

IN THE MATTER OF

An Appeal under S 156(3) of the
Local Government (Auckland
Transitional Provisions) Act 2010

BETWEEN

Ronald A WALDEN,
73 Onetangi Road, Waiheke Island,
Retired.

Applicant

AND

Auckland Council

Civic building
1 Greys Avenue
Auckland Central

Respondent

**NOTICE UNDER SECTION 274 OF OF AN APPEAL BY RONALD A WALDEN
TO A DECISION OF THE AUCKLAND COUNCIL UNDER THE LOCAL
GOVERNMENT (AUCKLAND TRANSITIONAL PROVISIONS) ACT 2010.**

Judicial Officer:

Registrar:

Next Event date:

Dated: 22th September 2016

This document is filed by **Elizabeth WATERS,**

The person acting in the proceeding is **Elizabeth WATERS**

THE ADDRESS FOR SERVICE is: **Elizabeth WATERS,** 1 The Esplanade, Waiheke Island, 1081, Auckland.

FORM 33
NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

[Section 274](#), Resource Management Act 1991

To the Registrar
Environment Court
Auckland,

I, **Elizabeth Mary WATERS**, wish to be a party to the following proceedings:

*The Environment Court's reference number for the proceedings **ENV - AKL - 00229***

I am a person who made a submission about the subject matter of the proceedings.

I am not a trade competitor for the purposes of [section 308C](#) of the Resource Management Act 1991.

I am directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

I am interested in all the proceedings.

I support the relief sought because—

The rural urban boundary provides a high level of protection to the special rural areas and green spaces between rural and urban that make up much of the unique open space character of Waiheke island. The protection also reflects Waiheke's historic settlement patterns and the unique green spaces between villages. The protections are derived from a set of different policies to those that underly subdivision rules. They are an impenetrable barrier.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.

E. M WATERS

.....
Date 22 September 2016

Address for service of person wishing to be a party:

Elizabeth Waters, 1 The Esplanade, Blackpool, Waiheke Island, 1081

Telephone: 09 372 5005

Contact person: Elizabeth M. Waters.

NOTE TO PERSON WISHING TO BE A PARTY

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

the period for lodging a notice of appeal ends, if the proceedings are an appeal; or

the decision to hold an inquiry, if the proceedings are an inquiry; or

the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the other parties to the proceedings within the same 15 working day period.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* [form 38](#)).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 form 33: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 33: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Friday, 28 February 2014 2:26 p.m.
To: Unitary Plan
Cc: liz@waihekegulfnews.co.nz
Subject: Proposed Auckland Unitary Plan Submission - Elizabeth Mary Waters
Attachments: Waters E M Unitary plan submission Feb 2014.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email unitaryplan@aucklandcouncil.govt.nz or phone 09 301 0101.



Submitter details

Full name: Elizabeth Mary Waters
Organisation: na
Postal address: PO Box 5, Oneroa, Waiheke Auckland
Email address: liz@waihekegulfnews.co.nz
Post code: 1840
Local board: Waiheke local board
Contact Person: Liz Waters
Date of submission: 28-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Oppose or amend Chapter D 6.4 and new zone Chapter D 6.4.8, Part 2 Chapter F 4 - Hauraki and Gulf Islands Chapter E 3 Special Character E6.1 Notable Trees Chapter D 6.4 Rural Coastal Zone General Coastal Marine Zone with a new zone specific to Waiheke Chapter D 6.4.8 zone E3 - Special Character, Chapter D 5 – Coastal zones

Property address:**Map:**

Overlays GIS maps

Other:

Support 5.1.2.General coastal marine zone Chapter D 5 – Coastal zones 5.1.2, 5.1.3 and 5.1.4 - General coastal marine zone Chapter D 5.5 Ferry Terminal Zone Chapter D 6.1 and D 6.4.7 – Rural Zones

Submission

Please indicate whether you support or oppose the specific provisions or wish to have them

amended and the reasons for your views.

I oppose the specific provisions identified above

I wish to have the provisions identified above amended:

Yes

The reasons for my views are:

See attached PDF - Waters EM Unitary Plan submission Feb 2014

I seek the following decision by Council:

Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:

See attached PDF - Waters EM Unitary Plan submission Feb 2014

OR

My requested amendments and reasons are as below:

AMEND Part 2 Chapter D 6.4 with a new zone Chapter D 6.4.8 as a zone that specifically registers Waiheke's rural buffer green belts and high amenity Western Landscapes within the plan
This would also involved amending F 4 Hauraki and Gulf Islands. 11

I AM CONCERNED that both the GIS maps for Waiheke and Chapter F's precinct objectives and policies fail to reflect long-standing controls within landscape protection zones which have been on place on Waiheke's outstanding western headlands and coastlines (specifically from Te Huruhi Bay to Owhanake) for the last 25 years.

Instead, content in Chapter F 4 – Hauraki and Gulf Islands has been 'intentionally'* left blank in the Part 2 objectives and policies (*see the Unitary Plan website navigation).

I see this omission as having effects more than minor on the planning integrity of the island.

