

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

**THUMB POINT STATION
LIMITED, MAN O'WAR FARM
LIMITED, HURUHE STATION
LIMITED, MAN O'WAR STATION
LIMITED AND SOUTH COAST
STATION LIMITED**

ENV-2009-AKL-000336

Appellants

AND

**AUCKLAND COUNCIL (formerly
Auckland City Council)**

Respondent

BEFORE THE ENVIRONMENT COURT

Acting Principal 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 amended notice of appeal and the memorandum of the parties dated 28 February 2012.
- [2] This consent order relates to the following aspects of the appeal by Thumb Point Station Limited, Man O'War Farm Limited, Huruhe Station Limited, Man O'War Station Limited and South Coast Station Limited (**Appellants**) (Appeal reference: ENV-2009-AKL-000336) in relation to the proposed Auckland Council District Plan (Hauraki Gulf Islands Section):

- (a) topic ENV-2009-304-000464: HGI – Network utilities; and
(b) topic ENV-2009-304-000489: HGI – Land use activities – wineries.



[3] The following parties have given notice of an intention to become a party to the Appellants' appeal under section 274 and have signed the memorandum of the parties setting out the relief sought:

- (a) Answer Services Holdings Limited;
- (b) Environmental Defence Society Incorporated;
- (c) Federated Farmers of New Zealand;
- (d) Waiheke Island Community Planning Group; and
- (e) New Zealand Wine Growers.

[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 279. The Court understands for the present purposes that:

- (a) the parties to the proceedings have executed the memorandum requesting this order;
- (b) the 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

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

- (a) Auckland Council amend the Auckland Council District Plan (Hauraki Gulf Islands Section) in accordance with the changes set out in **Appendix 1** to this Consent Order.
- (b) The appeal by Thumb Point Station Limited, Man O'War Farm Limited, Huruhe Station Limited, Man O'War Station Limited and South Coast Station Limited is resolved so far as it relates to the following:
 - (i) topic ENV-2009-304-000464: HGI – Network utilities; and
 - (ii) topic ENV-2009-304-000489: HGI – Land use activities – wineries.



(c) The appeal continues to be the subject of case management in relation to the following topics:

- (i) ENV-2009-304-000457: HGI - Air Transport;
- (ii) ENV-2009-304-000458: HGI – Subdivision – land units;
- (iii) ENV-2009-304-000463: HGI – Financial contributions;
- (iv) ENV-2009-304-000466: HGI – Dwellings/ residential uses – density;
- (v) ENV-2009-304-000467: HGI – Dwellings/ residential uses – land unit specific dwelling provisions;
- (vi) ENV-2009-304-000470: HGI – Heritage general;
- (vii) ENV-2009-304-000471: HGI – Heritage – site specific;
- (viii) ENV-2009-304-000479: HGI – Development controls – indigenous vegetation clearance;
- (ix) ENV-2009-304-000488: HGI – Land use activities – agriculture and pastoral farming; and
- (x) ENV-2009-304-000504: HGI – reclassification of land – landforms – site specific.

(d) There is no order for costs in relation to this consent order.

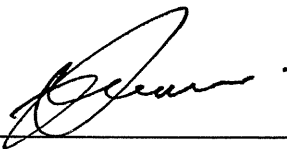
DATED at Auckland this

7th

day of

March

2012



L J Newhook

Acting Principal Environment Judge



Appendix 1

Additions are shown by underlining, deletions are shown by strike-through

Topic ENV-2009-304-000464: HGI – Network utilities

1. Policy 12.3.8.1 of the Auckland Council District Plan (Hauraki Gulf Islands Section) is to be amended as follows:

12.3.8 Objective - network utility services

To design subdivisions so that network utility services are installed in a manner that avoids, remedies or mitigates any adverse effects on the environment, including visual amenity, noise, earthworks, dust, spill lighting, electromagnetic field emissions and radiofrequency fields.

Policies

1. By providing, where appropriate, requiring at the time of subdivision, for the undergrounding of that electricity and telecommunication services, ~~are placed underground.~~
2. By ensuring that any adverse effect on landscape and amenity values as a result of the installation of utility services is adequately avoided, remedied or mitigated.

Topic ENV-2009-304-000489: HGI – Land use activities – wineries

2. Amend 10a.7.5 Rules – Activity table of the Auckland Council District Plan (Hauraki Gulf Islands Section) to include Winery under 'Activity' and D (for Discretionary Activity Status) under 'Status'.
3. Amend 10a.8.5 Rules – Activity table of the Auckland Council District Plan (Hauraki Gulf Islands Section) to include Winery under 'Activity' and D (for Discretionary Activity Status) under 'Status'.

