

# Part 1

## Introduction

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## 1.1 Introduction

The district plan is a legal document prepared under the Resource Management Act 1991 ('RMA'). It controls land use activities and subdivision.

The Auckland City District Plan consists of three sections:

- the Hauraki Gulf Islands Section
- the Isthmus Section
- the Central Area Section.

The geographic areas covered by each section are shown on [figure 1.1: Geographic areas](#). This document is the Hauraki Gulf Islands Section of the District Plan ('the Plan').

The Hauraki Gulf islands ('the islands') includes more than 65 islands with the largest being Waiheke and Great Barrier.

### Inner and outer islands

For the purposes of the Plan, the islands are divided into two groups as follows:

1. The inner islands – includes Waiheke, Pakatoa, Tarahiki, Rotoroa, Ponui, Pakihi, Rangitoto, Motutapu, Browns (Motukorea), Motuihe, Rakino, The Noises, Karamuramu.
2. The outer islands – includes Great Barrier, Little Barrier, Mokohinau, Rakitu, Kaikoura.

These islands are shown on [figure 1.2: Hauraki Gulf islands – outer islands](#) and [figure 1.3: Hauraki Gulf islands – inner islands](#)

Figure 1.1 Geographic areas

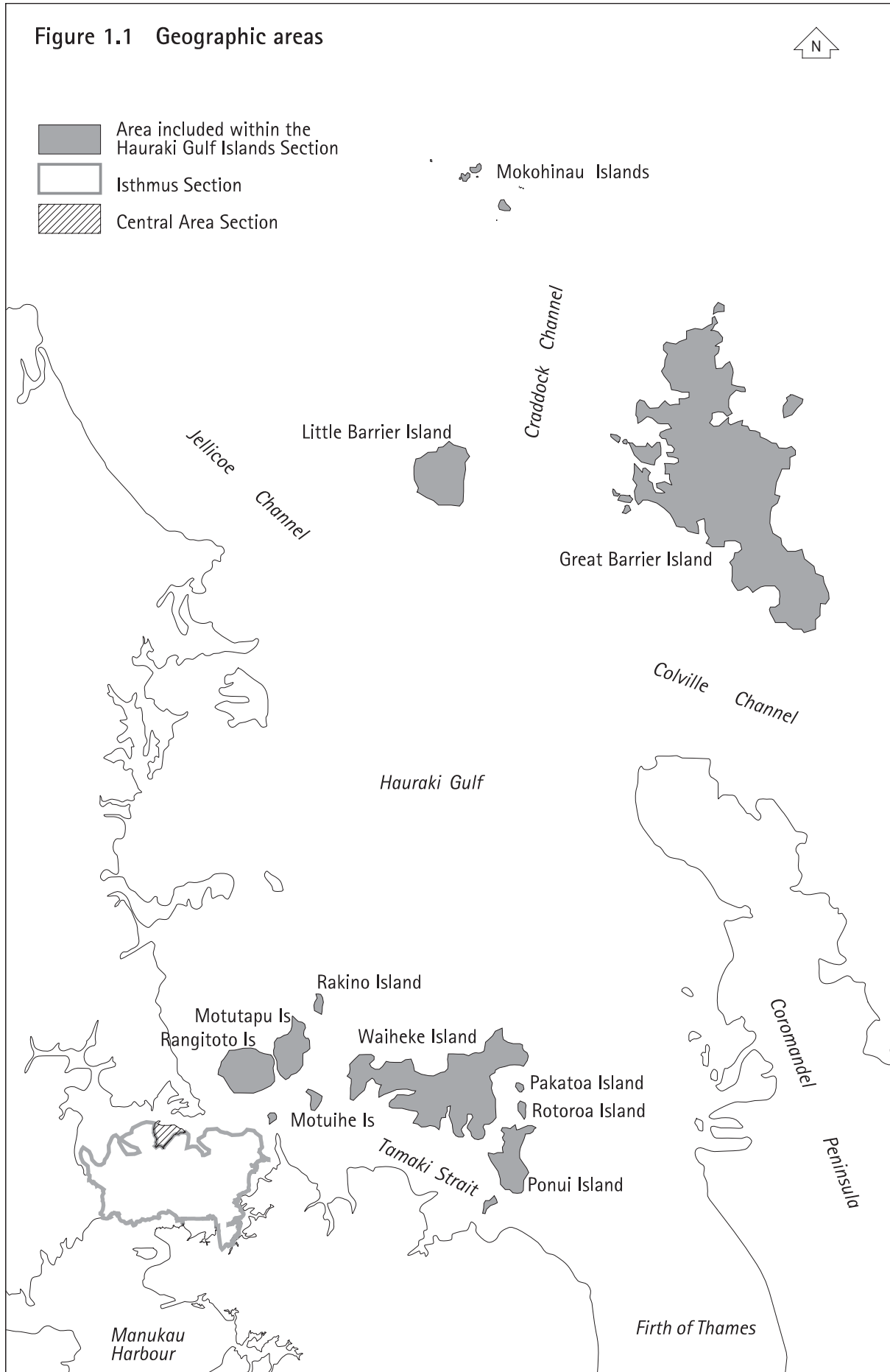


