

HGI Plan Review: section 32 report for the Commercial 6 (Quarry) land unit

1.0 Executive summary

This report summarises the evaluation undertaken by the council of the commercial 6 (quarry) land unit in terms of section 32 of the Resource Management Act.

The main conclusions are that:

- the objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8
- overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the land unit and consequently are the most appropriate method of achieving the objectives.
- the proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act.

The methods are consistent with the Hauraki Gulf Marine Park Act, statutory national and regional planning documents and non-statutory documents.

Therefore, it is appropriate to incorporate these objectives, policies and rules within the reviewed district plan.

2.0 Introduction

2.1 Purpose of this report

This report is to meet the section 32 requirements of the Resource Management Act.

2.2 Proposed plan provisions

The proposed plan provisions relate to resource management issues, objectives and policies, rules relating to the status of activities, and development control rules within the commercial 6 (quarry) land unit. These provisions replace the operative plan provisions which are summarised in section 2.4 of this report below.

2.3 Land unit location and character

This land unit is applied to a quarry on Waiheke and to Karamuramu Island.

The Waiheke quarry is situated on a hill overlooking the intersection of Onetangi, Ostend and O'Brien Roads. This quarry produces base course crushed rock material for use in road construction and the building industry in Waiheke.

Karamuramu Island is a 7.5ha island located to the south of Ponui Island. Karamuramu Island is a regionally significant producer of a red hard greywacke rock known as jasper, which is used in the road construction and building industry.

The land unit provides for the continuation of quarrying and associated uses in these two areas.

2.4 Operative plan provisions

This land unit is 'land unit 16 – Quarry' within the Operative Hauraki Gulf Islands District Plan (HGI plan).

Under the operative land unit 16 provisions, quarrying and any other activity (except helipads) are permitted subject to compliance with the development controls of the plan. These development controls include rules on height of buildings, yards, lot coverage, noise, vibration and blasting, dust, waste disposal and water and soil pollution, removal of topsoil and earthwork. A rule also required the operators and owners of each quarry to furnish to council a quarry management plan.

2.5 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 commercial 6 (quarry) land unit.

2.5.1 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
- 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 a proposed plan, the council has also consulted with the following parties:

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

2.5.2 Issues raised during consultation

There were no issues raised in consultation which related to the quarry on Waiheke or Karamuramu Island.

3.0 Resource management issues and objectives

3.1 Issues

The significant resource management issue relevant to this land unit is:

1. *How to provide for quarrying and associated activities while ensuring that the potential adverse effects of such activities are avoided or mitigated.*
2. *How to manage the reverse sensitivity effects which can arise between quarrying and other more sensitive land uses.*
Note: *Reverse sensitivity is the principle where an existing (and lawful) activity produces effects that a new activity regards as objectionable.*

3.2 Objective

The objective relevant to this land unit is:

To provide for quarrying and associated activities, while protecting the amenity and character of neighbouring properties on Waiheke and the ecological values of surrounding areas, waterways and the sea.

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

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.

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.

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.

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

4.1.1 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 this land unit relate to Karamuramu Island 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 particular relevance to this land unit 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).

4.1.2 Appropriateness in achieving the purpose of the Act

4.1.2.1 Objective 10a.16.3

To provide for quarrying and associated activities, while protecting the amenity and character of neighbouring properties on Waiheke and the ecological values of surrounding areas, waterways and the sea.

This objective is the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social and economic wellbeing by allowing for the continued production of jasper and base course crushed rock material which is used in the roading and construction industry, while avoiding, remedying or mitigating adverse effects on the environment.

Specifically it meets clause (b) of Section 6 of the Act “*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*” for Karamuramu Island by recognising that:

- there is little or no natural coastal character remaining on Karamuramu Island to be protected, due to past quarrying activities.
- the existing quarry has been operating on Karamuramu Island for a significant period of time and the potential adverse effects of siltation etc on the water quality and ecological values of the coastal marine area surrounding the island is strictly controlled and protected by the Auckland Regional Council.

It also meets clause “*the efficient use and development of natural and physical resources*” of Section 7 ‘Other Matters’ of the Act, by:

- recognising that the existing quarry operations on Waiheke provides an important source of base course crushed rock material for use in road construction and the building industry in the islands
- recognising that Karamuramu Island is a regionally significant producer of a red hard greywacke rock known as jasper, which is used in the road construction and building industry.

The objective also meets clause (c) “*the maintenance and enhancement of amenity values*” and clause (f) “*maintenance and enhancement of the quality of the environment*” of Section 7 of the Act, because it recognises that the quarry activity has the potential to have significant adverse effects on the character and amenity of neighbouring land uses and the quality of the surrounding environment. These potential effects need to be controlled to ensure that they don’t eventuate.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

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

The policies for the land unit are:

1. *By requiring quarrying activities to undergo a resource consent and to submit a quarry management plan, so that any effects of the activity can be appropriately assessed and controlled.*
2. *By imposing yard controls from site boundaries within which quarrying cannot happen.*
3. *By restricting hours during which explosives may be used in quarry operations.*
4. *By preventing or reducing vibration, dust, noise, and soil and water contamination.*

These policies and the resulting rules are the most appropriate way of achieving the objective because they:

- require that quarrying within the land unit is a discretionary activity and ensure that the activity is controlled by specific assessment criteria relating to traffic generation, dust and siltation, noise, ground vibration, visual and amenity and water quality.
- require that as part of any discretionary activity resource consent application to undertake quarrying a quarry management plan which outlines a number of specific operational matters relating to the activity be submitted.
- impose development controls which require separation of quarrying from site boundaries and compliance with noise, vibration and blasting standards.

