

HGI Plan Review: section 32 report for the Claris settlement area

1.0 Executive summary

This report summarises the evaluation undertaken by the council for the method of development of the settlement area of Claris in terms of section 32 of the Resource Management Act. The scope of this report is to look at the areas identified within settlement area and the borders of the settlement area. The report also addresses the objectives and policies for the Claris dune and wetland conservation areas. With regard to the implementation of the objectives, policies and rules in the residential amenity, local retailing, and light industry sub-areas found within the settlement area, these can be found in separate s32 reports.

The main conclusions are:

- That a settlement plan identifying appropriate activities in different parts of Claris is the most effective manner in which to manage the land resource within the settlement.
- That a list of appropriate activities is identified to reflect the nature and sensitivity of the delineated areas in the settlement.
- That the area to be included in the settlement area should extend to the Ocean View Road residential area in the south, along Hector Sanderson Road and incorporating residential and local retailing areas, and include a light industry area along Grays Road, with the remaining area as airport area or dune and wetland conservation areas.
- That insufficient information is available to extend the residential amenity area (with the possibility that it may be used as a pensioner village) to the south of Ocean View road in terms of land suitability and protection of the rural/unspoilt nature of the Kaitoke dune area and beach.
- That in terms of growth for Great Barrier Island, provision has been made for extending the settlement area at Claris to enable additional subdivision for local retailing activities.
- The proposed provisions are the most appropriate way of achieving the purpose of the Act.

2.0 Introduction

2.1 Purpose of this report

This report has been prepared to meet the section 32 requirements of the Resource Management Act.

2.2 Proposed plan provisions

The proposed plan incorporates the method of settlement areas to manage the resources for the various settlements on Great Barrier. The proposed method differs from the policy areas in the operative plan, in that the underlying land unit “layer” and the controls associated with the land units have been removed, and replaced with a comprehensive place, activity, and development control based settlement area. The landscape characteristics, such as wetlands and dune systems, have been integrated into the settlement area.

The approach taken is a “hybrid approach” - it manages effects in terms of development controls and also activity lists. This hybrid approach manages effects that cannot easily be quantified and managed by development controls, such as amenity effects and community values.

The approach has been to minimise the number of consents required for general building activity in the residential areas of Great Barrier, by replacing the existing controlled activity status with permitted standards where appropriate.

The settlement areas identify areas within them in which a certain range of activities can take place. The relevant areas in Claris are:

- Claris residential amenity area
- Claris local retailing area
- Claris Airport area
- Claris light industry area
- Claris dune and wetland protection area

The proposed settlement area for Claris extends policy area 3 of the operative plan, which only includes the airport and airport activities. The extension of the settlement area includes the following:

1. Provision for a residential amenity area that incorporates existing development on Ocean View Road and along Hector Sanderson Road up to the Auckland City Council service centre.
2. A local retailing area that incorporates existing development from the Auckland City Council service centre, up to and including Claris Texas. It then extends to the north to include vacant farmland, providing an opportunity for further subdivision for retailing, visitor and service type activities.
3. The existing airport area identified in the policy area is maintained. This is the subject of a notice of requirement by Auckland City Council, which provides for airport activities.
4. The identification of an industrial area to provide for activities with a higher level of adverse effects such as noise, smell and lower visual amenity.

5. The remaining area within the identified boundaries of the settlement has been identified as dune and wetland conservation area. This is generally Department of Conservation (DoC) land, but also includes privately owned land. This reflects the sensitive nature of the sand systems and wetlands in the area to adverse ecological effects.

2.3 Operative provisions

The method used for managing the land resource at Claris in the operative plan is a layered approach using a policy area and land unit layer.

The policy area provides for activities associated with airfield, but does not recognise the existing residential or commercial activities at Claris. The policy area overlays the land unit base, and it is the land unit which determines the development controls.

Areas outside of the policy area are controlled solely by land unit rules, including dune systems, regenerating slopes and alluvial flats.

The current provisions require consent for removal of vegetation and new buildings as controlled activities, as well as identifying separate areas within the airport area for different types of activities.

2.4 Consultation

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to the Claris area.

2.4.1 Consultation to date

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, and
- 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 based on Waiheke.

