

**IN THE ENVIRONMENT COURT
AUCKLAND**



ENV

IN THE MATTER

Of a reference pursuant to clause 14 of
the First Schedule of the Resource
Management Act 1991

BETWEEN

**Waiheke Island Riding Club
Incorporated**

Appellant

AND

Auckland City Council

Respondent

NOTICE OF AN APPEAL

DATED: *27th July 2009*

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NEW ZEALAND
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Form 7: Notice of appeal to Environment Court against decision on proposed policy statement or plan

Clause 14(1) of First Schedule, Resource Management Act 1991

To: The Registrar
Environment Court
Auckland,

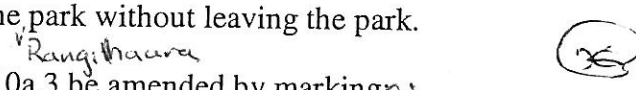
We, the Waiheke Island Riding Club Incorporated (Incorporation No 929690) as Waiheke Island Adult Riding Club (WIARC), by resolution of the club committee appeal against a decision of the Auckland City Council on the following plan:
Proposed Hauraki Gulf Islands District Plan 2006 (PHGIDP)

We made submissions on that plan. Those submissions are identified as submissions numbered 851, 852, 854, and 856.

We received notice of the decisions on 4 May 2009

The decision was made by: Auckland City Council (ACC)

Submissions made:

- 1) Submission 851 it is submitted that there is a need to get horses away from the Onetangi road. There is a possibility of taking horse behind the cemetery from the riding club, and along to the bridle path nearer the quarry on the Onetangi Road.
- 2) Submission 852 submits that there is an absence of the provision for bridle trails in the proposal. This absence takes no regard of the operative plan or the considerable community interest in these paths. Bridle paths should be extended over all of Waiheke Island.
- 3) Submission 854. The submitter:
 - a) Supports the bridle trails as marked but seeks that there be amendments to enable a rider to completely ride a circuit of the park without leaving the park.
 - b) The submitter further seek that figure 10a.3 be amended by markings:
 - i) A linkage from the riding club area adjacent to the Onetangi Road and the main entry road around the base of the Maunga Rangihoua.
 - ii) To link the bridle trail walkway in the area joining the recreation reserve, and the Marshall property at the area of the reserve to connect with the easement behind the Walden property from Trig Hill Road.
 - iii) To complete the circuit within the park in the area of Gordon's Road and O'Brien's Road.

- iv) To bring the bridle trail within the park at the area within the area at the Onetangi Road.
- v) To take the bridle trail behind the museum instead of on the Onetangi Road.

The decision *or* part of a decision that we are appealing is:

- 1) **Submission 851** is determined in summary as it relates to section 4.2.2.2 of the PHGIDP. The decision rejects the recognition of a bridle path behind the Onetangi Road cemetery through to the Onetangi Road at the quarry end, leaving to another forum the determination of this pathway.
- 2) **Submission 852** There is an absence of provision for bridle trails in the proposed district plan. This absence takes no regard to the provisions in the operative district plan or the considerable community interest in these paths. Bridle paths should be extended over Waiheke Island.
- 3) **Submission 854** is determined in summary as:
 - a) A rejection of the submission for the marking of bridle trails around and through the Rangihoua Park AKA Golf Course (Rangihoua Park).
 - b) In deciding not to so mark the public access ways decision makers have determined that trails that do not exist (on the ground) will not be marked on map 10a.3.
 - c) The decision seems to confuse the bridle trail to Trig Hill Road behind the Cable bay vineyard with the potential of a bridle trail linking Trigg Hill Road at the Pukeatua reserve and down behind the Walden property Onetangi.
- 4) **Submission 856** is determined in summary as a rejection of the submission

The reasons for the appeal are as follows:

General Reasons for Appeal.

- 1. WIARC says with regard to its submissions that the ACC's decisions are not consistent with the purpose and principles of the Resource Management Act 1991 (the Act), in particular but not only to Part II of the Act. The decisions are also inconsistent with the Hauraki Gulf Marine Park Act 2000 (HGMPA) in particular but not only parts 7 & 8.
 - a. The Council's decisions will not promote the sustainable management of the natural and physical resources.
 - b. Are not appropriate, and are
 - c. Contrary to good resource management practice.
 - d. Do not have regard for the considerable recreation activities that take place on Waiheke Island on the existing network of trails and bridle paths, and

as a result do not provide for the wellbeing and recreation activities of the communities of the Gulf.

Further

2. The ACC's decisions will not support the life supporting capacity of the environment including:
 - a. The social, economic recreational and cultural wellbeing of people and communities.
 - b. Will^{not} be a use of the resources of the Gulf by the people and communities of the Gulf and New Zealand for recreation.
3. The ACC's decisions do not recognise the National Significance of the Hauraki Gulf, its islands and catchments, and nor do they fulfill the objectives of the management of the Hauraki Gulf, its islands, and catchments, including:
 - a. The decisions do not protect and where appropriate enhance the natural, historic and physical resources of the Hauraki Gulf its Islands and Catchments.
 - b. The decisions do not provide for the protection of the historic associations of the people and communities in and around the Hauraki Gulf with its natural, historic and physical resources.
 - c. The decisions do 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 Island and Catchments to the social well being of the people and communities of the Hauraki Gulf and New Zealand.
 - d. The decisions do 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 with contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

Specific Reasons for Appeal

Submission 851

4. WIARC repeats paragraph ^{1, 2, 3} ~~4, 5 & 6~~ above and says the ACC's decision is that this is not a matter that is decided through the District Plan process and is more appropriately done through stake holders and ACC. It is the position of the WIARC that the process referred to in the decision is not workable and the robust processes of the District Plan are processes that will give certainty in planning instruments and to the submitters. The ACC rejected this decision stating it could be addressed outside the District Plan.

