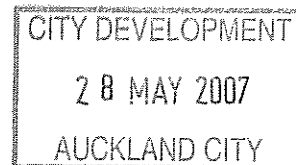


**DISTRICT PLAN FURTHER SUBMISSION FORM
IN SUPPORT OF OR IN OPPOSITION TO SUBMISSIONS**

PROPOSED HAURAKI GULF ISLANDS SECTION 2006

To: Auckland City Council
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Further Submission on: Proposed District Plan – Hauraki Gulf Islands Section 2006

Name of Submitter: Scott and Kelley Diener

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These are further submissions both in support of and opposition to a number of submissions on the Proposed District Plan as described above. The further submissions are contained on the attached sheets.

The Submitter wishes to be heard in support of its further submissions.

The submitter would be prepared to present a joint case at the hearing with any others making a similar submission.

Signature Scott Diener
Kelley Diener **Date** 27-05-07

Submitter Name	Submission Number	Oppose or Support	Part of Submission	Reasons
The Waiheke Island Community Planning Group Incorporated	3061/28	Support	4.5.3 Clause 4.5 Temporary Activities should be removed and be replaced with rules that are customised to Waiheke and supported by a clear community mandate.	The submitter supports the submission on the basis that it also holds concerns with the proposed provisions for temporary activities. The provisions as presently drafted allow activities which may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/1	Oppose	4.5.3 Amend clause 4.5.3(2)(a) so that it reads: "The event and temporary buildings or other temporary structures do not occupy a venue for more than thirty days."	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/2	Oppose	4.5.3 Amend clause 4.5.3(2)(b) so that it reads: "The event does not occur for more than 30 days"	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/3	Oppose	4.5.3 Amend clause 4.5.3(2)(c)(i) so that it reads: "It starts no earlier than 8.00am"	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/4	Oppose	4.5.3 Delete clause 4.5.3(2)(c)(ii).	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.

Geraldine Downie	102/5	Oppose	4.5.3 Amend clause 4.5.3 (2)(c)(iii) so that it reads: "It does not exceed 12 hours in duration"	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/6	Oppose	4.5.3 Amend clause 4.5.3(2)(d)(i) so that it reads: "It does not cumulatively exceed 5 hours"	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/7	Oppose	4.5.3 Amend clause 4.5.3(2)(d)(ii) so that it reads: "It does not commence before 8.00am on the day"	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/8	Oppose	4.5.3 Amend clause 4.5.3(2)(d)(iii) so that it reads: "It is completed by 7pm".	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/9	Oppose	4.5.3 Delete clause 4.5.3(2)(f).	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Geraldine Downie	102/10	Oppose	4.5.3 Amend clause 4.5.3(3) to read: "Any display suites, or show homes, temporary storage, stacks of goods or materials (other than construction materials in (1) above) for a period not exceeding 12 months".	The submitter opposes the submission on the basis that the proposed relaxation in the controls for temporary activities may result in significant adverse effects on neighbouring residential properties. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.

Ridgeview Estate Limited	121/1	Oppose	Productive land 10a.6.5 Make all discretionary applications in clause 10a.6.5 permitted or controlled.	The submitter is concerned to ensure that activities occurring on Landform 5 - Productive land, such as that land associated with the Orapiu Lodge Limited, is subjected to an appropriate activity status to enable a robust assessment of the adverse environmental effects of the activity, particularly in respect of neighbouring residential properties.
Trevor and Carol Rendle	2082/1	Oppose	10a.6.5 Amendment to clause 10a.6.5 adding "Tourist Complexes" to the list of discretionary activities within the landform 5 (productive land)	The submitter is concerned to ensure that activities occurring on Landform 5 - Productive land, such as that land associated with the Orapiu Lodge Limited, is subjected to an appropriate activity status to enable a robust assessment of the adverse environmental effects of the activity, particularly in respect of neighbouring residential properties.
A and J Mitchell	2554/6	Oppose	10a.6.5 That provision be made in Landform 5 for multiple dwellings as a controlled activity on sites with an area of 4.0 hectares or more.	The submitter is concerned to ensure that appropriate standards and controls are maintained in respect of Landform - 5 Productive land, including that land associated with the Orapiu Lodge Limited, to enable a robust assessment of the adverse environmental effects of the activity.
The Waitheke Island Community Planning Group Incorporated	3061/88	Support	Commercial 4 Visitor Facilities 10a.14 The over-riding consideration that applies to Commercial 4 (visitor facilities) is that the land unit does not contain provisions which permit development / subdivision that is contrary to maintaining the essential character and heritage of the island and the type, style and scale of buildings recognised within that character and island scale in particular.	The submitter is concerned to ensure that the Proposed District Plan provisions for Commercial 4 – Visitor Facilities provide for activities at an appropriate scale and intensity in keeping with the special characteristics of the natural environment (such as Orapiu) and that appropriate limitations are placed on tourist and visitor activities in Orapiu to ensure that their adverse effects are appropriately avoided, remedied or mitigated.
DM and RM Dominikovich	1264/1	Oppose	10a.14.3 The objectives and policies of commercial 4 (visitor facilities) be reworded to provide for dwellings within the land unit.	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. The Commercial 4 zone is not a defacto residential zone, nor should it be. If residential development is to occur, a residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties.

