

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under clause 14 of the
First Schedule to the Act

BETWEEN

**PONUUI FARMS LIMITED and
JOHN, MARY AND RICHARD
CHAMBERLIN**

ENV-2009-AKL-000293

**FEDERATED FARMERS OF
NEW ZEALAND**

ENV-2009-AKL-000323

Appellants

AND

**AUCKLAND COUNCIL (as
successor to 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 notices of appeal and the memorandum of parties dated 4 July 2012.
- [2] This consent order relates to the appeals by Ponui Farms Limited and John, Mary and Richard Chamberlin (**Ponui Farms**) (appeal reference: ENV-2009-AKL-000293) and by Federated Farmers of New Zealand (**Federated Farmers**) (appeal reference: ENV-2009-AKL-000323) against the proposed Auckland Council District Plan (Hauraki Gulf Islands Section) (**the proposed Plan**).



[3] The appeal by Ponui Farms relates to topic ENV-2009-304-000471 HGI – Heritage – site specific.

[4] The part of the appeal by Federated Farmers that is the subject of this consent order relates to topic ENV-2009-304-000470 HGI – Heritage general.

[5] The following parties have given notice of an intention to become parties to the appeal by Ponui Farms & Ors under section 274 of the Act and have signed the memorandum setting out the relief sought:

- (a) South Ponui Limited, P & D Chamberlin Ltd and David Chamberlin; and
- (b) Federated Farmers of New Zealand.

[6] The following parties have given notice of an intention to become parties to the appeal by Federated Farmers under section 274 of the Act, are interested in the aspect of the appeal by Federated Farmers relating to the topic ENV-2009-304-000470 HGI – Heritage general, and have signed the memorandum setting out the relief sought:

- (a) South Ponui Limited, P & D Chamberlin Limited and David Chamberlin; and
- (b) Environmental Defence Society.

[7] 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

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

- (a) The Auckland Council District Plan (Hauraki Gulf Islands Section) is amended as set out in Schedules 1, 2 and 3;
- (b) The appeal by Ponui Farms Limited and John, Mary and Richard Chamberlin is otherwise dismissed;
- (c) The appeal by Federated Farmers of New Zealand is resolved so far as it relates to the topic ENV-2009-304-000470 HGI – Heritage general; and
- (d) There is no order for costs in relation to this order.

DATED at Auckland this

7th

day of

August

2012



L J Newhook
Acting Principal Environment Judge



SCHEDULE 1

(addition underlined)

Insert new clause 7.11.4.1.3 into Part 7 of the proposed plan as follows:

3. Ponui Island

On Ponui Island, in addition to (1) above, the following are also permitted activities within a scheduled site of ecological significance. This does not apply to the destruction, removal or modification of the habitat of any threatened or unusual plant or animal species listed in appendix 6.