I see this area as weak and too restricted to specific sites on and off the island, leaving the bulk of Auckland's coastal amenity significantly at risk.

If this outstanding, regenerated coastal bush remnant coastline on Waiheke receives no protection from the Unitary Plan, the vulnerability of sites and proliferation of development within the Hauraki Gulf's coastal yards will be immeasurably and irresistibly more attractive to speculative developers and landowners with access to the foreshore and waters.

Waiheke has had 25 years of more or less compliant property-owner adherence to a series of specific Landscape Protection Zones embedded in their original subdivision articles. The western headlands now have a handsome presence in the gulf. The particular care Waiheke has taken to maintain unobtrusive built forms for buildings as they are viewed from the gulf contributes to the island's pristine presence from the water.

These chosen outcomes have preserved the quality of these world-class coastal landscapes.

The island is now under extreme planning pressure from wealthy coastal developers and, most particularly, the current application for a marina in the enclosed bay at Matiatia.

The historic and culturally important bay is the subject of a resource consent application for a 160-berth, high-end marina with substantial reclamation that would, if granted, accelerate the demand for developer opportunities which have already spread to sensitive foreshores yards and coastal protection zones on Waiheke.

The developer involved in the Matiatia marina resource consent process has signalled the possibility of a second marina.

Elsewhere on Waiheke, similar precedents, unconstrained by the former regional planning and policy statements, have already allowed successive building on the sands of the formerly pristine end of Onetangi beach, attracted nation-wide media coverage at Wharetana Bay and spurred renewed applications for large buildings on the sand dunes on Owahi and Cactus Bay.

Around the Gulf, the precedent for highly-profitable bespoke buildings and wildcat marina applications to alienate the coastal waters and inflict shore development for marinas are expensively hard to resist without stringent tests of local need and appropriate use of the coastal amenity.

I REQUEST that Waiheke's rural urban boundaries on the GIS maps reflect Waiheke's rural green belts and that landscape protection zones receive specific protection against inappropriate development.

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This could be provided under D 6.4 Rural Coastal Zone General Coastal Marine Zone as a new zone, Chapter D 6.4.8 zone specific to Waiheke as a coastal area and reflecting its rural buffer green belts and high amenity coastscapes.

Chapter E 3 – Special Character

I REQUEST that Chapter E 3 and associated overlays be expanded by a further section, E 3.3 – Outstanding visual landscape amenities as a specific Special Character and that this be used as a conserving influence over landscapes (such as Waiheke's Western Headlands) to provide specific clarity and transparent overall protection of one of the chief elements that make the Hauraki Gulf and both isthmus and island harbour margins a unique and aesthetically excellent experience for all its users.

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Chapter E 6.1

I REQUEST that 'Notable Trees' E 6.1 be expanded to include regenerated and remnant coastal bush over three metres as they apply to Waiheke's landscape protection zones and in particular the pohutukawa forests that are uniquely free, in Auckland's inhabited coastal margins, of possum depredation.

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I submit that this would also be appropriate in all the region's rural coastal zones.

I SUPPORT

Chapter D 5 – Coastal zones

5.1.2.General coastal marine zone

I support 5.1.2, 5.1.3 and 5.5.4 in that they allow for strict controls and only short term and reversible adverse effects on the foreshore and seabed, ie marina construction would need to pass stringent tests.

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I support its application as it applies to strategic bays around Waiheke island that are under pressure for successive, high-end marinas in what is still the CMA's commons.

I request further protections to ensure that no land or coastal marine area is alienated for permanent private occupancy without explicit approval from the affected communities.

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Chapter D 5.5 Ferry Terminal Zone

I support the Ferry Terminal zone (CMA only) as it applies to Matiatia

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This zone provides for the integrated and efficient operation and development of existing ferry terminal facilities, and provisions for the development of new ferry terminal facilities at Mātiatia and Kennedy Point (Waiheke Island).

Long term planning has been seriously compromised by 15 years of prevarication, ad hoc solutions and unimplemented consultation and planning.

Chapter D 6 – Rural Zones

I support Rural Zones 6.1 and 6.4.7 as they apply to further subdivision on the CMA.

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I wish to be heard in support of my submission:

Yes

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

Yes

Telephone: 0064 212 815 723

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991

I could not gain an advantage in trade competition through this submission

Auckland Unitary Plan

**Elizabeth Mary Waters
1 The Esplanade, Blackpool
Waiheke, Auckland 1840**

Waiheke Local Board

I wish to OPPOSE OR AMEND

Chapter D 6.4

Part 2 Chapter F 4 - Hauraki and Gulf Islands

Chapter E 3 Special Character

E6.1 Notable Trees

D 6.4 Rural Coastal Zone General Coastal Marine Zone as a new zone specific to Waiheke

Chapter D 6.4.8 RURAL COASTAL ZONEzone,

E3 - Special Character

Chapter D 5 – Coastal zones

I wish to SUPPORT

Chapter D 5.1.2, 5.1.3 and 5.1.4 - General coastal marine zone

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