 Sheet 25 map no. 1 of the Planning Maps to the Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) is amended in accordance with the Plan attached as Schedule 1 and by replacing Sheet 25 map no. 1 of the Planning Maps with the Map attached as Schedule 2;



(b) This consent order resolves the appeal in its entirety; and

(c) There is no order for costs.

DATED at Auckland this 19<sup>th</sup> day of December 2011



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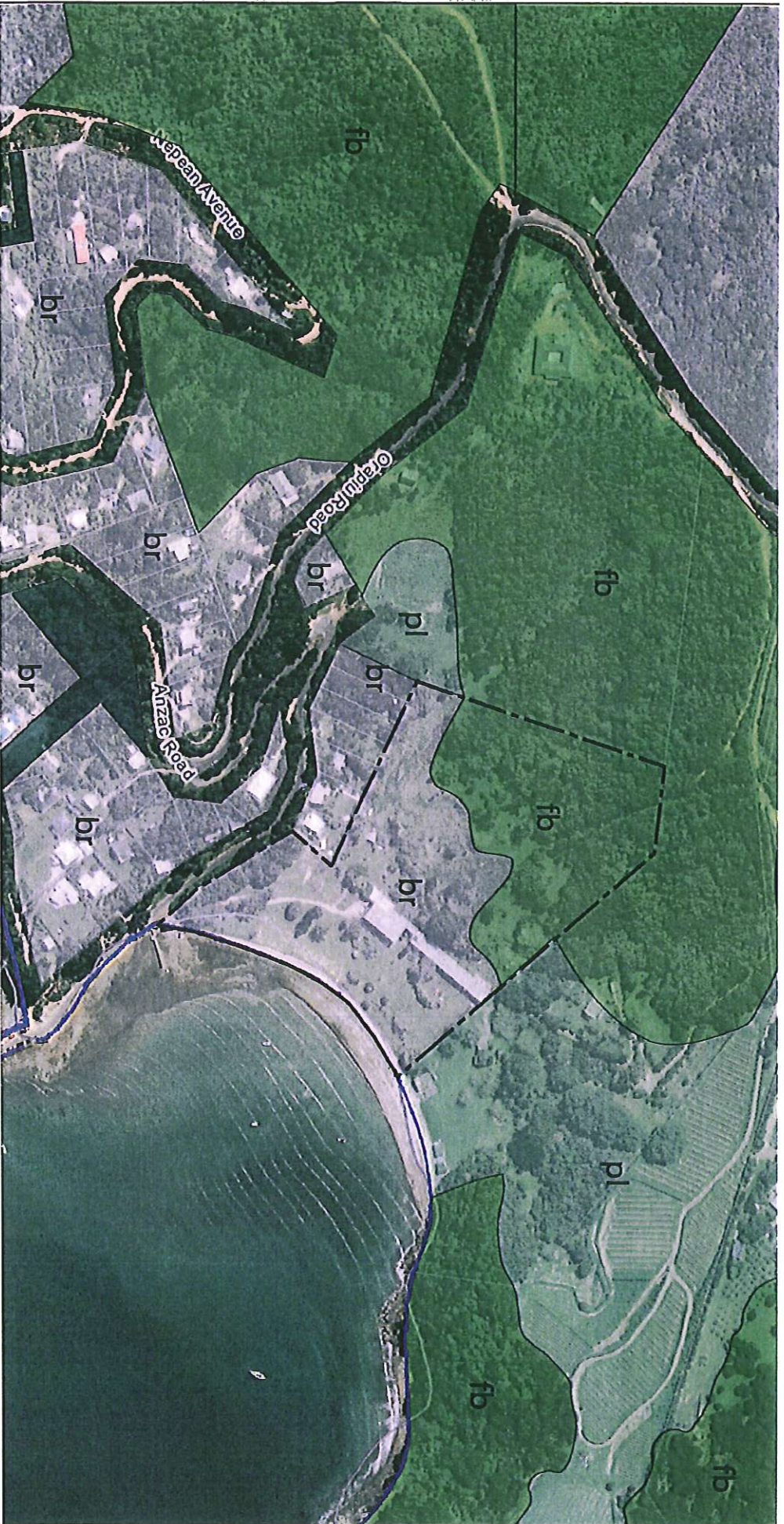
L J Newhook  
Environment Judge