Figure 1.2 Hauraki Gulf islands – outer islands

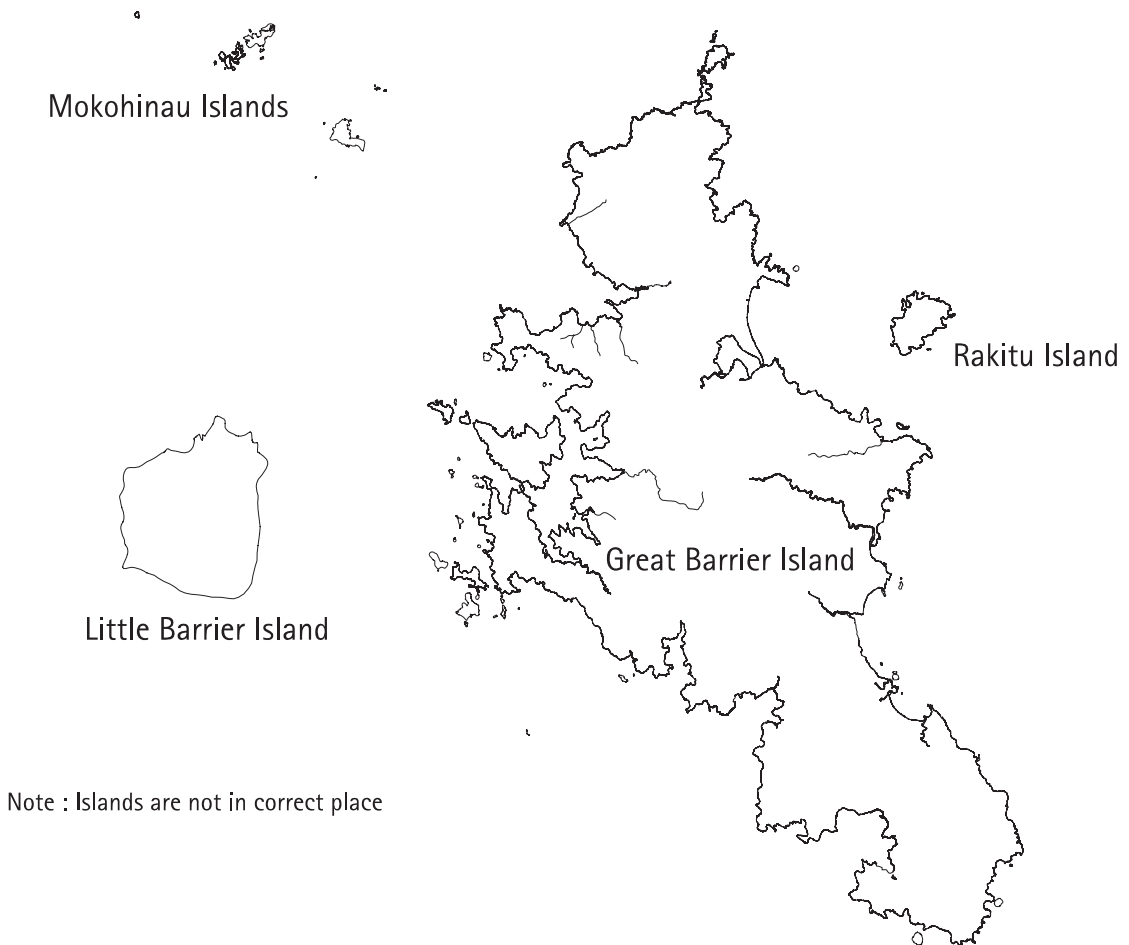
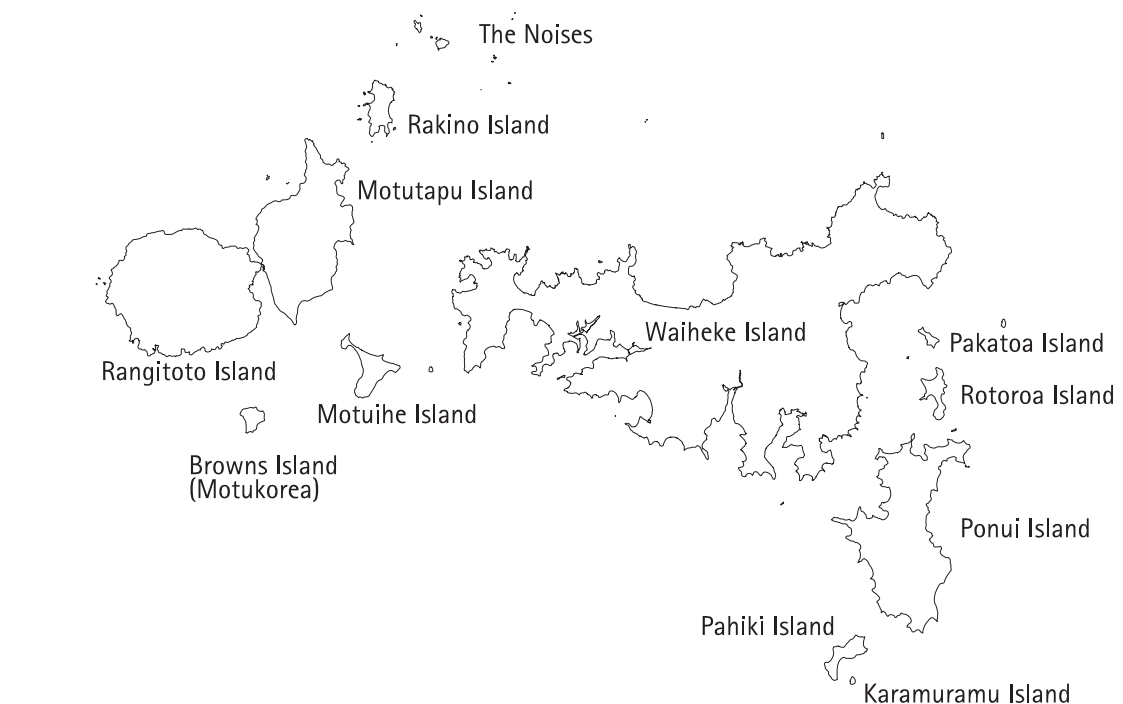


Figure 1.3 Hauraki Gulf islands – inner islands



## 1.2 Overview of Plan layout and contents

The Plan is prepared as a single document which addresses the resource management issues affecting this part of the city. The document should be read as a whole so that the common themes and the relationships between the various provisions can be understood.

The Plan consists of the following:

- the text – one volume
- the appendices and annexures – two volumes
- the maps – two volumes (one for inner islands, and one for outer islands).