The four topics for the focus groups were:

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

A 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 a proposed plan, the council has also consulted with the following parties:

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

Public notification

Notification of the Plan provides an opportunity for further public participation through the formal submission and appeal process.

2.4.2 Issues raised during consultation

Issues particularly relating to the Claris area or the main areas of settlement through the feedback included:

1. Significance of Claris / Kaitoke Valley to brown teal. Brown teal feed at night on pasture - possible conflict with night landings. Forested area important for nesting. Whangapoua and Claris / Kaitoke Valley important brown teal site & Wetland of International Significance - contains a number of threatened plants & birds - development of airstrips & town needs to be compact with minimal impact. Support a structure plan for Claris & Okiwi areas rather than a policy area approach [DOC]
2. [Claris] Introduce residential, commercial or industrial land units

3. Concern about subdivision and effects on Kaitoke Wetland. Query appropriateness of industrial land units in this location.
4. Specific commercial zones for Claris
5. Designate both [airport] sites. Upgrade to provide for night landing at Claris
6. Claris airfield needs to be enlarged to allow for larger aircraft to safely use it. This would enhance visitor experience and passenger safety
7. Restrict developments which conflict with airport. Separate land units for Claris and Okiwi airfields.
8. Upgrade Claris airfield with lights to allow night landings
9. Restrict [subdivision] to existing settlements eg Typhena, Claris. Discourage small lots and high user occupation in inappropriate settings - low lying, estuary edge, beach front.
10. Develop policy area to allow commercial activity on 19 ha site between Hector Sanderson and Grey Road near Claris (Lot 1 DP 204885 & Lot 1 DP 150350).
11. Wish to establish pensioner housing on 1.5ha of land at Ocean View Road

The summary of the consultation from the workshop from Great Barrier is also attached as Appendix 6.

2.5 Issues

The issues for Great Barrier Island as a whole are:

1. How to protect the natural landscape character and natural features of the island.
2. How to assist economic growth on the island, particularly growth in the tourism industry.
3. How to provide for conservation and recreation activities on land owned by the Department of Conservation and other agencies.
4. How to recognise the particular character and identity of the island community.
5. How to encourage the further development of essential infrastructure on the island such as wharves, airports, telecommunications equipment, quarries and shared infrastructure such as water and wastewater systems and power generation.
6. How to recognise the relationship between Ngati Rehua and their ancestral lands, water, sites, waahi tapu and other taonga.

The issues for the settlement areas are:

1. How to manage and facilitate growth within the existing settlement areas on Great Barrier without compromising the natural environment.
2. How to encourage activities within settlement areas that enable the community to provide for their social, cultural and economic wellbeing.
3. How to ensure that new activities within settlement areas are located so that they do not adversely affect other land uses.

2.6 Objectives

The objectives for the Claris Settlement are:

- 10b.7.2.1 To consolidate similar activities in the areas identified to ensure that effects of activities do not affect the function of the airport and surrounding activities
- 10b.7.2.2 To create a functioning centre for Great Barrier.
- 10b.7.3 To facilitate the establishment of local retail, service and visitor activities of high amenity in the local retailing area, without compromising the function of Claris airport
- 10b.7.4 To maintain and enhance amenity and the existing patterns of residential development to the south of Claris township.
- 10b.7.5 To maintain and protect the function of the Claris airport as the principal air transport link on the island and to ensure its ongoing viability and safe functioning.
- 10b.7.6 To conserve natural and modified sand areas and wetlands and protect them from inappropriate use.
- 10b.7.7 To provide for light industrial activities, while safeguarding against adverse effects that could result in contamination of the Kaitoke wetland, or other surrounding wetlands.

3.0 Statutory requirements under Part II, sections 31, 32, 72 and 76 of the Resource Management Act

Section 74(1) of the RMA states as follows:

A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

Section 31 sets out the council's functions for the purpose of giving effect to the Act. The council's functions include:

- (a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

- (b) The control of any actual or potential effects of the use, development or protection of land...

