

From: Bartrum, Lisa LCB [lisa.bartrum@bellgully.com]
Sent: Monday, 28 May 2007 12:10
To: hgiplan
Subject: Proposed District Plan - Hauraki Gulf Islands Section 2006
Attachments: img-5281247-0001.pdf

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To whom this may concern

We act for New Zealand Winegrowers.

Please find **attached** a further submission which we lodge on our client's behalf in respect of the Hauraki Gulf Islands section of the Proposed District Plan.

An original of this document will follow by post.

Please acknowledge receipt.

<<img-5281247-0001.pdf>>

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**FURTHER SUBMISSIONS ON A PUBLICLY NOTIFIED PROPOSED PLAN UNDER CLAUSE 6
OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

TO: The Manager
City Planning
Private Bag 92516
Wellesley Street
Auckland 1036

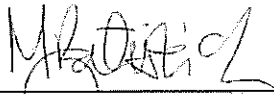
SUBMISSION ON: Proposed Hauraki Gulf Islands Section of the Auckland
City District Plan (**Proposed Plan**)

NAME: New Zealand Winegrowers (NZ Winegrowers)

ADDRESS FOR SERVICE: C/- David McGregor/Marija Batistich
Bell Gully
Barristers and Solicitors
PO Box 4199
AUCKLAND

FURTHER SUBMISSION ON BEHALF OF NEW ZEALAND WINEGROWERS:

1. This submission sets out NZ Winegrowers' further submissions opposing or supporting the original submissions of other submitters.
2. NZ Winegrowers has summarised the reasons for its opposition or support in the enclosed schedule and reserves the right to call further evidence and/or expand on those reasons if necessary at the hearing.
3. **NZ Winegrowers does wish to be heard in support of its submission.**
4. **If others make a similar submission NZ Winegrowers would be prepared to consider presenting a joint case with them at any hearing.**



David McGregor/Marija Batistich
Senior Partner/Senior Solicitor

Counsel for NZ Winegrowers

28 May 2007

Address for Service of NZ Winegrowers:

Bell Gully
Barristers and Solicitors
PO Box 4199
AUCKLAND
Attention: David McGregor/Marija Batistich

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SCHEDULE OF FURTHER SUBMISSIONS

Submitter	Submission Number	Proposed Plan Reference	Support/ Oppose Submission	Further Submission
Auckland Conservation Board	3574/15	3.3	Oppose	<p>NZ Winegrowers consider that the submission is misleading because clause 3.3 of the Proposed Plan does not specifically refer to an intent not to promote more large scale development on the eastern or western sides of Waiheke Island ("the Island"), as suggested in the submission.</p>
Iain Bremner, Joanne Bremner and The Bremner Family Trust	2631/9 2631/10 2631/11	4.5	Oppose	<p>NZ Winegrowers consider that it is inappropriate to impose the following on temporary activities:</p> <ul style="list-style-type: none"> (a) more stringent noise limits; (b) strict limits on the number of people who can attend; and (c) stricter limits on the number of indoor/outdoor temporary activities <p>because events that fall within the ambit of 'temporary activities' are an important part of community life, contribute to the vitality of the Island and play a significant role in drawing visitors to the Island.</p>
Gulf Vision Limited	1596/2	4.6	Oppose	<p>NZ Winegrowers consider that it is inappropriate and/or unreasonable to provide more restrictive specific noise controls for rural activities because:</p> <ul style="list-style-type: none"> (a) such noise can be

Submitter	Submission Number	Proposed Plan Reference	Support/ Oppose Submission	Further Submission
				<p>generated by permitted agricultural, horticultural and viticultural activities occurring in rural environments; and</p> <p>(b) agricultural noise is subject to the general noise rules in the Proposed Plan.</p>
Gulf Vision Limited	1596/3	4.7	Oppose	<p>NZ Winegrowers consider that it is inappropriate and/or unreasonable to provide a separate standard for measuring agriculture noise because:</p> <p>(a) such noise can be generated by permitted agricultural, horticultural and viticultural activities occurring in rural environments; and</p> <p>(b) agricultural noise is subject to the general noise rules in the Proposed Plan.</p>
Gulf Vision Limited	1596/11	9	Oppose	<p>NZ Winegrowers consider that the issues raised in the submission relating to discharges to air are beyond the jurisdiction of the district plan and are more appropriately addressed in the Proposed Auckland Regional Plan: Air, Land and Water.</p>
Gulf Vision Limited	1596/12	9	Oppose	<p>NZ Winegrowers consider that it is inappropriate to automatically require a vegetative buffer zone around intensively-farmed land, particularly viticultural and horticultural operations because this is not an effects-based</p>

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				assessment and fails to take into account the specific requirements of such activities.
B Ardern	2670/18	10a	Oppose	NZ Winegrowers consider that the submission provides insufficient information as to the reasons why the activities listed should be provided for as restricted discretionary activities.
Palmer's Aotea Limited	2721/6	10a	Oppose	NZ Winegrowers consider that the submission does not identify which particular land unit/s should have the various activity statuses set out in the submission, nor specify the reasons for doing so.
KJ and CJ Goldwater	3583/5	10a	Support	NZ Winegrowers agree that the principle of a "Right to Farm" should be included in the rules governing all rural and rural amenity land units for the purpose of protecting rural based productive land activities. It is critical to the ongoing viability of the viticulture industry on the Island that non-land based activities integrate their amenity expectations with those amenity levels already established in rural environments.
Kristin Lewis	1250/21	10a.4.5	Oppose	NZ Winegrowers consider that it is appropriate to provide for visitor accommodation up to 10 people as a permitted activity in Landform 3 (alluvial flats), as provided in the