### 1.2.1 The Plan text and appendices

The text and appendices of the Plan are organised as follows:

| Part no | Title  | Description of contents  |
|---------|--|--|
| 1       | Introduction   | Provides an outline of the Plan structure and general introductory material.   |
| 2       | Resource management overview                         | Identifies issues at a strategic level for the islands.  |
| 3       | Strategic management areas                           | Identifies issues and sets a strategic direction by means of strategic management areas for Great Barrier, Waiheke and the other islands.  |
| 4       | General rules  | Contains some general rules which apply throughout the islands. It includes rules relating to temporary activities, construction noise, signs and lighting.  |
| 5       | Network utility services                             | Contains objectives, policies and rules relating to network utility services such as roading, electricity and telecommunications.  |
| 6       | Financial contributions                              | Contains objectives, policies and rules relating to financial contributions which may be taken by the council in conjunction with subdivision and development.   |
| 7       | Heritage   | Contains objectives and policies relating to heritage. Contains rules applying to scheduled heritage items which are identified on the planning maps and further detailed in appendices 1–3.   |
| 8       | Natural hazards                                      | Contains objectives, policies and rules relating to natural hazards. Some natural hazards are identified on the planning maps.   |
| 9       | Hazardous facilities and contaminated land           | Contains objectives, policies and rules relating to: <ul style="list-style-type: none"> <li>• facilities involving hazardous substances</li> <li>• land which has been or may have been contaminated by past activities involving hazardous substances.</li> </ul> |
| 10a     | Land units: objectives, policies and activity tables | Contains objectives, policies, activity tables and some specific rules applying to land which has been identified on the planning maps as being within a land unit.  |

| Part no | Title  | Description of contents  |
|---------|--|--|
| 10b     | Settlement areas: objectives, policies and activity tables | Contains objectives, policies, activity tables and some specific rules applying to land on Great Barrier which has been identified on the planning maps as being within a settlement area.   |
| 10c     | Development controls for land units and settlement areas   | Contains rules controlling development within land units and settlement areas.   |
| 11      | Assessment matters   | Identifies matters of discretion and assessment criteria applying to activities listed as discretionary or restricted discretionary activities in the activity tables for land units and settlement areas.   |
| 12      | Subdivision  | Contains objectives, policies and rules applying to subdivision throughout the islands.  |
| 13      | Connectivity and linkages                                  | Contains objectives, policies and rules applying to transport throughout the islands. It includes requirements relating to vehicle access, parking and manoeuvring.  |
| 14      | Definitions  | Contains the meanings of terms used in the Plan.   |
|         | Appendices   | Appendices 1-6 are the heritage appendices and contain detailed information about scheduled items shown on the planning maps. Also contains other supporting information for part 7 – Heritage.<br>Appendices 7-13 contain information to be used in conjunction with other parts of the Plan and the planning maps. Includes guidance material. |
|         | Annexures  | Non-statutory annexures containing extra background information related to the Plan.   |

### 1.2.2 The planning maps

The planning maps display spatial information including:

- land units and settlement areas
- designations
- items which are scheduled for their heritage values
- natural hazards
- roading information
- other additional limitations.

Some items such as designations and heritage items are identified on the planning maps by a map reference as well as a distinctive notation. Those map references link to additional information contained in the appendices to the Plan. An index of map references, which also identifies the particular appendix that applies, is contained after the planning maps.

Planning maps 1 to 33 cover the inner islands. Planning maps 34 to 63 cover the outer islands.

## 1.3 The development of the Plan

### 1.3.1 Background

This Plan is the first review of the Hauraki Gulf Islands Section of the District Plan which became operative in 1996. That Plan was the first district plan produced by the council for the islands following local government amalgamation in 1989 and the enactment of the RMA in 1991.

### 1.3.2 Resource Management Act context

The purpose of the preparation, implementation and administration of the Plan is to assist the council to carry out its functions in order to achieve the purpose of the RMA. The statutory context set by the RMA is further described in [part 2 – Resource management overview](#).

### 1.3.3 Relationship with the council's strategic and annual plans

The council's strategic planning is done via the long-term council community plan which is prepared under the Local Government Act 2002. That document sets out the council's plans, policies and aims for the next 10 years. The current document is called Focus on the Future 2004–2014.

The council is also required to prepare an annual plan for each financial year setting out what it wants to achieve during that period. Both the long-term council community plan and the annual plan are prepared using a consultative process under the Local Government Act 2002.

The district plan is most effective when it works together with the long-term community plan, the annual plan, and other council initiatives to promote good resource management outcomes.

### 1.3.4 Other agencies

The Plan is influenced by the planning documents of other agencies. Those documents include national policy statements, regional policy statements and plans, as well as management plans and strategies prepared under other legislation.