Section 72 states as follows:

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

The following provisions of section 76 are also relevant:

- (1) A territorial authority may, for the purpose of –
 - (a) Carrying out its functions under this Act; and
 - (b) Achieving the objectives and policies of the plan, - include rules in a district plan.
- ...
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the RMA before publicly notifying a district plan or a plan change. Section 32(3), (3A) and (4) state as follows:

- (3) An evaluation must examine –
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

The statutory requirements, including section 32 matters, are assessed below under the following headings:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act
- Whether the policies, rules, or other methods are the most appropriate for achieving the objectives
 - having regard to their efficiency and effectiveness
 - taking into account the benefits and costs of policies, rules, or other methods
 - taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

3.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act

3.1.1 The purpose of the Act

Section 5 states that the purpose of the Act is 'to promote the sustainable management of natural and physical resources'. Section 5(2) states:

- (2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Environment is defined in Section 2 of the RMA as including:

- (a) Ecosystems and their constituent parts, including people and communities; and
- (b) All natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the Claris settlement area are identified below:

Clause		
(a)	The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development	✓
(b)	The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development	✓
(c)	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna	✓
(d)	The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers	✓
(e)	The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga	✓
(f)	The protection of historic heritage from inappropriate subdivision, use, and development	
(g)	The protection of recognised customary activities	

Section 7 deals with 'other matters' which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of are of particular relevance to the Claris settlement area are identified below:

Clause		
(a)	Kaitiakitanga	

(aa)	The ethic of stewardship	
(b)	The efficient use and development of natural and physical resources	✓
(ba)	The efficiency of the end use of energy	
(c)	The maintenance and enhancement of amenity values	✓
(d)	Intrinsic value of ecosystems	✓
(f)	Maintenance and enhancement of the quality of the environment	✓
(g)	Any finite characteristics of natural and physical resources	✓
(h)	The protection of the habitat of trout and salmon	
(i)	The effects of climate change	
(j)	The benefits to be derived from the use and development of renewable energy	

Section 8 provides that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

3.1.2 Appropriateness in achieving the purpose of the Act

The objectives for Great Barrier and for Claris seek to manage the land resource by containing the more densely populated settlements within a certain boundary, away from areas of outstanding natural landscape. The objectives for Claris are based on an overall direction for the settlement, and objectives for each of the activity-based areas identified within the settlement.

The settlement areas introduce a range of human activities to the planning framework for Great Barrier, recognising the importance for social and cultural activities in an area where these co-exist with the natural environment. Consideration has been given to similar activities that identify the characteristics of a particular area. By doing so, the community is able to provide for its social, cultural and economic wellbeing by providing for similar activities in particular locations, allowing for synergies between activities. It is important that the activities that are able to establish in the Claris settlement area can demonstrate that the important ecosystems in the area are safeguarded in terms of the life-supporting capacity, particularly in terms of industrial zoning and activities.

In terms of the natural environment, the objectives seek to maintain the life-supporting capacity and intrinsic values of ecosystems that still remain within the Claris settlement area, as well as their amenity values. For Claris, these can be found in the extensive dune and wetland areas throughout the settlement, from the dune systems along Kaitoke beach to Kaitoke wetland, as well as the various pockets of wetland around the settlement.

The objectives could be structured around a purely effects-based approach, where any activity can occur depending on its effects. In this case, activities occur on an ad-hoc basis, with no guidance or structure as to where activities occur. This may result in inappropriate activities locating next to each other, creating cross-boundary conflicts. It is considered that the provision of activity-based areas will allow for better development in terms of associating similar activities together, creating a better “feel” for the township of Claris and consolidating commercial development to form a better sense of place. In addition, the reverse sensitivity effects of different activities conflicting will be reduced. A purely effects-based approach, while addressing a number of environmental effects on the environment, is not considered to be an integrated management approach, as it cannot provide for un-measurable effects.

It is considered that the structure and content of the objectives based around activities is therefore the most appropriate means for meeting the purpose of the Resource Management Act, and enables Council to fulfil its functions under s31, 72 and 74(1).

3.2 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives

In terms of efficiency and effectiveness, the plan needs to be able to be easily implemented, understandable, manage adverse effects of activities, and provide an equitable balance between environmental, social, cultural and economic costs and benefits. In addition, there needs to be a clear relationship between the objectives for the land, the policies that will be implemented by the Council, and the rules which will achieve the objectives.

The following describes these relationships.

10b.3.1 Objective

To provide for limited growth in existing settlements while protecting the natural environment.