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				Proposed Plan.
John Stensfield	3593/2	10a.6.1	Support	NZ Winegrowers support the inclusion of viticulture in the statement describing the land to which Landform 5 (productive land) applies because viticulture is an established productive land use activity in Landform 5 and this should be recognised in the Proposed Plan.
Kristin Lewis	1250/24	10a.6.5	Oppose	NZ Winegrowers consider that it is appropriate to provide for visitor accommodation up to 10 people as a permitted activity in Landform 5 (productive land), as provided in the Proposed Plan.
Trevor and Carol Rendle	2082/1	10a.6.5	Support	NZ Winegrowers support the inclusion of "Tourist Complexes" in Landform 5 (productive land) on the basis that provision of vertical integration activities is critical to maintaining a viable viticulture industry on the Island.
Lynette Reed	1014/3	10a.19	Oppose	NZ Winegrowers consider that it is inappropriate and impractical to provide for Isola Estates as a separate land unit in the Proposed Plan in the context of seeking to prohibit further development.
Lynette Reed	1023/4	10a.19	Oppose	NZ Winegrowers consider that it is inappropriate and impractical to

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				provide for Isola Estates as a separate land unit in the Proposed Plan in the context of seeking to prohibit further development.
Gulf District Plan Association Incorporated	1150/2	10a.19	Oppose	NZ Winegrowers consider that it is inappropriate and impractical to provide for Isola Estates as a separate land unit in the Proposed Plan in the context of seeking to prohibit further development.
Rob Morton	1180/2	10a.19	Oppose	NZ Winegrowers consider that it is beyond the Council's jurisdiction in this process to reconsider or review the "Onetangi Road" designation.
Kristin Lewis	1250/56	10a.19	Oppose	NZ Winegrowers consider that it is inappropriate and impractical to remove the "Onetangi Road" designation as it is important that the unique nature of the land units adjoining Onetangi Road are recognised and provided for in the Proposed Plan.
Ngaio Lewis	3805/2	10.19	Oppose	NZ Winegrowers consider that the submission is inappropriate because every application for resource consent should be considered on its individual merits.
Nigel W Marshall	1592/1	Figure 10a.2	Oppose	NZ Winegrowers consider that the Onetangi Road Area of Rural 1 (Fig 10a.2) should not include properties

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				on the southern side of the Onetangi Road which have frontage to it because these properties are not included in the identified viticultural area which comprises existing wineries and tourist complexes.
Lynette Ross Carla Jehle	516/6 903/2	10a.19.2	Oppose	NZ Winegrowers consider that it is unnecessary to add the need for a greenbelt buffer between and around urban areas to the list of resource management issues for the Rural 1 (rural amenity) land unit because the Rural 1 land unit itself provides an appropriate buffer between urban areas and the rural environment. In addition, it is inappropriate to impose such a buffer without consideration of potential adverse effects.
Ngaio Lewis	3805/1	10a.19.4	Oppose	NZ Winegrowers consider that it is inappropriate to remove the "Onetangi Road" designation as it is important that the unique nature of the land unit adjoining Onetangi Road be recognised and provided for, as it has been in the Proposed Plan.
Kristin Lewis	1250/58	10a.19.5	Oppose	NZ Winegrowers consider that it is inappropriate to provide for entertainment facilities and function facilities as non-complying activities in this area – especially given the unique nature of the 'Onetangi Road area' and the Proposed Plan's recognition

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				that this area of the land unit already contains a wide range of non-productive activities.
Kristin Lewis	1250/60	10a.19.5	Oppose	NZ Winegrowers consider that it is inappropriate to provide for tourist complexes as a non-complying activity given that the Proposed Plan distinguishes the 'Onetangi Road area' on account of its 'non-rural' activities.
Kristin Lewis	1250/61	10a.19.5	Oppose	NZ Winegrowers consider that provision for visitor accommodation up to 10 people as a discretionary activity is overly restrictive given that the 'Onetangi Road area' is characterised by non-productive activities.
David Parkinson and Dee Crawford Bryce and Julie Ardern B Ardern	618/148 619/97 2670/96	10a.20.5	Oppose	NZ Winegrowers consider that the submissions fail to properly consider or assess the reason or potential effects as to why the activities listed should be provided for as restricted discretionary activities.
D Waters	784/2	10a.20.5	Oppose	NZ Winegrowers consider that the submission fails to properly consider or assess the reason or potential effects as to why activities should be provided for as discretionary and restricted discretionary activities.

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Peter Gray	1219/1	10c.5.4	Oppose	NZ Winegrowers consider that it is inappropriate to regulate the noise produced by the listed activities because often such noise may be generated by permitted horticultural, pastoral and viticultural activities operating in the rural environment.
Federated Farmers of New Zealand Incorporated	1243/79	10c.5.4	Support	NZ Winegrowers agree that the Proposed Plan should provide an exemption from the noise level rules for the use of rural vehicles or machinery and other related mobile or portable equipment where the best practicable option is adopted to ensure the noise does not exceed a reasonable level. Such a provision will help sustain the ongoing viability of productive rural activities.
Church Bay Farm Limited	560/15	11.3	Support in part	NZ Winegrowers agree that it is appropriate for the Proposed Plan to recognise the significance of reverse sensitivity issues but considers that the submission does not go far enough towards realising the unreasonable expectations those undertaking residential activities in rural areas may have in respect of established and legitimate rural activities. The proximity of residential dwellings in rural areas should not become an impediment to conducting

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				permitted rural activities.