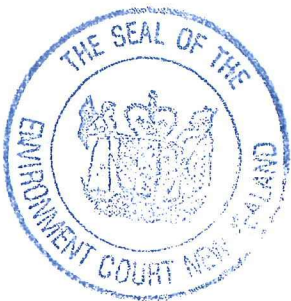
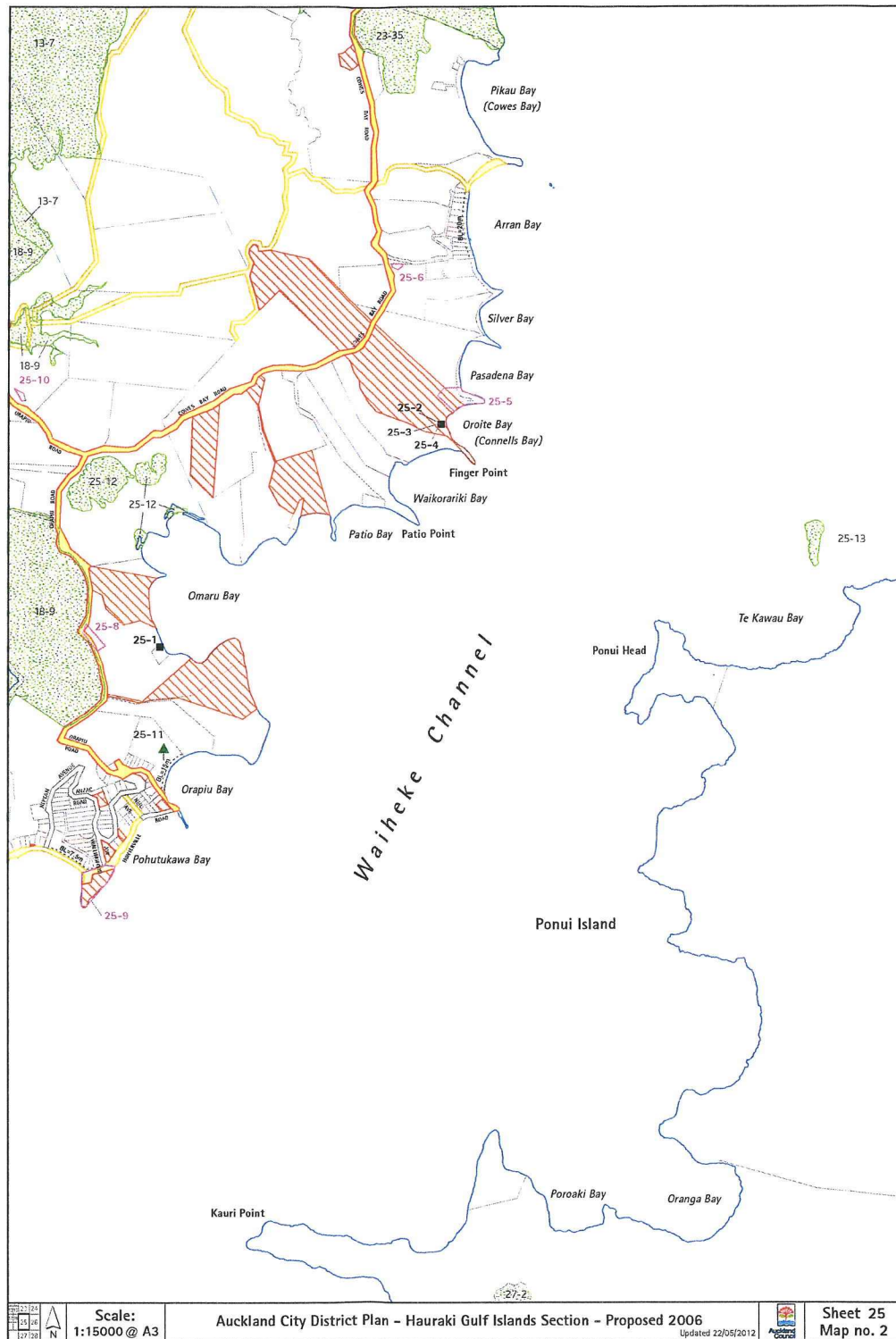
- a. In all land units, the pruning, removal or works within the dripline of indigenous vegetation up to 1m either side of a lawfully existing accessway (with maximum modification no wider than 6m)