Policies

1. *By identifying areas in which additional subdivision can occur within the Okiwi and Claris settlement areas.*
2. *By identifying boundaries that limit the expansion of the settlements into surrounding areas in order to avoid the spread of development into sensitive natural areas.*

The policies identify areas that are targeted for growth, and also how the limits to growth within the settlements will be managed and the reasons for limiting growth, so that natural areas are protected.

10b.3.2 Objective

To facilitate appropriate development in suitable places throughout the settlement areas, based on the type of existing activities.

Policies

1. *By identifying areas within the settlement areas that have common characteristics, so that these activities can support each other and limit adverse effects on more sensitive activities.*
2. *By ensuring that development maintains or enhances the high landscape and ecological values of Great Barrier*
3. *By limiting adverse effects of activities and encouraging or requiring low impact design methods including:*
 - a. *Onsite management and re-use of stormwater and wastewater*
 - b. *Noise insulation*
 - c. *Minimising impermeable surfaces*
 - d. *Utilising renewable energy sources*
 - e. *Maintaining or increasing indigenous biodiversity*

f. Mitigation of visual impacts of development

The policies determine three important aspects that determine what appropriate development is on Great Barrier, that is ensuring that similar activities are located in similar locations, maintain the high landscape and ecological values of GBI, and then limiting the adverse effects of activities.

10b.7.2.1 Objective

To consolidate similar activities in the areas identified to ensure that effects of activities do not affect the function of the airport and surrounding activities

Policies

1. *By preventing any building or landuse activity which may compromise the operation of the airport by being sensitive to effects from the operation of the airport, with particular regard to noise sensitivity and safety.*
2. *By not providing for the construction, alteration of, or addition to, any building that exceeds the height limits for the airport protection fans identified in the designation for Claris airfield.*
3. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*

10b.7.2.2 Objective

To create a functioning centre for Great Barrier.

Policies

1. *By providing for retail premises and further development to reinforce the role of the area as a gateway to the island.*
2. *By protecting activities in their respective areas from reverse sensitivity effects.*

The two objectives above relate to all areas within the Claris settlement area. In particular, they seek to ensure that development does not impinge on less or more sensitive activities, with particular regard to Claris airfield. Standards for colour have been developed to help to achieve integration of buildings with Great Barriers dominant natural environment. The policies also recognise the importance of Claris as a key access point for the island and potential for future growth.

10b.7.3 Objective – Claris local retailing area

To facilitate the establishment of local retail, service and visitor activities of high amenity in the local retailing area, without compromising the function of Claris airport.

Policies

1. *By controlling the design, appearance, and scale of all buildings in the Claris local retailing area in order to maintain or enhance amenity of the Claris township.*
2. *By requiring new activities in the local retailing area to front the street and maintain a high standard of amenity.*

3. *By ensuring that new development in the local retailing area blends in with rather than dominates existing development.*
4. *By ensuring that buildings are not used for residential purposes, except where residential use is required for managing other activities on the site.*
5. *By encouraging visitor and retailing activities to locate in close proximity to each other, facilitating pedestrian movement and a cohesive and attractive commercial centre.*
6. *By limiting and controlling activities that may be sensitive to noise from the Claris airport.*
7. *By providing for community and healthcare facilities as permitted activities.*

The policies seek to allow for a mix of visitor and retail uses, while protecting land for these uses from residential development. The policies recognise the value of good design in creating a sense of place for Great Barrier.

10b.7.4 Objective – Claris residential amenity area

To maintain and enhance amenity and the existing patterns of residential development to the south of Claris township.

Policies

1. *By limiting the footprint of buildings to ensure that building sizes are of a residential scale.*
2. *By providing for home occupations and home stays as a permitted activity to enable an economic use of appropriate scale for residential sites.*
3. *By limiting activities that are likely to have a detrimental effect on residential amenity due to effects such as noise or traffic.*

The policies seek to maintain discrete, appropriate development in the residential areas, to ensure that residents can maintain an appropriate level of residential amenity. The existing patterns of development are recognised through the proposed boundaries of the settlement area.

10b.7.5 Objective – Claris airport area

To maintain and protect the function of the Claris airport as the principal air transport link on the island and to ensure its ongoing viability and safe functioning.

