

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991  
(the Act) and the Local Government  
(Auckland Transitional Provisions) Act 2010

AND

IN THE MATTER of an appeal under section 156(3) of the  
Local Government (Auckland Transitional  
Provisions) Act 2010

BETWEEN G & C SMART  
ENV-2017-AKL-00110  
Appellants

AND AUCKLAND COUNCIL  
Respondent

Principal Environment Judge L J Newhook sitting alone under s 279 of the RMA  
In Chambers at Auckland

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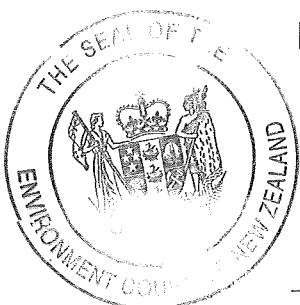
**CONSENT ORDER**

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[A] Under section 279(1)(b) of the Resource Management Act 1991, the  
Environment Court, by consent, orders that:

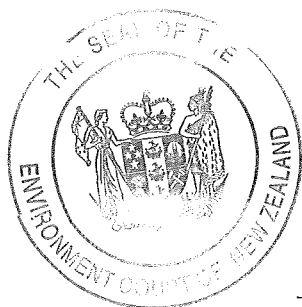
- (1) the appeal is allowed part subject to the amendments set out in this order;
- (2) the appeal is otherwise dismissed.

[B] Under section 285 of the Resource Management Act 1991, there is no order as  
to costs (unless stated otherwise).



## REASONS

- [1] The Court issued a consent order on 1 March 2018 directing the Council to include new text in the Regional Policy Statement (**RPS**) and section G1 of the proposed Auckland Unitary Plan (**PAUP**), along with a new annexure. The purpose of these changes was to reinstate the Rural Urban Boundary (**RUB**) for Waiheke Island into the RPS component of the PAUP.
- [2] The consent order dated 1 March 2018 allowed an appeal by The Straits Protection Society Incorporated (ENV-2017-AKL-000096) in its entirety, and allowed appeals by G & C Smart (ENV-2017-AKL-000110) and R Walden (ENV-2016-AKL-000229) in part.
- [3] The parties have now agreed that the remainder of the appeal by G & C Smart can be settled on the basis that land fronting onto 32, 34 and 36 Tiri Road, Oneroa will be included within the RUB for Waiheke Island, identified in *Appendix 1B – Waiheke Rural Urban Boundary* to the Regional Policy Statement.
- [4] In making this order the Court has read and considered the appeal, and the memoranda of the parties dated 13 March 2018 and 16 May 2018.
- [5] Housing New Zealand Corporation is the only party that has given notice of an intention to become a party under section 274 and it has signed the memorandum setting out the relief sought.
- [6] The Court is making this order under section 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. The Court understands for present purposes that:
- (a) All parties to the proceedings have executed the memorandum requesting this order;
  - (b) All 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, including in particular Part 2.

2. Therefore, the Court orders, by consent, that:

- (a) The Council is directed to amend *Appendix 1B – Waiheke Rural Urban Boundary* by including a strip of land directly adjacent to the western side of Tiri Road, Oneroa, at 32, 34 and 36 Tiri Road (50 m in width where the Rural Urban Boundary is parallel to Tiri Road), as shown in **Annexure A** to this order;
- (b) The appeal is otherwise disposed of in its entirety; and
- (c) There is no order as to costs.

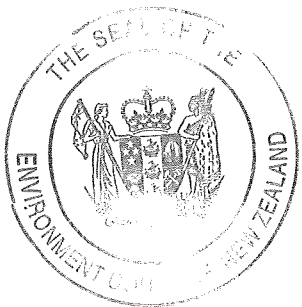
DATED at Auckland this *22<sup>nd</sup>* day of *June* 2018

