

T ✓  
S X

## NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

To the Registrar,  
Environment Court,  
Auckland.



In re: Lodgement ENV – 2009- AKL – 000337

1. We, Waiheke Island Riding Club Incorporated, wish to be a party to the following proceedings under s 274 of the Resource Management Act 1991 (the Act) in relation to an appeal under clause 14(1) of the Act by Waiheke Golf Club Incorporated (the golf club) regarding decisions made by the Auckland City Council (the Council) on the Auckland City District Plan – Hauraki Gulf Islands – Proposed Plan 2006 (HGI Plan):
 

The environment court reference number for the proceedings is: ENV – 2009- AKL – 000337
2. We claim status to be heard as:
  - a. A party who made submissions on the same matters in the HGI Plan.
  - b. We are a person representing a relevant aspect of the public interest. We are an incorporated society with a membership from all over Waiheke of horse riders and outdoors people. We lease a small part of the land adjacent to the area being appealed.
3. We are interested in all the proceedings appealed, and,
 

We are interested in the following particular issues:

  - a. The matters set out in my submission, including:
  - b. The use and expansion of the Waiheke Golf Club.
  - c. The development of an 18 hole golf course.
  - d. The use and development of the golf course as a permitted activity, whether subject to a development plan or not.
  - e. The provision of bridle trails,
  - f. The provision of passive and active recreation activities and facilities for the wider community.
  - g. The provision of walkways.
4. General reasons for opposing the relief sought. The appeal
  - a. Will not promote the sustainable management of resources;
  - b. Is contrary to part II of the Resource Management Act 1991(the Act);
  - c. Will not meet the reasonably foreseeable needs of future generations;
  - d. Will not enable social, economic and cultural wellbeing;
  - e. Will not provide for the cultural and recreational wellbeing of the communities of the gulf;

- f. Is contrary to the purposes and provisions of the Act;
  - g. Is inappropriate and is inconsistent with the purposes and principles of the Act;
  - h. Is not necessary to avoid, remedy or mitigate the adverse effects of the proposed activity;
  - i. Will not promote the life supporting capacity of the environment of the gulf for the social, economic, recreational, and cultural well-being of people and communities of the gulf.
  - j. Will not promote the life supporting capacity of the environment of the gulf enabling the resources of the Gulf to be used by the people and communities of the Gulf and New Zealand for economic activities and recreation.
  - k. Will not provide for the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources
  - l. Will not provide for the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand;
  - m. Will not provide for the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources;
  - n. Will not provide for the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.
5. Further, I oppose the relief sought because the relief sought seeks activities and zoning status that are contrary to the purposes for which the park was purchased.
- a. At 3.2.1 in the appeal re 10a.24.5 of the proposed plan, we oppose the construction of buildings as permitted activities for the use of the golf course. The permitted activity status delegates too much responsibility to the golf club in the design, appearance, visual impact and use of a dedicated golf building. The adverse effects in such a sensitive landscape of inappropriate construction are too great to risk whether they are in a development plan or not. Further, buildings may well be developed for the joint use of the many users of the park, not only the golf course. These are all relevant considerations for restricting development.
  - b. At 3.2.2 in the appeal,
    - i. We oppose the activity of a golf course being provided for as a permitted activity in areas A, D, E of rule 10a.24.5 whether it accords with a development plan or not. We oppose these because they represent an expansion of the golf course and relinquish management of these areas to the golf club and to the detriment of

the matters protected by those classifications and the wider community of present and potential users. Further,

- ii. We oppose the expansion of the golf course as sought. The expansion of the golf course as sought will be to the detriment of the wider community for whom the land was purchased. At the time the land was purchased the terms of the lease to the Waiheke Golf Club Inc or its predecessor if any, were that when the lease expired in 1989, the club would leave the site, and the community would have the full use of the facilities. We believe generally the community opposed the club being forced to leave, and a 9 hole golf course was accepted as part of the community use of the park. The expectation was that the golf club would develop its golf course with the wider community involved in the design and development taking into account the wider community interests in bridle trails, passive and active recreation needs and related activities. The onus was on the golf club the other party to the consented settlements and decisions to do this, it has not.
  - iii. Further, at 3.2.3 in the appeal, we oppose the classification of permitted activity for a golf course as sought. The activity of the golf course should not be a permitted activity, as there are wider matters of concern as outlined in the general statement above at 4, and as outlined in the planner's report, and in the reasons embodied in this notice of interest.
- c. At 3.2.3 in the appeal, we oppose the classification of permitted activity for earthworks, vegetative management and clearance associated with activities of the golf course including turf management and development in accordance with a development plan as sought. By allowing the matters in this relief as sought, whether subject to a development plan or not will not be good resource management practice as outlined in 4 above. Will be releasing to a the golf club considerable power to carry out actions which have the potential to have significant impact on the matters of sustainable management as defined in the Act and in s 5. Will be to the detriment of the community and for those reasons and for the reasons in the decision of council relief should be declined.
  - d. At 3.2.4 in the appeal, with reference to 10a.24.3.5 or any other relevant section of the plan, we say:
    - i. The amendment of the objective 10a.24.3.5 at Para. 2 with the sentence added as sought in the appeal is opposed as safety issues are better addressed by other means such as codes of conduct or bylaws. In the alternative by deleting the words "*all walkways and bridle paths shall be located in such a way so as to ensure that no conflict or threat to public safety arises between adjacent land uses*" and adding "*all activities including golf activities shall be carried out in such a way that the safety of all users of the park are provided for.*"
  - e. At 3.2.5 in the appeal we oppose the deletion of bridle paths and public walkways shown on "Figure 10a.3 Rangihoua Park" as sought. We say