Policies

1. *By providing for the use, construction and maintenance of runways, taxiways and drains as permitted activities.*
2. *By limiting activities, including buildings, to those which are necessary or have a commercial function associated with the safe and viable functioning of the airport.*

3. *By providing a high level of amenity and appropriate activities to support the function of Claris airport, to create a good first impression of Great Barrier for tourists.*

These policies recognise the importance of the air-link for Great Barrier, and that the island economy relies on its unhindered ongoing function, and good design to create a first impression for visitors.

10b.7.6 Objective – Claris dune and wetland conservation areas

To conserve natural and modified sand areas and wetlands and protect them from inappropriate use.

Policies

1. *By providing for sand dune stabilisation and other conservation activities as permitted activities.*
2. *By protecting the natural landscape and ecological values of wetland and unmodified dune areas.*
3. *By restricting activities that may adversely affect the dune areas and wetlands.*
4. *By restricting the encroachment of inappropriate activities.*

The protection of significant ecological areas in the Claris dune and wetland conservation area is important for ecological and landscape purposes. The policies will help to ensure that inappropriate activities do not encroach on these.

10b.7.7 Objective – Claris light industry area

To provide for light industrial activities, while safeguarding against adverse effects that could result in contamination of the Kaitoke wetland, or other surrounding wetlands.

Policies

1. *By limiting any adverse effects of industrial activities on adjacent sand or wetland systems.*
2. *By not providing for sensitive activities to establish in the industrial area which may result in reverse sensitivity effects on industrial activities.*
3. *By recognising the need for a source of sand for construction on Great Barrier, without compromising any ecological or natural functions of the surrounding area.*

For the community, it is important that land is recognised for its use, and likewise, it is also important that environment is also protected. The policies seek to manage both of these aspects of the proposed industrial area.

In summary, the policies have been carefully considered against the objectives, and are considered the most appropriate means of achieving the objectives.

The following section outlines the costs and benefits of different approaches for looking at the boundaries of the Claris settlement area. Outlined are the main alternatives that council has considered as a means of achieving the objectives in relation to the Claris settlement area:

- Create a new activity-based settlement area that incorporates a single planning framework
- Continue with the status quo - land units underlying policy areas
- Extend the settlement area to include an area of residential amenity to the south of Ocean View Road, (which has been indicated as a possible location for a pensioner village).
- Expand the industrial area to include all of the land at Lot 1 DP 204885 & Lot 1 DP 150350 (approximately 19ha) and provide for a wide range of activities.
- Extend the band of local retailing activity to be continuous from the Claris Service Centre to the Claris commercial centre, incorporating fill along the road edge in low-lying manuka and tanglefern wetland.

3.2.1 Option 1

Create a new activity based settlement area for Claris, based around the existing development and activities (refer map at Appendix 1), and extending to include residential, local retailing and industrial activities in the Claris area. Additional subdivision provided for adjacent to Claris commercial centre, and provision for the single site opposite the commercial centre as local retailing. Remainder of the area to be included as dune and wetland protection area.

Remove land unit provisions.

Benefits	Costs
Synergies created by locating similar commercial activities in close proximity.	Ability for higher impact activities to be located in the residential area is reduced.
Create sense of place by having commercial centres at Claris, with a number of retailing and visitor activities supporting each other.	Individual property owners won't benefit from higher density provisions outside of the proposed settlement area that would allow them to subdivide their land.
Avoids sprawl of settlement boundaries. These can be extended for further development once the activities have consolidated and the safeguarding of the surrounding ecosystems and landscapes can be demonstrated.	Approach may be seen as restricting freedom to undertake any activity anywhere.
Avoids inappropriate developments (retail, higher impact activities) from occurring in areas of higher residential amenity.	Some pasture land at Claris will be converted to local retailing, reducing productive land capability.
Avoids inappropriate developments (retail, residential, service activities) from establishing in areas where the impacts from industrial activities may adversely affect them (i.e. in industrial areas).	Some activities will need to be carefully managed to ensure acoustic insulation close to the airport, and consideration of the airport protection fans.
Removes conflict between land units and overlay of policy area, creating a more efficient framework under which decisions	No specific site for pensioner village, may lead to uncertainty as to where this might establish.

can be made.	
Allows different development controls for different areas within the settlement, rather than basing development controls on land units.	
Recognises existing light industry activities along Grays Road.	
By making similar activities in particular areas permitted, reduces costs of compliance by not always requiring a resource consent.	
Provides additional area for subdivision for commercial/retail/visitor activities in close proximity to the airport.	
Continues to allow for economic use of residential sites by allowing for home occupation/cottage industry type activities.	
Economic benefits for private property owners who gain subdivision ability as part of providing for more land for local retailing.	
Recognises areas for a range of residential activities including accommodation for the retired, elderly or disabled.	

