

**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**

**RONALD A WALDEN**

(ENV-2009-AKL-000339)

**WAIHEKE ISLAND RIDING CLUB  
INCORPORATED**

(ENV-2009-AKL-000340)

Appellants

**AND**

**AUCKLAND COUNCIL (as  
successor to Auckland City  
Council)**

Respondent

**BEFORE THE ENVIRONMENT COURT**

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 the parties dated 29 June 2011.
- [2] This consent order relates to appeals against the proposed Auckland City District Plan – Hauraki Gulf Islands Section and in particular part of the topic of HGI – subdivision – land units (bridle trails only) (Topic: ENV-2005-304-000458). The consent order resolves this bridle trails matter in full.

[3] The appeals are:

- (a) ENV-2009-AKL-000339: appeal by Ronald A Walden; and



(b) ENV-2009-AKL-000340: appeal by Waiheke Island Riding Club Incorporated.

[4] Parties to the appeals under section 274 are:

- Waiheke Island Community Planning Group
- Answer Services Holdings Limited
- Waiheke Island Pony Club

[5] Further, each of the appellants are section 274 parties to the other's appeal.

[6] 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

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

- (a) The proposed Auckland City District Plan – Hauraki Gulf Islands Section is amended as set out in Schedule 1 to this consent order; and
- (b) There is no order for costs in relation to this order.

DATED at Auckland this

18<sup>th</sup>

day of

July

2011



E.J. Newhook  
Environment Judge



## SCHEDULE 1

### PROPOSED CHANGES TO CHAPTERS 12 AND 13 OF THE AUCKLAND CITY DISTRICT PLAN – HAURAKI GULF ISLANDS SECTION

Additions underlined, deletions strikethrough

#### Part 12 – Subdivision

1. Amend objectives and policies 12.11.1 of the proposed district plan to include "Part 13 – Transport" so that it reads:

##### 12.11.1 Objectives and policies

The extent to which the proposal is consistent with the objectives and policies in:

- **part 3 - Strategic management areas**
- the relevant land unit, or settlement area
- **part 12 - Subdivision.**
- **Part 13 - Transport.**

2. Amend assessment criteria 12.11.6.3 of the proposed district plan to include "bridle paths" so that it reads:

##### 12.11.6 Access to sites

1. The extent to which the location and design of any proposed pedestrian and vehicle accessways on the proposed site(s) avoid or minimise any adverse effects on soil stability, natural character, visual amenity and vegetation.
2. The extent to which the proposed sites are located and designed so that each site has either:
  - a. A minimum frontage that provides for practical, legal and safe access from a formed public road, that is suitable for both normal road going vehicles and construction traffic; or
  - b. Legal foot access. This may be approved where it is considered that legal vehicular access to a site is:
    - i. Unnecessary; or
    - ii. Because of topographical features, it is impracticable; or
    - iii. Where the site abuts the sea and the council is satisfied that there is practicable access from the sea.

If the council approves sites with legal foot access only, then such sites will be required to have this registered on their titles through a consent notice or another suitable legal instrument.

3. The extent to which the subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) **and bridle paths** that are located in a manner which connects, or has the



potential to connect to reserves (existing or proposed); the coast; other water bodies and rural walkways.

4. The extent to which the site design minimises the impact of roading and access on the natural character and landscape values of the coastal environment.
5. The extent to which the site design recognises the safety and efficiency of the roading network and the appropriateness of the proposed roading pattern. This includes considering the effect of any new intersections or private access ways on traffic safety and efficiency, including unobstructed sight distances from intersections.
6. The extent to which the site design recognises any impact of roading and access on water bodies, ecosystems, drainage patterns and other amenities.
7. The extent to which the subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.
8. The extent to which there is/are existing unformed legal road(s) contiguous with or within land subject to subdivision, that are not required for future roading use.

Such roads may be closed under the Local Government Act 1974 and consideration given to vesting them as reserve, transferring ownership to adjacent administering bodies of reserves or offering them for sale to adjacent landowners at market value. In the case of the latter, the selection of buyer(s) and the terms of sale will be managed by the council.

## Part 13 - Transport

3. Amend resource management issues 13.2.6 of the proposed district plan by inserting "and horse riding" so that it reads:

### 13.2.6 Cycling and walking and horse riding

The council recognises the important contribution that cycling and walking can make to managing travel demand through its Cycling and Walking Strategy 1998. However, in the islands the sealed carriageway of many roads is not sufficiently wide for safe cycling, and cycling facilities are only provided for in limited locations. For pedestrians, only parts of the islands have footpaths.

**The Council also recognises recreational cycling, walking and horse riding are an important form of recreation.**

#### Principal issues

The significant resource management issues which need to be addressed in the Plan are:

1. How to encourage a safe and efficient pedestrian and cycle network in the islands.
2. How to ensure that adequate provision is made for bicycle facilities so that cycling is appropriately recognised and provided for.



4. Amend section 13.3.5 of the proposed district plan by inserting "and horse riding" so that it reads:

### **13.3.5 Objectives - cycling and walking and horse riding**

1. To improve cycling and pedestrian access to key community focal points such as residential areas, wharves, commercial centres, schools, and other public facilities.
2. To enhance the opportunities for recreational cycling ~~and~~, walking and horse riding.

#### **Policies**

1. By recognising that the road network must provide for pedestrians and cyclists as well as vehicles.
  2. By encouraging the establishment of cycle facilities and cycleways, especially around key community focal points and public facilities.
  3. By providing for the safe and efficient movement of pedestrians, especially around key community focal points and public facilities.
  4. By considering cycling, walking issues and bridle paths when assessing subdivision applications.
  5. By recognising and providing for recreational cycling ~~and~~, walking and horse riding.
5. Amend the resource management strategy 13.4.6 of the proposed district plan by inserting "and horse riding" so that it reads:

### **13.4.6 Cycling and walking**

Accessibility means access to different transport options as well as access to destinations. It is important that the Plan considers cycling and pedestrian access to key community focal points such as residential areas, wharves, commercial centres, schools, and other public facilities. The policies require the council and applicants to consider cycling and walking issues in conjunction with subdivision. The importance of recreational cycling ~~and~~, walking and horse riding is also recognised.

## **Part 14 – Definitions**

6. Add the following definition of "bridle paths" to Chapter 14 of the proposed district plan:

**"...means a path or trail suitable for the purpose of riding and/or leading horses, which may also be suitable for use by pedestrians or cyclists".**