- i. We support the provision of bridal trails (ref. 3.4 of the appeal) within the park. These will be particularly appropriate when a wedding may take place in the vicinity of the historic society land and may find the use of the heritage landing to Onetangi and the heritage trail to Onetangi appropriate for all range of activity that fall within its ambit.
- ii. We support the provision of bridle trails, walkways, and general passive and active wider public recreation activities and facilities within the park. We believe the marking of these activities on the planning maps of the operative plan are indicative of an expectation and understanding between the golf club, council planners and other parties at the time of the plan-making in 1996 and earlier that the golf club will develop plans for a 9 hole course in conjunction with the wider community to bring to fulfilment the conjoint use of the park. It is now clear history they did not do this. We submit that the planning maps must show in indicative for the wider public uses of the park.
  1. These activities of bridle trails, walkways, and general passive and active wider public recreation facilities provide for the whole community to have the use of this beautiful, expansive, flat piece of land relatively central to the settlements of Onetangi, Rocky Bay and Ostend and accessible for residents of the wider community for their many activities.
  2. As to bridle paths we support the retention and further development of these facilities along with walkways and other active recreation activities including golf. The environment of the park is appropriate and the area safe. There will not be any serious conflict of users as such facilities are located in tandem in other locations, in New Zealand and overseas.
  3. Further, the land was purchased for these activities on the clear understanding by council and the community that in the terms of the then operative lease to the Waiheke Island Golf Club Incorporated (the golf club) would be leaving in 1989. For clarity, we believe until very recently the golf club has been on month by month lease since 1989. There is a clear expectation that the golf club would be leaving.
  4. Such a provision as sought takes no account of the recreation provisions and well being provisions of the Hauraki Gulf Marine Park Act 2000
- f. At 3.2.6 in the appeal, we oppose the “course development plans and planting plans” prepared by LA4 being included in the plan at 10a. 24.5.1 as “Development Plan Waiheke Island Golf Course” or under any other heading or at all.
  - i. We oppose this being included in any way what so ever. We believe such a plan will compromise the park for future use and development of other activities that are already pressuring to use the

facility. Such documents should be prepared with a wide community involvement.

- ii. This is a public reserve purchased for the wider community of Waiheke Island, not for the sole use of a golf course/ club. The wider community has not had any input into the "Development Plan Waiheke Island Golf Course".
  - iii. The proposed activities have not been through the screen of broad community needs planning and aspirations. They have been prepared by the narrow interest group focus of a golf club and its aspirations. Appropriate recreational planning for all users of the park would give rise to a wide range of potential uses of this unique rear flat piece of land.
  - iv. The provisions of the Reserves Act with relation to reserve management plans and its wide public consultation requirements are appropriate, not the dream "Development Plan Waiheke Island Golf Course" of what is until recently a small clique of "squatters" on a month by month lease on valuable recreational land in demand by the wider community and who have not fulfilled their obligations from previous district plan-making exercises to develop a 9 hole golf course in conjunction with the other wider community recreational activities.
6. We agree to participate in mediation or other alternative dispute resolution of the proceedings.
  7. A copy of this notice has been served on the parties to the appeal listed below.

DATED the 1<sup>st</sup> day of September 2009



Katrina Powell by resolution of the Waiheke Island Riding Club  
Incorporated

**Address for service of Katrina Powell**

**THIS NOTICE** is filed by Katrina Powell. The address for service of Waiheke Island Riding Club Incorporated is Katrina Powell 48 Okoka Road, Rocky Bay, and Waiheke Island

Documents for service may be left at or posted to the address for service,

For matters other than service Katrina Powell may be contacted by telephone at 372 2693

Contact person: **Katrina Powell**

**Note to person wishing to be a party**

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days after the notice of appeal or inquiry was lodged or the other proceedings commenced. 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 30 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 Unit of the Ministry of Justice in Auckland, Wellington, or Christchurch.

Form 33 was amended, as from 1 June 2006, by regulation 10(4) Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99) by omitting the heading "**Contact details of Environment Court for lodging documents**" and all the material in the form that follows that heading.

**Names and addresses of persons who have been served with a copy of this notice:**

**Auckland City Council, Team Leader Litigation Private Bag 92516, Wellesley Street, Auckland**

**Waiheke Golf Club Incorporated, C/- Green Group Limited, P. O. Box 105153, Auckland.**

**Ronald A Walden, 73 Onetangi Road, Onetangi, Waiheke Island.**

**Auckland City Council,**  
Team Leader Litigation  
Private Bag 92516,  
Wellesley Street,  
Auckland

**Waiheke Golf Club Incorporated,**  
C/- Green Group Limited,  
P. O. Box 105153,  
Auckland.

**Ronald A Walden,**  
73 Onetangi Road,  
Onetangi,  
Waiheke Island.