The risk of acting or not acting

Overall, there is sufficient information on this option. The risk of acting on the option outlined above is low to medium in terms of providing for activities in the right places. There is sufficient information from surveys undertaken by Council, including a land-use survey and a study by Wildlands Consultants on the ecology of the area, to determine that the proposed areas for additional development have low importance in terms of ecology. From the consultation undertaken, it is known that property owners are likely to want to extend the industrial area if such an area is provided. The risk with extending this is outlined in Option 4 below. The area adjacent to the Claris commercial centre is the logical place to develop for further commercial/retail/visitor activity, due to being within walking distance of the airport and its central location.

3.2.2 Option 2

Maintaining the status quo with the existing policy area and land units.

Benefits	Costs
Provides a planning framework based on characteristic of land type, with an overlay to recognise the airport.	Complexity of two different planning methods (policy areas and land units)
Provisions are familiar.	Conflicts between land units and policy areas (opposing objectives and policies)
	Current plan does not recognise the residential, retailing or industrial components of Claris. Activity will continue to be ad-hoc.
	Current “permissive” nature of the plan can lead to inappropriate activities establishing in inappropriate locations.

Benefits	Costs
	Reverse sensitivity effects difficult to control if activities with varying effects can locate next to each other. Lead to inappropriate activities locating together.
	Current structure of policy areas requires consents for any building activity, which is a cost on homeowners and developers.
	Removal of any vegetation in the existing policy area requires a resource consent, placing a time cost on property owners and developers.
	Does not identify or consolidate similar activities, potentially leading to reverse sensitivity and cumulative adverse amenity effects on residential uses.

The risk of acting or not acting

There is sufficient information on this option. The risk of acting on the above option would continue to place unnecessary costs on land owners in terms of requiring consent, and uncertainty in terms of conflict between different provisions in the plan, so the risk of acting on this option is high.

3.2.3 Option 3

Extend the settlement area to include an area of residential amenity to the south of Ocean View Road, (which has been indicated as a possible location for a pensioner village).

Benefits	Costs
Could provide land for the pensioner housing trust to establish pensioner village, allowing for the islands older generation to stay on the island. High social benefits.	Extending development over dunes is questionable. At the eastern boundary, few dunes if any, separate the beach from the village, and sand is creeping across the boundary line.
Employment opportunities for care of elderly.	Site contains large sand blowout, underlying stability unknown.
Land may be available to the pensioner housing trust at no cost.	May start to open up high rural amenity land further south of Ocean View Road, leading to sprawling incremental development. If future land is to be provided for more intensive residential use, this may be better concentrated towards the existing Claris commercial centre.
Council may be able to establish formal public access to Kaitoke Beach from Ocean View Road through reserve contribution from subdivision.	No alternative locations have been considered for appropriateness for a pensioner village.

The risk of acting or not acting

An indication was made during consultation about the possibility of land being made available for pensioner housing on the northern end of the Blackwell site at Kaitoke.

Insufficient information exists around the stability of the land, or certainty of maintaining the rural character south of Claris. The combination of the rural character and untouched beach at Kaitoke makes it one of the most beautiful beaches in the Auckland region. This character must be protected. Acting on this option without substantial further information is considered to be high risk in terms of maintaining the purpose of the Act.

3.2.4 Option 4

Consider expanding the industrial area to include all of the land at Lot 1 DP 204885 & Lot 1 DP 150350 (approximately 19ha) and provide for a wide range of activities.

Benefits	Costs
Could provide area with much-needed commercial development.	Mixes retail and lower impact activities with heavy impact activities.
Property owner would gain ability to subdivide, creating a financial benefit.	Area contains wetlands and based on sandy surface, potential for activities with discharge components to impact on watertable/wetland areas (although this is within the jurisdiction of ARC).
Public walking tracks, reserve areas or monetary gains would be able to be taken by Council as financial contributions on subdivision.	An ecological report commissioned by Council and undertaken by Wildland Consultants Limited indicates large areas of recommended for protection as well as further studies that would need to be undertaken to establish suitability for alternative land uses.
	Industrial activities not concentrated, rather spread out over a larger area. Increases area of effects.
	Would eventually result in removal of a large amount of vegetation as a broad range of activities establish over the sites.
	Separates the commercial activities out over a large distance, removing emphasis from a concentrated commercial centre at Claris.