### 1.3.5 Tangata whenua

In accordance with the RMA, the council must consider the impacts of proposed activities and development on the relationship between Maori and their ancestral lands, water, sites, waahi tapu and other taonga.

Particular recognition is provided for iwi who have traditional and unbroken occupation of an area. The council recognises and develops formal relationships with iwi groups that have retained their ahi kaa status.

Consultation with iwi is an important element to ensure the fulfilment of the obligations towards Maori and the Treaty of Waitangi required by the RMA.

#### 1.3.5.1 Ngati Rehua

The council acknowledges Ngati Rehua as maintaining their ahi kaa status of the islands and in particular Aotea (Great Barrier).

|  |                                    |
|--|------------------------------------|
| Ngati Rehua te mouere rongonui           | Aotea is the renowned island       |
| Ko Hirakimata te Maunga tapu             | Hirakimata is the sacred mountain  |
| Ko Te Moananui o Toi te huatahi te Moana | The great sea of Toi is the sea    |
| Ko Rehua raua ko Te Rangitueangahuru     | Rehua and Te Rangitueangahuru      |
| Nga tupuna                               | are the ancestors                  |
| Ko Ngati Rehua te Iwi                    | Ngati Rehua are the people         |
| Ko Te Tuatara, Te Mauri me Tukaiaia      | The Tuatara, Te Mauri and Tukaiaia |
| Nga Kaitiaki                             | are the guardians                  |

Descendents of Ngati Rehua still live on Aotea today and are able to trace their association back over many centuries. Ngati Rehua history and traditional use of islands is evident in archaeological



sites, waahi tapu, and various sites of significance identified throughout the islands. Many of these sites are situated around the coastal areas. They include pa (earthwork fortifications) with extensive defensive and habitation features; agricultural and settlement sites identifiable by their still visible terracing, storage pit depressions and deposits of food waste ('midden'); and stone-working sites. Some of the midden have been dated to the earliest period of occupation, and provide information on the past environment and food sources.

### 1.3.5.2 Ngati Paoa

The history of Maori settlement on Waiheke is one of waves of settlement by different iwi (tribes). The island was coveted for many reasons. Its natural environment was ideally suited for permanent settlement; rich fishing grounds, freshwater streams and forests provided ample food, water and building materials while the island's hilly landscape and sheltered bays provided ideal locations for settlements. Waiheke was also strategically located in an important waterway (the Hauraki Gulf) and was at a crossroads for Maori seafarers journeying from the north, east and west.

The council acknowledges that Waiheke is the ancestral home of Ngati Paoa. It is recorded that Ngati Paoa occupied Waiheke from as early as the 18th century and continue to do so and therefore are recognized as ahi kaa of the islands and in particular, Waiheke.

It is important that proposed developments on Waiheke have regard to waahi tapu, wai tapu and culturally significant sites. These include pa (earthwork fortifications) with extensive defensive and habitation features; agricultural and settlement sites, terracing, storage pit depressions and deposits of food waste ('midden'); and stone-working sites.

### 1.3.6 The Hauraki Gulf Marine Park Act 2000

The Plan covers considerable areas which are subject to the provisions of the Hauraki Gulf Marine Park Act 2000 (the 'HGMPA'). The role of the HGMPA is further described in [part 2 – Resource management overview](#).

### 1.3.7 Consultation during the preparation of the Plan

The council undertook consultation in 2005 in preparation for drafting the proposed Plan.

#### Initial consultation

The main consultation period was from April to July 2005. Consultation during that period consisted of:

- Public meetings, workshops, nga hui, and one on one meetings.
- A photographic exercise on Waiheke.
- Inviting written feedback on a consultation document which contained issues and options papers on a wide range of topics.

#### Focus groups

At the close of consultation, the council analysed the feedback forms received. From these, key issues were identified that subsequently became topics for focus groups on Waiheke. The four topics for the focus groups were:

- landscape
- transport
- sustainability
- future planning (including subdivision, growth, and providing for business activity).

An additional workshop was also held on Great Barrier to give a further opportunity to discuss issues raised through the feedback forms.