Submission 851 was rejected.

Submission 852

5. Submission 852 was rejected.

Submission 854

6. WIARC repeats paragraph 4, ^{1, 2, x3} 5 & 6 above and says WIARC believes that a firm decision accompanied by objectives, policies, rules and markings on the map are necessary in the PHGIDP as to the public use of the park especially as the Rangihoua Park is now leased to the golf club.
7. WIARC says the indicative path ways through the Rangihoua Park on the operative district plan have been established as a result of successful submission to the 1989, 1993, and 1996 District Plan. The markings were left as indicative in the 1996 plan as a result of a settlement of appeals to the Environment Court. At that time it was the expectation that the ACC and the golf club would cooperate in the provision, public consultation and development of the public access to what is now known as the golf club. That has not happened. It is now common knowledge that rather than work as envisaged at the time of the consented settlement, the golf club has successfully lobbied with ACC officers to achieve what all of the earlier district plan hearings denied them, to the detriment of the general public who might want to use the recreational potential of the Rangihoua Park.
8. It was expected that cooperation between the ACC and the golf club as it developed its 9 hole golf course would take account of those provisions. Clearly the public good has been absent from the ACC's involvement with the golf course. The WIARC believes that clearly marking the position of public access way such as bridle trails and other public activities such as active recreation walking, mountain bikes running tracks etc now need to be clearly defined.
9. It is the WIARC experience over many of those years that the wellbeing of the community is not provided for by the indicative paths, reliance upon the integrity of the golf club, or the ability of the golf club or the ACC to satisfy the public good.
10. It is submitted that firm positions of access on the ground, accompanied by objectives, policies and rules to reinforce them need to be established to meet the purposes of the Act and the relevant sections of the HGMPA.

Submission 854 was accepted in part.

Submission 856.

11. WIARC repeats paragraph 4, ^{1, 2, x3} 5 & 6 above and says the ACC's decision as to submission 856 is that it is not appropriate to provide in a District plan for the purchase of further land to accommodate the requirements of the users of the Rangihoua Park. It is the position of WIARC that mindful of the lease on the park and the presence of the golf course be it 9 holes or 18 this is a matter that has to be considered at this time.

Submission 856 was rejected

We seek the following relief:

12. **As to 851.** That the course of the path outlined in the submission of the WIARC behind the cemetery on the Onetangi Road and off the road and around to the quarry and bridle path adjacent to the quarry is included in the PHGIDP.

13. **As to 852.** Ensure that:

- a. In all relevant parts of the plan it is included the requirement of bridle trails.
- b. In particular add objectives, policies, rules and assessment criteria to enable bridle paths to be established.
- c. In the general rules for subdivision provide for bridle trails in all subdivisions.
- d. In "Connectivity and Linkages" section of the proposed plan require bridle trails to be taken into account and provide in landforms 1 – 7 inclusive at subdivision require bridle trails.
- e. In Recreation 1, 2, 3 require bridle trails and horse riding activities as permitted activities.
- f. In Rural 1, 2, 3, provide in the subdivision rules for the provision of bridle trails.

14. **As to 854.** That:

- a. The PHGIDP establish objectives, policies, rules and place markings on the planning maps that clearly provide for public access and use of the recreational and heritage potential of the Rangihoua Park, and in particular the bridle paths.
- b. That the attached diagram to the submission be the markings of the bridle trail to link from the rear of the riding club to the main entry road.
- c. That the bridle trail goes within the park along the Onetangi Road.
- d. That the bridle trail passes behind the museum within the park.
- e. That the bridle rail connect the trail in the area of Gordon's road to the bridle trail along O'Brien's Road, and all within the park.
- f. The bridle rail is linked to the access way easement behind the Walden's property up to Trig hill road.

15. **As to 856.** That an analysis of the needs of all the potential recreation uses of Rangihoua Park is assessed, and that clear recognition in the PHGIDP of the need to purchase adjoining land in the park if all of the stated needs of the golf club, and the other recreational users of the park are to be accommodated. These other

users, some envisaged at the time of purchase of the land, include, runners, active walkers, cross country and active horse riders, archers, shooters, walkers including provision of linkages to adjoining walkways bridle trails and access ways are to be established and cross country mountain bikes are to be all met.

I attach the following documents* to this notice:

A copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):

Submissions 851, 852, 854, 856.

A copy of the relevant decision (or part of the decision):

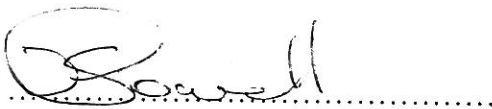
Decisions on the submitter's submission numbered 851, 852, 854, and 856. are attached.

Any other documents necessary for an adequate understanding of the appeal:

A list of names and addresses of persons to be served with a copy of this notice.

Auckland City Council.

*These documents must be attached and lodged with the notice in the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and state that copies may be obtained, on request, from the appellant.



Katrina Powell

Signature of Secretary of the Waiheke Island Riding Club Incorporated, by resolution

Dated: ~~26~~ 27 July 2009

Address for service of appellant: 48 Okoka Road, Rocky Bay, Waiheke Island

Telephone: 372 2693

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