The risk of acting or not acting

Having considered this option, there is insufficient information to indicate that the land is suitable for more intensive industrial activity than already exists. Some areas have been identified in the block that would have least impact in terms of ecology, however further studies would need to be undertaken to establish the suitability of these sites for light industrial activities.

There is a high risk to the ecology of this area if development is undertaken without the necessary ecological information, and therefore this option should not be considered without further information.

3.2.5 Option 5

Extend the band of local retailing activity to be continuous from the Claris Service Centre to the Claris commercial centre, incorporating fill along the road edge in low-lying manuka and tanglefern wetland.

Benefits	Costs
Would provide a continuous strip development for the commercial/service activities at Claris, resulting in a less disjointed feel to the township.	The low wetland area (manuka with tanglefern) has been identified by Wildland Consultants as an area that is worthy of protection. Creating commercial sites along Hector Sanderson Road would adversely affect the ecology of the Claris area.
Would provide additional commercial land for development.	Would result in the loss of amenity that the trees in the wetland contribute to the area.
Would provide for a certain degree of clean fill activity for disposal of excess earth.	

The risk of acting or not acting

Having considered this option, the risk of acting with the information that is currently held would be high, as sufficient information exists to determine that acting on this option might have significant adverse effects on the environment.

3.2.6 Conclusion

Having considered the costs and benefits of the different options that are available to Council, the most efficient and effective means of managing the land resource at Claris is to:

1. Use the method of a settlement area identifying appropriate activities in different parts of Claris, and limiting the extent of the settlement area to the areas defined in Appendix 1, and as set out in Option 1 above.
2. That a list of appropriate activities is identified to reflect the nature and sensitivity of the identified areas in the settlement, and control these by way of different activity status and development controls.
3. That in terms of growth for Great Barrier Island, provision has been made for further development around the Claris commercial centre.

3.3 Whether the proposed rules assist the council to carry out its function of control of actual or potential effects of the use, development or protection of land

The district plan, with the proposed settlement area and separate areas identified within it will assist with Council discharging its functions for controlling the action and potential effect of the use of land in Claris, as enabled by s72 and 74(1).

In particular, the changes reflect a review of the district plan, its objectives, policies and methods, that achieve integrated management of the use and management of land in the Claris settlement as required under s31. Particular rules regarding subsections (b), (d), and (e), and developed under s76, are set out in other s32 reports, relating to each of the subareas within the settlements.

4.0 National planning documents

4.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
 - (a) any national policy statement; and
 - (b) and any New Zealand coastal policy statement; and
- ...

The proposed settlement area reflects the sustainable management of the land resource in the Claris catchment, in particular preserving the natural character of the coastal environment by encouraging appropriate development where the character has already been compromised, and avoiding sprawling or sporadic subdivision, as outlined in Policy 1.1.1.

The settlement area does not contain any known areas of coastal Maori heritage, or any that have been requested to be identified in relation to Claris, however there are rules in the heritage section of the plan that require consents where archaeological sites may be affected by development.

It is considered that the approach taken gives effect to the policies set out in Chapter 3 of the New Zealand Coastal Policy Statement, with the remaining content of the statement not having relevance to the Claris settlement.

The relevant parts of the New Zealand Coastal Policy Statement have been appended as Appendix 2.

4.2 Hauraki Gulf Marine Park Act 2000

Section 9(3) of the Hauraki Gulf Marine Park Act 2000, requires the council to ensure that:

- ... any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of this Act.

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be treated as a New Zealand coastal policy statement under the RMA. Sections 7 and 8 are attached as Appendix 3.

In relation to the settlement area method and its boundaries, these recognise the importance of providing for the social, cultural and economic wellbeing of the community of Claris, while at the same time protecting the life-supporting capacity of the ecosystems of the gulf from further inappropriate development outside of existing modified areas.

5.0 Regional planning documents

5.1 Regional policy statement

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
 - ...

- (c) any regional policy statement.