#### Telephone survey

The council commissioned an independent research company to undertake a phone survey in late 2005. The survey was of a randomly selected sample of 1002 on-island residents and off-island

ratepayers of Waiheke, Great Barrier and Rakino. The questionnaire used for the survey was designed to get responses on the key issues that had emerged from the consultation process and stakeholder feedback.

The survey provided a means of canvassing the views of a wide range of people who may not have been previously involved in the consultation process.

### **Consultation with other stakeholders**

During the preparation of the Plan, the council has also consulted with the following parties:

- the Auckland Regional Council ('ARC')
- the Department of Conservation ('DOC')
- the Ministry for the Environment ('MFE')
- tangata whenua
- network utility authorities.

### **Public notification**

All the consultation identified above has been taken into account in developing the Plan. Notification of the Plan provided an opportunity for further public participation through the formal submission and appeal process.

## **1.4 The structure of the Plan**

### **1.4.1 Introduction**

The Plan uses three techniques to group land into areas which need a specific planning approach. Those areas are:

- strategic management areas
- land units
- settlement areas.

These techniques are more particularly described in [part 3 – Strategic management areas](#) and [parts 10a to 10c](#) which deal with land units and settlement areas. Part 3 sets out the issues, objectives and strategy for each of the three strategic management areas. Parts 10a to 10c sets out the issues, objectives, policies and rules for the land units and settlement areas.

#### **1.4.1.1 Strategic management areas**

The islands have been divided into three separate strategic management areas. The three areas are:

- Great Barrier
- Waiheke
- other islands.

An objective, policies and a strategy have been developed at a broad level for each strategic management area.

#### **1.4.1.2 Land units**

All land, other than formed roads, is allocated to either a land unit classification or a settlement area.

The division into land units has been done by grouping land according to common physical, locational, and development characteristics.

Each land unit classification carries with it a set of issues, objectives, policies and rules.

The land units have been grouped as follows:

- landform 1-7
- island residential 1-2

- commercial 1–7
- Matiatia
- recreation 1–3
- rural 1–3
- conservation
- other islands – Rotoroa, Pakatoa.

#### **1.4.1.3 Settlement areas**

Some specific locations on Great Barrier, which require a more integrated management approach, are allocated to settlement areas rather than land units. Each settlement area carries with it a set of issues, objective, policies and rules. There are nine settlement areas as follows:

- Tryphena
- Medlands
- Claris
- Okupu
- Whangaparapara
- Awana
- Okiwi
- Port Fitzroy
- Aotea (encompassing Motairehe and Kaoa).

#### **1.4.2 Issues, objectives, policies and rules**

The Plan states the following:

- the significant resource management issues for the islands
- the objectives for the islands
- the policies to implement the objectives
- the rules (if any) to implement the policies.

##### **1.4.2.1 Issues**

The issues are statements about existing or potential problems in the islands that must be resolved to achieve sustainable management. The issues statements in the Plan apply the RMA to the specific circumstances of the islands.

##### **1.4.2.2 Objectives**

The objectives state the environmental outcome that the council wants to see from resolution of the issue. Objectives identify what the council wants to achieve in the environment by resolving the problem.

Objectives may state an environmental outcome for a strategic management area, land unit or settlement area. Alternatively they may relate to issues which are not particular to one of these groupings. Those issues include:

- network utility services
- heritage matters
- natural hazards
- hazardous facilities and contaminated sites.

##### **1.4.2.3 Policies**

Policies relate directly to objectives. They are broad action steps that address aspects of an objective. Policies state what the council is going to achieve, or what position it takes on the objective.

#### **1.4.2.4 Rules**

The Plan includes rules for the purpose of carrying out the council's functions under the RMA and achieving the objectives and policies of the Plan. The rules derive from the objectives and policies and link directly to them.

The type, form and scale of different activities are controlled by rules. All rules in the Plan have the force of statutory regulation.

#### **1.4.3 Other methods**

##### **1.4.3.1 Regulatory**

As well as the rules contained in this Plan, the council will use other regulatory methods such as bylaws, the Building Act 2004 and engineering standards to achieve the objectives and policies. In some instances these other regulatory mechanisms will adequately control the effects of some activities which might otherwise be addressed through the Plan. The council will also consider using development contributions under the Local Government Act 2002.