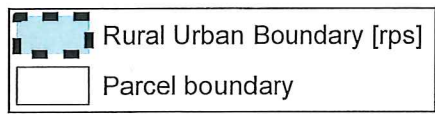
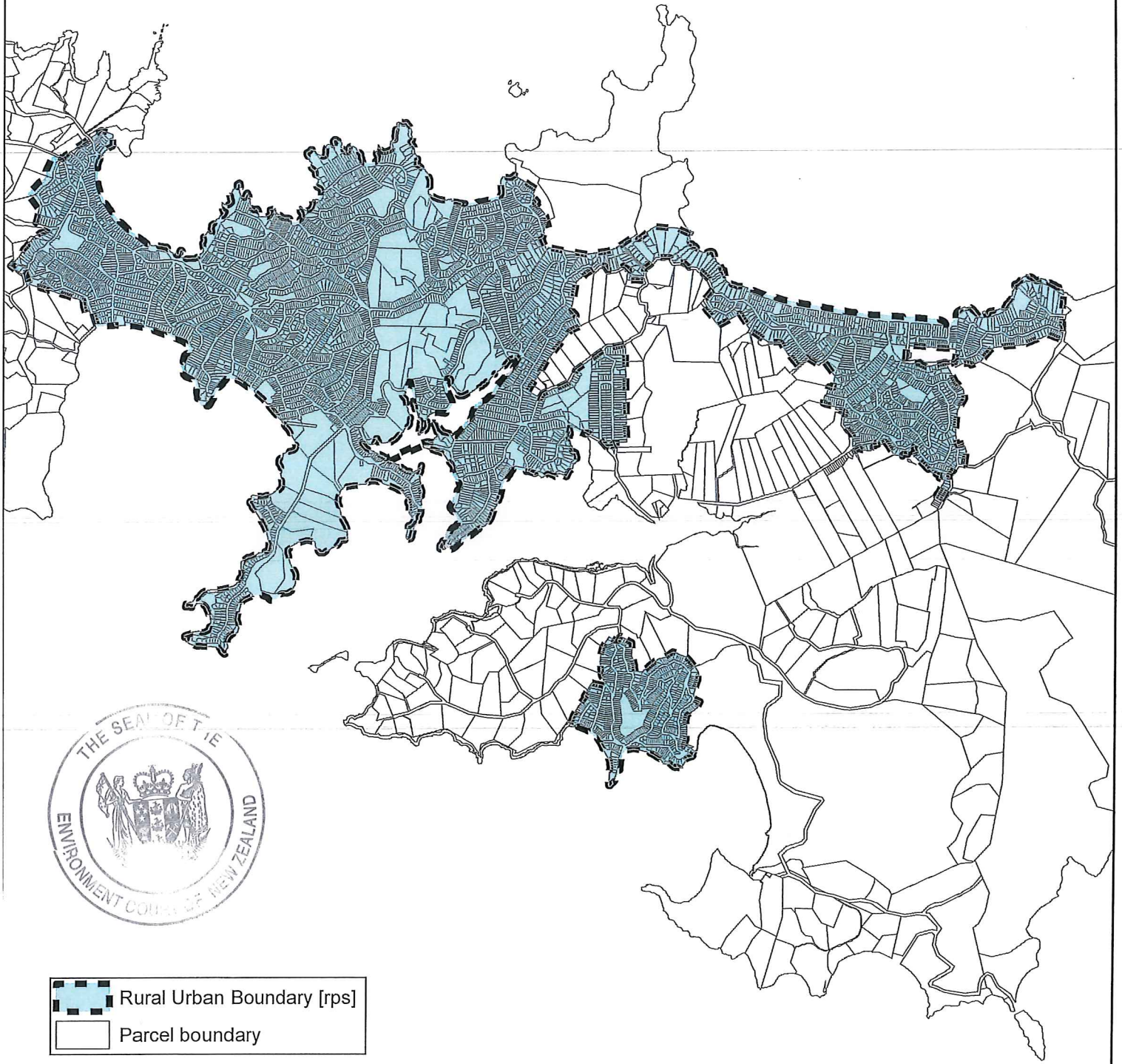


*L J Newhook*  
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L J Newhook  
Principal Environment Judge

ANNEXURE A

APPENDIX 1B – WAIHEKE RURAL URBAN BOUNDARY





### Appendix 1B – Waiheke Rural Urban Boundary