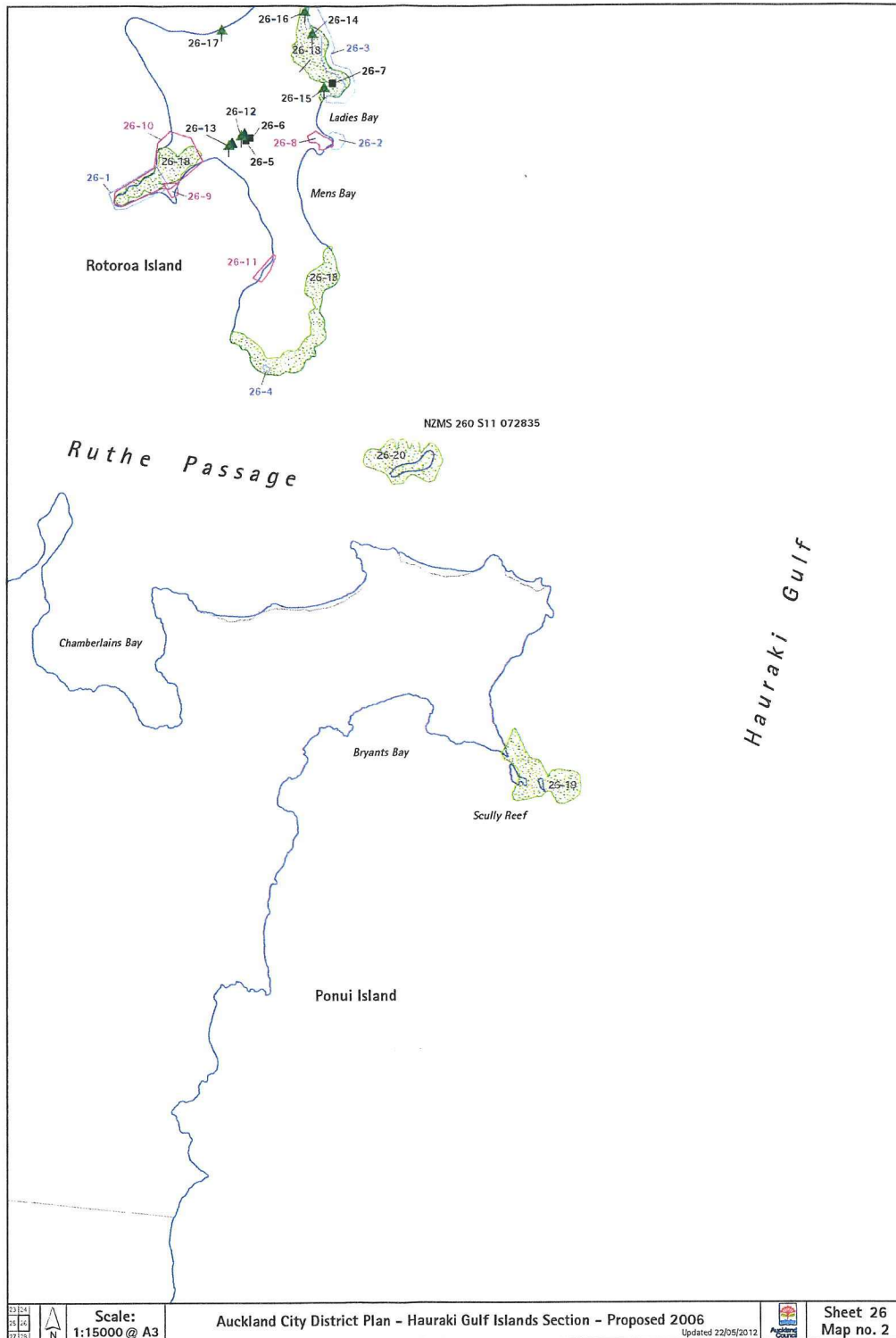


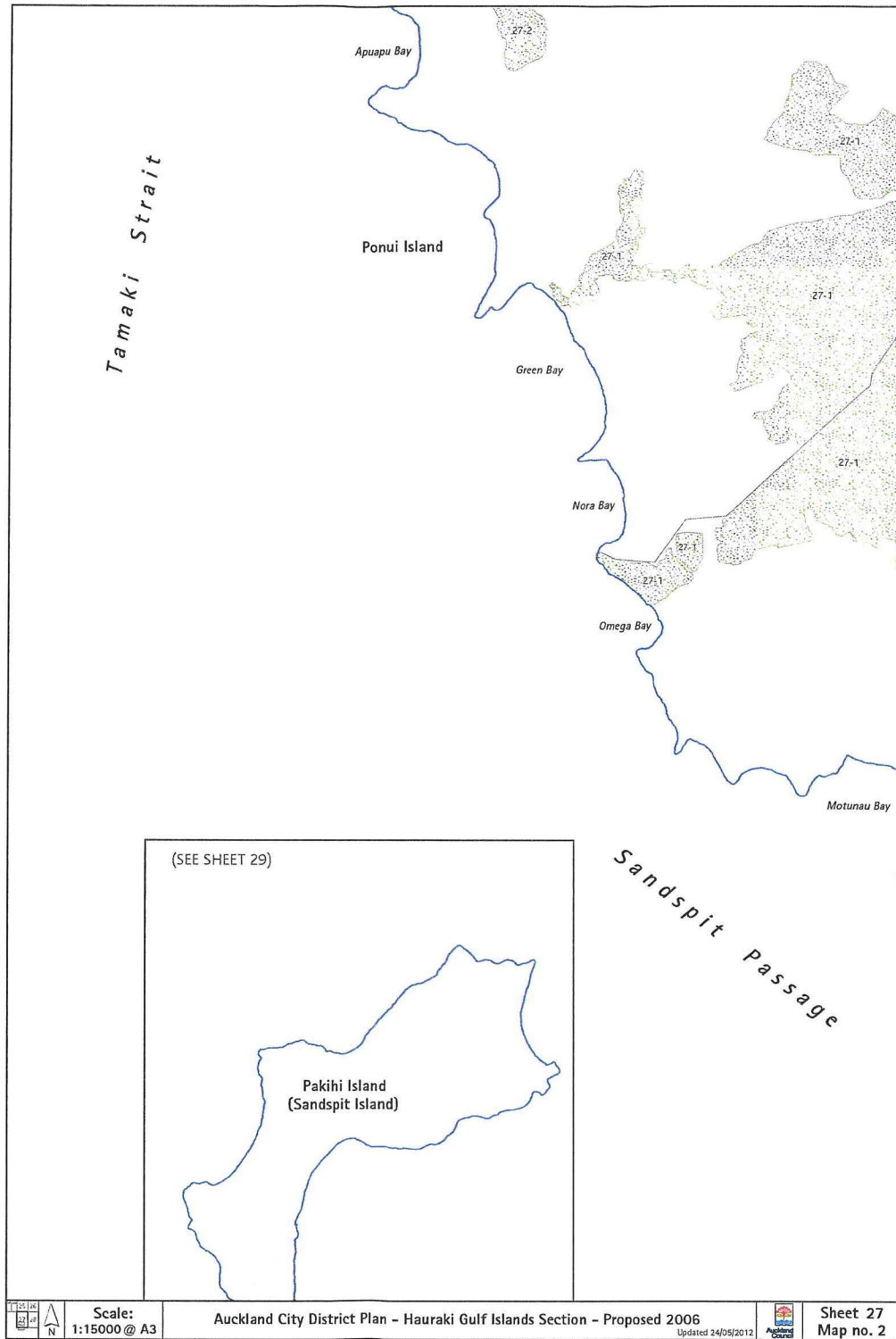
SCHEDULE 2

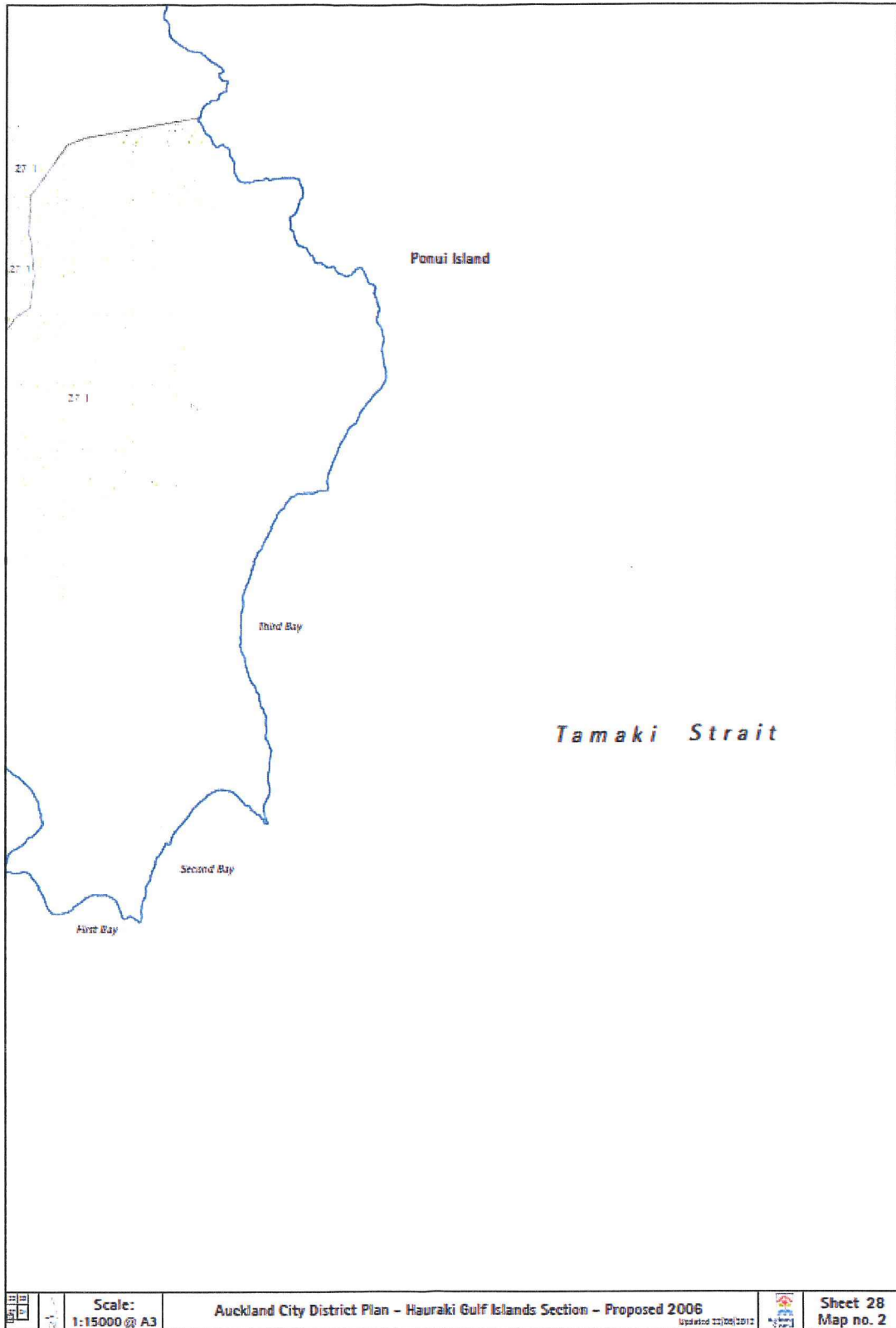
Replace planning maps "Sheet 25 –Map no.2", "Sheet 26 –Map no.2", "Sheet 27 – Map no.2" and "Sheet 28 –Map no.2" of the proposed Plan with the following planning maps.












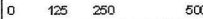
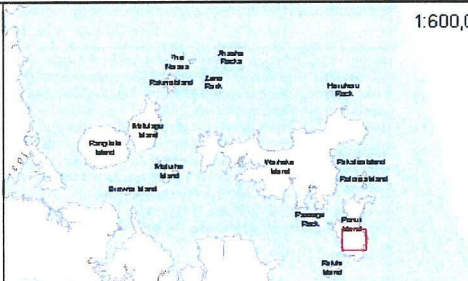
SCHEDULE 3

Insert the following additional diagrams (map references 27-1 and 27-2) into section 3.0 of Appendix 1d to Part 7 of the proposed Plan; and

Remove section section 4.0 of Appendix 1d to Part 7 of the proposed Plan.