##### **1.4.3.2 Non-regulatory**

Where appropriate, the council will also use non-regulatory methods such as:

- education and training
- research and investigation
- monitoring
- providing council works and services – capital works, advocacy, and co-ordination
- reaching private agreements
- conservation covenants
- economic instruments – incentives, bonds, and charges for the use of services and resources
- land purchase.

### **1.5 Monitoring**

The council is required to gather such information and undertake or commission such research as is necessary to carry out effectively its functions under the RMA. This includes monitoring the efficiency and effectiveness of policies, rules, or other methods in the Plan.

The following types of monitoring will be undertaken by the council:

- Collecting and analysing information about resource consents.
- Monitoring complaints and enforcement actions.
- Undertaking surveys, eg user satisfaction surveys, land use surveys, ecological surveys.
- Monitoring trends through analysing statistics eg census, accident statistics, building consents, traffic data.
- Scientific measurement, eg of land or water quality.
- Maintaining records of natural hazards.

### **1.6 Procedural information**

#### **1.6.1 General duty to comply**

Compliance with the Plan and the RMA does not remove the need to comply with all other applicable acts, regulations, bylaws and rules of law.

Activities which do not require a building consent under the Building Act 2004 may still require a resource consent under this Plan.

## 1.6.2 Types of activities

The RMA classifies activities into the following types:

- permitted activities
- controlled activities
- discretionary activities
- restricted discretionary activities
- non-complying activities
- prohibited activities.

The Plan includes all of these activity types, except for controlled activities. The activity types used in the Plan are described further below.

### 1.6.2.1 Permitted activities

A permitted activity does not require a resource consent if it complies with all the relevant rules in the Plan. This includes compliance with the development controls referred to in [clause 1.6.2.2](#) below. The Plan uses this approach to provide for activities which can be accommodated without adverse effects provided certain pre-set standards are met.

### 1.6.2.2 Discretionary activities

A resource consent is required for a discretionary activity. The council may grant or refuse the application and can impose a wide range of conditions.

The Plan provides for two types of discretionary activities:

- listed discretionary activities
- development control modifications.

#### 1. Listed discretionary activities

Some activities, because of their scale, location, intensity or method of operation need to be individually assessed to determine whether they are suitable on a particular site. It may also be necessary to tailor conditions to the particular circumstances of the site or activity. The Plan lists such activities as discretionary.

#### 2. Development control modifications

The Plan sets development controls to control the effects of activities on the environment. Development controls are a type of rule and set standards for such matters as:

- the bulk and location of buildings (including height, distance from the boundary, building coverage)
- conservation and amenity matters such as noise, earthworks, vegetation clearance and setbacks from the coast, wetlands or water bodies.

The controls are generally appropriate for most developments. However not every development control will be appropriate for every site and every proposal. In some circumstances the characteristics of a site may make strict compliance with the development controls inappropriate or unnecessary. Also, a degree of non-compliance may be able to be mitigated.

The Plan therefore provides for modifications to the development controls to be considered as a discretionary or, in some instances, a restricted discretionary application. This approach means that the particular circumstances of the site and the proposal can be assessed on its merits.

### 1.6.2.3 Restricted discretionary activities

A resource consent is required for a restricted discretionary activity. The Plan must specify the matters over which the council has restricted its discretion. The council's ability to refuse the application and impose conditions is restricted to these matters.

A restricted discretionary activity is a more limited type of discretionary activity. The Plan uses this approach in circumstances where it is possible to identify a limited range of effects which need to be assessed.

In some circumstances the Plan specifically provides that restricted discretionary activities do not require public notification or service of notice.

#### **1.6.2.4 Non-complying activities**

A resource consent is required for a non-complying activity. The council may grant or refuse the application and can impose a wide range of conditions. There are extra tests under the RMA which the council must consider when assessing a non-complying activity.

There are two types of non-complying activities in the Plan:

- Listed activities which are specifically identified as non-complying.
- Activities which default to a non-complying status because they are not specifically provided for as permitted, discretionary or restricted discretionary.