The objectives, policies and rules of the settlement area give effect to the strategic objectives in chapter 2 of the Auckland Regional Policy Statement (ARPS), particularly 2.5.1, objective 3, being to protect the soil resources, amenity values, rural character, landscape values and mineral resources of rural areas from the regionally significant effects of inappropriate subdivision, use or development. In addition, the delineation of the settlement area at Claris is consistent with 2.5.3.2.3(ii) that provides for definition of the limits of rural and coastal settlements to protect environmental values, and that the integrity of those limits are maintained. Particular regard has been had to maintaining the high rural and coastal amenity of Kaitoke beach and the southern end of Kaitoke where an edge to development has previously been established.

It is considered that the settlement area addresses the issues set out in 7.2 of the ARPS and is consistent with the objectives 7.3.1-10. Subsequently, the proposal is consistent with the methods and policies set out in section 7.4. These relevant sections are attached as Appendix 4.

5.2 Regional plan

Section 75 (4) of the RMA states:

- (4) A district plan must not be inconsistent with –
...
(c) a regional plan for any matter specified in section 30(1).

The objectives, policies and rules of the settlement area are consistent with the following:

- Auckland Regional Plan: Coastal,
- Auckland Regional Plan: Air, Land and Water,
- Auckland Regional Plan: Sediment Control
- Auckland Regional Plan: Farm, Dairy Discharges

The parts of the Auckland Regional Plan: Coastal that are relevant to Claris settlement area are attached as Appendix 5. The provisions that are of most relevance are:

- To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision use and development.
- To maintain and enhance the diversity, integrity and landscape quality of the coastal environment.
- To maintain and enhance public access to, along and within the coastal marine area.

The provisions of the settlement area, especially the dune and wetland conservation area, gives effect to the regional policy statement by avoiding activities and buildings that will have an adverse effect on the natural character of the coastal environment.

6.0 Procedures for monitoring

The council will monitor the effectiveness of the proposed provisions as a means of achieving the objectives and policies by:

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions
- monitoring complaints and enforcement actions
- undertaking land use surveys, ecological surveys
- monitoring trends through analysing statistics
- monitoring the number of developed sites in the Claris settlement
- monitoring the number of subdivisions granted in the Claris settlement
- maintaining a register of hazards, and of the location and nature of industrial activities

7.0 Conclusions

The feedback that was received as part of the consultation process has been carefully considered in terms of how it affects the Claris catchment and the boundaries of the settlement. With the overall purpose being to provide for growth where it was needed, it was determined that land was required for retailing purposes and lower impact commercial activities in a centralised location. To this extent, further land at adjacent to existing Claris commercial centre has been classified for local retailing. In terms of the provision for further industrial land and land for pensioner housing, insufficient information exists to determine whether the areas indicated during consultation are suitable for those purposes, however it is acknowledged that other locations exist for commercial activities, as well as residential activity. These activities have not been provided for in terms of extending beyond the areas where similar existing activities are currently located, however it may be that some of these are able to be dealt with through a resource consent process.

The duties and functions of council, and the purpose and principles of the Resource Management Act have been used to develop the objectives for the settlement area, and as indicated in the assessment, the objectives achieve the purpose of the Act.

The policies and methods chosen by Council reflect the objectives for the settlement area, implementing efficient and effective means of achieving them. A qualitative consideration of the costs and benefits of different options considered indicate that the best option has been proposed. Furthermore, the proposed option is consistent with regional and national statutory documents.

Overall, the proposed settlement area is considered to fulfil the statutory requirements of s32 of the Resource Management Act.

Appendix 1 – Claris settlement area map

Appendix 2 - Relevant sections of the New Zealand Coastal Policy Statement

Appendix 3 - Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000

Section 7 states as follows:

Recognition of national significance of Hauraki Gulf

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
 - (a) to provide for—
 - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - (ii) the social, economic, recreational, and cultural well-being of people and communities:
 - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
 - (c) to maintain the soil, air, water, and ecosystems of the Gulf

Section 8 states as follows:

Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) 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:
- (e) 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:
- (f) 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.

Appendix 4

Relevant provisions from the Auckland Regional Policy Statement

Appendix 5 - Relevant provisions from the Auckland Regional Plan

Appendix 6 - Summary of consultation from GBI workshop