DM and RM Dominikovich	1264/2	Oppose	10a.14.4 The resource management strategy for commercial 4 (visitor facilities) be reworded to provide for dwellings as a controlled activity.	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. The Commercial 4 zone is not a defacto residential zone, nor should it be. If residential development is to occur, a residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties.
Strand Holdings	47/1	Oppose	10a.14.5 That residential dwellings be provided for as a permitted activity in commercial 4 (visitor facilities) and that they be identified as a permitted activity in clause 10a.14.5.	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. The Commercial 4 zone is not a defacto residential zone, nor should it be. If residential development is to occur, a residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties.
Garth Spencer	518/20	Oppose in part	10a.14.5 Clause 10a.4 should be able to have a dwelling or manager's accommodation. Mixture residential.	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. The Commercial 4 zone is not a defacto residential zone, nor should it be. If residential development is to occur, a residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties. The provision for manager's accommodation is not opposed, within reason.
Orapiu Lodge Limited	1091/1	Oppose in part	10a.14.5 Provide for dwellings in Commercial 4 (visitor facilities) as a restricted discretionary activity.	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. The Commercial 4 zone is not a defacto residential zone, nor should it be. If residential development is to occur, a residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties.

DM and RM Dominikovich	1264/3	Oppose in part	10a.14.5 Clause 10a.14.5 be amended to provide for dwellings as a controlled activity. 1264/3	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. The Commercial 4 zone is not a defacto residential zone, nor should it be. If residential development is to occur, a residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties.
Strand Holdings	2551/1	Oppose in part	10a.14.5 That tourist activities be continued as currently allowed for in commercial 4.	The submitter holds some concerns with the provisions that currently apply to the Orapiu Lodge Limited as there are unresolved concerns raised by residents in respect of noise, hours of operation, traffic generation and the frequency and nature of functions and events.
Richard Wedekind	3183/1	Support	10a.14.6 The same screening provisions used for other Commercial land units should be included in the Rules - Development Controls for Visitor Facilities in Commercial 4.	This would improve consistency between the provisions of the various commercial zones. The provision is important to ensure that the adverse visual effects of the activity are internalised within the site.
Richard Wedekind	751/1	Support	Development Controls Noise 10c.5.4 The noise levels in the operative Plan are appropriate and fair to all parties. They should remain unchanged (with specific reference to commercial 4 (visitor facilities)).	The proposed increase in noise levels may result in significant adverse effects on neighbouring properties. The submitter considers that a complete review of the noise levels and the measurement standard is therefore warranted. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Richard Wedekind	751/2	Support	10c.5.4 Adoption of the new Leq standard for intrusive noise means that a reduction of numerical values currently used in the operative Plan is required to maintain the same noise levels (with specific reference to commercial 4 (visitor facilities)).	The proposed increase in noise levels may result in significant adverse effects on neighbouring properties. The submitter considers that a complete review of the noise levels and the measurement standard is therefore warranted. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.

Richard Wedekind	751/3	Support	10c.5.4 To preserve the amenity of individual communities, the 'local' Lmax (L95 + 30 dBA), should be reinstated where it is less than Lmax 75dBA (with specific reference to commercial 4 (visitor facilities)).	The proposed increase in noise levels may result in significant adverse effects on neighbouring properties. The submitter considers that a complete review of the noise levels and the measurement standard is therefore warranted. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Michele Comins	3810/2	Support	10c.5.4 The noise level controls proposed are too liberal and insensitive to the geographic terrain in some areas (eg. Proximity to natural amphitheatres), and traditional desires of bach owners seeking a tranquillity element as a reason for their asset. Experiences with the Orapiu resort site are of particular concern.	The proposed increase in noise levels may result in significant adverse effects on neighbouring properties. The submitter considers that a complete review of the noise levels and the measurement standard is therefore warranted. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Strand Holdings	47/2	Oppose	Development Control Table - Building Coverage / Building Footprint 10c.2T That the building coverage limitation for commercial 4 (visitor facilities) as shown in table 10c.2 be amended such that the permitted activity for coverage is increased from 15% to 45%.	The suggested increase in building coverage is excessive and inappropriate.
Orapiu Lodge Limited	1091/11	Oppose	10c.2T Extend the building coverage limits for commercial 4 (visitor facilities) land unit to 25%.	The suggested increase in building coverage is not justified in resource management terms and may result in significant adverse effects in terms of natural landform, coastal amenity and building dominance. It would be appropriate for such an increase in building coverage at the Orapiu Lodge to be assessed as part of the resource consent process so that the effects can be properly identified and assessed, and conditions imposed.
DM and RM Dominikovich	1265/1	Oppose	Development Control Table – Height 10c.2T The maximum height control contained under Table 10c.2 for Commercial 4 (visitor facilities) be amended from 8m to 9m.	Any relaxation in the maximum height controls would need to be supported by a robust section 32 analysis and necessary to achieve the purpose and principles of the RMA.