SCHEDULE 1



Note: Base Aerial sourced from Auckland City Council ALGI



Scale Approximately 1:2500 @ A3

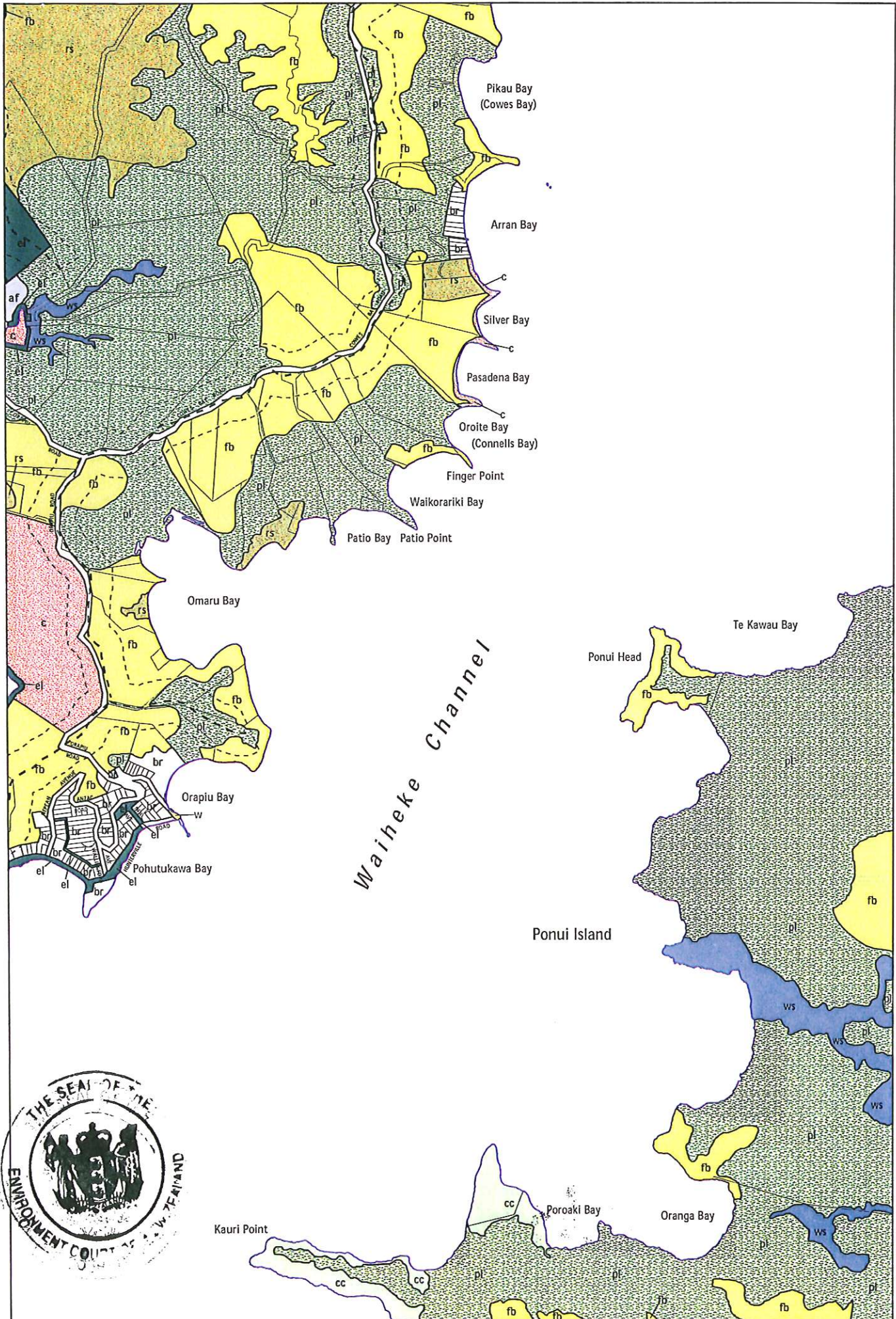


Key:  
- - - Site Boundary

Adjusted & New Zones  
East Lodge Trust Property  
Otapiu Bay  
Waiheke

SCHEDULE 2





# DISTRIBUTION OF ENVIRONMENT COURT CONSENT ORDERS

<b><u>Lodgement:</u></b>	<b><u>ENV-2009-AKL-000345</u></b>	<b><u>East Lodge Trust v Auckland Council (formerly Auckland City Council)</u></b>
Initiator	East Lodge Trust	D Kirkpatrick, Park Chambers, PO Box 5844 Wellesley Street, DX CP24075, Auckland
Respondent	Auckland Council (formerly Auckland City Council)	K Reid, Simpson Grierson, Private Bag 92518, Wellesley Street, AUCKLAND 1141
Respondent	Auckland Council (formerly Auckland City Council)	Mr Gerald Lanning, Simpson Grierson - Auckland, Private Bag 92518, Wellesley Street, DX CX10092, AUCKLAND
Respondent	Auckland Council (formerly Auckland City Council)	Shaun McAuley, Auckland Council, CX 10032, Auckland
Interested Party S274	Adrichem, Sharon	Sharon Adrichem, PO Box 339, Oneroa, Waiheke Island 1840
Interested Party S274	Bremner, Iain	Iain Bremner, The Bremner Family Trust, PO Box 29190, Greenwoods Corner, Auckland
Interested Party S274	Bremner, Joanne	Joanne Bremner, The Bremner Family Trust, Po Box 29190, Greenwoods Corner, Auckland
Interested Party S274	Dew, Peter	Peter Dew, P O Box 2180, Auckland 1140
Interested Party S274	Diener, Scott	Scott Diener, 11 Anzac Road, Orapiu, Waiheke Island 1971
Interested Party S274	Grayson, Donald	Donald Grayson, 22 Paora Street, Orakei, Auckland 1071
Interested Party S274	Grayson, Judith	Judith Grayson, 22 Paora Street, Orakei, Auckland
Interested Party S274	Morton, John	John Morton, Morton Tee & Co, DX BP 66025, Takapuna, Auckland
Interested Party S274	Wedekind, Richard	Richard Wedekind, PO Box 339, Oneroa, Waiheke Island 1850

Copies to initial parties on:

19 December 2011

By: Beth Ford