#### **1.6.2.5 Prohibited activities**

No application can be made for a prohibited activity. Neither can the council grant resource consent for such an activity. It can only be provided for in the Plan by means of a plan change.

### **1.6.3 Resource consents**

#### **1.6.3.1 Types of resource consent**

The council can grant two types of resource consent:

- land use consent
- subdivision consent.

Other resource consents such as water permits, discharge permits, or coastal permits are issued by the Auckland Regional Council ('ARC').

#### **1.6.3.2 Requirement for a resource consent**

A resource consent is required for any use of land which contravenes a rule in the Plan unless:

1. A resource consent has already been granted.
2. The use has existing use rights under section 10 of the RMA.
3. The use is provided for by section 4(3) of the RMA. This subsection applies to the work and activity of the crown within areas of land held or managed under the Conservation Act.
4. The use is a public work or project or work undertaken by a requiring authority under a designation.

[Part 12 – Subdivision](#) sets out the rules applying to the subdivision of land. Except as provided for in section 11 of the RMA, subdivision requires a resource consent.

#### **1.6.3.3 Resource consent processes**

Additional information can be obtained from the council about resource consent processes. This includes information about:

- applying for a consent (including information requirements and council fees)
- notification procedures
- lodging submissions
- hearing and decision processes
- conditions of consent
- appeal rights
- changing or cancelling conditions.

## **1.6.4 Changes to the Plan**

### **1.6.4.1 Public plan changes and variations**

The RMA sets out a formal process whereby the council can propose changes or variations to the Plan. Plan changes apply to an operative plan. Variations apply to a proposed plan or plan change. Any plan changes or variations will need to be publicly notified and there are submission, hearing and appeal rights.

The council has a responsibility to maintain a district plan which is current and relevant and which addresses contemporary issues in the environment. The provisions of the Plan may therefore be changed or varied as necessary.

### **1.6.4.2 Private plan changes**

The RMA sets out a formal process whereby any person can lodge a request with the council seeking a change to the Plan. Further information about this process, including the information requirements, and likely costs, can be obtained from the council.

## **1.6.5 Designations and notices of requirement**

A designation is a form of land use authorisation which is available to a requiring authority. Requiring authorities include ministers of the crown, local authorities (such as the council), or network utility operators. A designation is for a public work such as a school, police station, road, motorway, park, drainage or infrastructure systems.

Sites which are subject to a designation are identified on the planning maps by means of a distinctive notation and a map reference number. The reference number links to further information in [appendix 7 – List of designations](#), which describes the designation and any associated conditions.

The effect of a designation is to override the general provisions of the Plan and any resource consent, for activities that are consistent with the designated purpose. Once a designation is included in the Plan, no one may without the prior written consent of the requiring authority do anything to the affected land that would prevent or hinder it being used for its designated purpose.

Designated land is also classified into a land unit or settlement area to indicate the purposes for which the land could be used if it was not designated. The provisions of the Plan apply to the designated land only to the extent that the land is used for a purpose other than its designated purpose.

### **New designations**

From time to time during the life of the Plan, the council may receive notices of requirement from requiring authorities seeking to designate land. The RMA sets out a formal process applying to notices of requirement. That process involves public notification and includes submission, hearing and appeal rights.

Once the requiring authority has given the notice of requirement to the council, no one may, without the prior written consent of the authority, do anything that would prevent or hinder the public work or project or work.

## **1.6.6 Heritage orders**

A heritage protection authority may issue a heritage protection order to protect places of special interest, character, intrinsic or amenity value or visual appeal or of special significance to tangata whenua. The RMA sets out a formal process applying to heritage protection orders. That process involves public notification and includes submission, hearing and appeal rights. Once a heritage order has been issued no one may do anything which would nullify its effect.

## **1.6.7 Unreasonable noise and adverse effects**

The RMA requires every occupier of land (including premises) to adopt the best practicable option to ensure that the emission of noise from that land does not exceed a reasonable level. This

obligation applies whether or not the noise is otherwise authorised under the RMA by, for example, a rule in the Plan or a resource consent.

As set out in the RMA, every person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, whether or not the activity is in accordance with a rule in the Plan, a resource consent or a lawful existing use.