John S Morton	3712/2	Support in part Oppose in part	Subdivision 12 Delete any provision which is more permissive of land subdivision within 4 kilometres of Orapiu Wharf.	Any additional limitations on subdivision would need to be supported by a robust section 32 analysis and necessary to achieve the purpose and principles of the RMA.
Orapiu Lodge Limited	1091/10	Oppose	Subdivision 12.1T Reinstate the minimum site areas for subdivision (table 12.1) for landform 5 (productive land) to 15 hectares as in the Operative Plan	The submitter is supportive of the proposed minimum site area of 25 hectares and seeks that this be retained.
Richard Wedekind	749/1	Support	Orapiu Wharf Recl Reclassify the area behind Orapiu Wharf from Commercial 7 (Wharf)	The submitter agrees that maintaining public access to the area is important and that any further expansion of the existing facilities should be subject to a resource consent process.
Orapiu Lodge Limited	1091/2	Oppose	Anzac Road, 15 Red-C4 Reclassify the flat land and lower adjoining slope parts of 15 Anzac Road, Orapiu (Orapiu lodge) from landform 5 (productive land) to commercial 4 (visitor facilities).	The submitter would be opposed to any further expansion or change in the activities of the Orapiu Lodge without a thorough analysis of the adverse effects of the activity, including noise, traffic generation, scale and intensity, hours of operation, sale of liquor, frequency and types of functions, special events and temporary events. The rezoning of additional land would be inappropriate in the circumstances, particularly as there are unresolved issues raised by residents regarding present operations. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Orapiu Lodge Limited	1091/3	Oppose	4.2 That clause 4.2 is altered to require discretionary activity status for activities not provided for	The submitter would be opposed to any further expansion or change in the activities of the Orapiu Lodge without a thorough analysis of the adverse effects of the activity, including noise, traffic generation, scale and intensity, hours of operation, sale of liquor, frequency and types of functions, special events and temporary events. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Orapiu Lodge Limited	1091/4	Support in part	10c.5 Remove the control over exotic trees from the Plan	The submitter considers that any protection of exotic trees is warranted in resource management terms and the trees in question are worthy of protection.

Orapiu Lodge Limited	1091/6	Oppose in part	10a Establish density limits commensurate with the purpose of the land forms, for residential dwellings. The density limits should be the same as the provision for subdivision in each relevant land form	The submitter would be opposed to any further expansion or change in the activities of the Orapiu Lodge without a thorough analysis of the adverse effects of the activity, including noise, traffic generation, scale and intensity, hours of operation, sale of liquor, frequency and types of functions, special events and temporary events. See also primary submission 2631 which sets out particular concerns in respect of the Orapiu Lodge Limited, Orapiu.
Orapiu Lodge Limited	1091/7	Oppose in part	10a It should be a permitted activity or at worst a controlled activity to establish residential dwellings that are consistent with a density limit, thereby avoiding subdivision or applications for multiple dwellings	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. If residential development is to occur, as residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same standards, controls, assessment criteria and minimum lot size as surrounding residential properties.
Orapiu Lodge Limited	1091/8	Oppose	10a There should be a provision as a discretionary activity to increase density using clusters of dwellings or similar which should be measured against appropriate assessment criteria related to the land capability of the relevant catchment	The submitter supports the retention of a Non-Complying activity status for dwellings in the Commercial 4 zone, as this accords with the objectives and policies of the zone. If residential development is to occur, as residential zoning (such as Bush Residential) should be applied in order that dwellings are subjected to the same activity status, standards, controls, assessment criteria and minimum lot size as surrounding residential properties.
Orapiu Lodge Limited	1091/9	Oppose	12.1 T Reinstate the minimum site areas for subdivision (table 12.1.) for landform 4 (wetland systems) to 15 hectares as in the Operative Plan	The submitter is supportive of the proposed minimum site area of 25 hectares and seeks that this be retained.
Richard Wedekind	3178/1	Support	14.3.54 That the definition for Function Facility should read: means land or buildings, or parts of buildings, where any of the following activities are held on a commercial basis: 1. Organised conferences, conventions, seminars and meetings. 2. Events and celebrations such as parties, wedding and funeral receptions. It does not include community facilities	The submitter agrees that it is important that tourist activities at Orapiu Lodge are subjected to an appropriate resource consent process and a robust assessment of environmental effects.