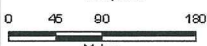
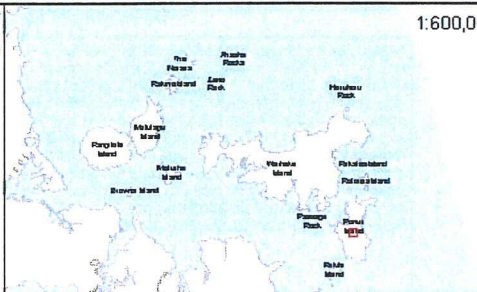




Ecology	Name of Item Ponui Island	Map Reference: 27-1
Island: Ponui Island (Chamberlins Island)		SES59 (Site of Ecological Significance)  1:14,000 
Description of Item		
<p>A large block of secondary and mature remnant forest extending to a freshwater wetland in the southern section. Coastal parts are dominated by pohutukawa (with karaka, kohekohe, and puriri), with broadleaf (taraire-tawira-puriri-kohekohe-pigeonwood-nikau) forest on sheltered coastal and inland valleys, and kauri podocarp broadleaf forest (kauri-rewarewa-mamangi) on the upper valleys and ridges. Secondary forest is dominated by mamangi and kanuka. The wetland includes reedland, rushland and sedgeland which provides habitat for spotted crakes. A range of common and threatened forest birds are present including kereru and North Island brown kiwi. Up to twenty threatened plants are present including Pomadouris rugosa, Libocedrus plumosa, Ptilana salicina (king fern), Olearia alba, and Planchonella costata (tawapou).</p>		
		





Ecology	Name of Item: Ponui Island	Map Reference: 27-1
Island: Ponui Island (Chamberlins Island)	SES59 (Site of Ecological Significance)	 1:5,000  Meters
Description of Item <p>A large block of secondary and mature remnant forest extending to a freshwater wetland in the southern section. Coastal parts are dominated by pohutukawa (with karaka, kohekohe, and puriri), with broadleaf (tarairi-tawa-puriri-kokekoke -pigeonwood-nikau) forest on sheltered coastal and inland valleys, and kauri podocarp broadleaf forest (kauri-revarewa-mamangi) on the upper valleys and ridges. Secondary forest is dominated by mamangi and kanuka. The wetland includes reedland, rushland and sedgeland which provides habitat for spotless crakes. A range of common and threatened forest birds are present including kereru and North Island brown kiwi. Up to twenty threatened plants are present including Pomaderris rugosa, Libocedrus plumosa, Ptilisana salicina (king fern), Olearia albidia, and Planchonella costata (tavepou).</p>		
		 1:600,000





Ecology	Name of Item: Ponui Island	Map Reference: 27-1
Island: Ponui Island (Chamberlins Island)	SES 59 (Site of Ecological Significance)	 1:5,000 0 45 90 180 Meters
Description of item		
<p>A large block of secondary and mature remnant forest extending to a freshwater wetland in the southern section. Coastal parts are dominated by pohutukawa (with karaka, kohekohe, and puriri), with broadleaf (tarairi-tawa-puriri-kohekohe-pigeonwood-nikau) forest on sheltered coastal and inland valleys, and kauri podocarp broadleaf forest (kauri-rewarewa-mamangi) on the upper valleys and ridges. Secondary forest is dominated by mamangi and kanuka. The wetland includes reedland, rushland and sedgeland which provides habitat for spotless crakes. A range of common and threatened forest birds are present including kereru and North Island brown kiwi. Up to twenty threatened plants are present including <i>Pomaderris rugosa</i>, <i>Libocedrus plumosa</i>, <i>Ptisana salicina</i> (king fern), <i>Olearia albida</i>, and <i>Planchonella costata</i> (tawapou).</p>		 1:600,000