The following options are the main alternatives which the council has considered as a means of achieving the objectives. These options are listed below:

- Option 1 - The use of non RMA methods, including bylaws, voluntary agreement, covenants or education / advocacy as a means of achieving the objectives
- Option 2 - Retaining the operative plans policies and rules as a means of achieving the objectives
- Option 3 - No limitation on type of activities or size of developments within the land unit, as a means of achieving the objectives. This would allow any activity to operate at any scale and would mean that development controls would not apply within the land unit.
- Option 4 - Use of policies and rules which list quarrying as a restricted discretionary activity within the land unit, as a means of achieving the objectives.
- Option 5 - Use of proposed policies and rules as a method of achieving the objectives

4.2.1 Option 1

Option 1 is:

The use of non RMA methods, including bylaws, voluntary agreement, covenants or education / advocacy as a means of achieving the objectives

General comment

Section 73(1) of the RMA states:

There shall at all times be one district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.

This does not mean that non district plan methods cannot be used as a means of achieving the objectives. If they are a more efficient and effective method of achieving the purpose of the Act than a district plan method then they can and should be used.

Comment on bylaws

Section 145 titled ‘General bylaw-making power for territorial authorities’ of the Local Government Act 2002 sets out the council authority to make bylaws.

This section states:

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

- (a) protecting the public from nuisance:*
- (b) protecting, promoting, and maintaining public health and safety:*
- (c) minimising the potential for offensive behaviour in public places*

Therefore council does not have the statutory authority to make bylaws that would achieve the objective of the land unit. This method is discounted as an effective and efficient method of achieving the objective of the land unit.

General comment on covenants, voluntary agreements, education and advocacy

Covenants and voluntary agreements are dependant on individuals agreeing that a feature should be protected or a development controlled in order to ensure that the objective of the land unit is achieved.

Education and advocacy are dependant on people receiving, understanding and agreeing with the message and acting to ensure that the objective of the land unit is achieved.

These methods are therefore likely to be highly variable in when and if they are used and the level of control or protection provided. Therefore their effectiveness in achieving the objective of the land unit are limited. The assessment of the environmental, social and economic costs of these methods, below assumes that this would be the outcome of option 1.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Non RMA methods, for example education,	Likely that these non RMA methods would

Benefits	Costs
may result in environmental protection measures i.e. siltation control being implemented in some instances. This would have an environmental benefit by ensuring that the quality of surrounding waterways is protected.	be insufficient to ensure the protection of the quality of surrounding waterways in the majority of instances. Cost to the environment generally.
<u>Social and Economic</u>	<u>Social and Economic</u>
No restriction on how or where on the site the quarry operation would proceed or the scale of effects. Monitory and time benefit to quarry owner.	Increase in legal fees for drafting up covenants and voluntary agreements.
Reduction in direct compliance costs for people wanting to undertake quarry development as resource consent would not be required. Benefit to person undertaking development only.	Increase in adverse visual, amenity, noise and traffic effects between the quarry activity and other activities in adjoining land units. Cost borne by the community generally.
Maximising of development potential and therefore potential for maximising profits on development. Benefit to person undertaking development only.	Decrease in the character and amenity value of adjoining areas because of the potential adverse effects of the quarry on these areas. Cost borne by the community generally.

Overall, option 1 has only limited environmental benefits and potentially significant environmental costs and it has social and economic benefits to individuals undertaking developments while having social and economic costs to the community at large.

The environmental, social and economic costs of undertaking this option therefore outweigh any benefits to individuals which may result.

Therefore option 1 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objective.

The risk of acting or not acting

Council has sufficient information on option 1 to make a decision on its effects.

The risk of acting on option 1 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.2 Option 2

Option 2 is:

Retaining the operative plans policies and rules as a means of achieving the objectives.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Protection of the environment through development controls relating to the height of buildings, yards, lot coverage, noise, vibration and blasting, dust, waste disposal and water and soil pollution, removal of topsoil and earthworks. A rule also required the operators and owners of each quarry to	The operative plan only controls quarrying through these development controls. This assumes that that the potential adverse effects of a quarry operation are effectively managed through these rules only. This is not necessarily true, for example the operative plan does not consider the traffic

furnish to council a quarry management plan. Benefit to environment generally.	effects of a quarry. There is potential for adverse environmental effects being generated which are outside these rules. Cost to environment generally.
<u>Social and Economic</u>	<u>Social and Economic</u>
No requirement for quarry operators to go through resource consent process as compliance with development controls only required. Benefit to quarry owners / operators.	Monetary and time cost for quarry owners / operators to furnish a quarry management plan to council. Cost to people undertaking development.
Development controls which protect the character and amenity of surrounding residential and recreational land units. Benefit to the community generally.	Community not able to provide input into a potential notified resource consent application for a potential quarry operation as quarrying is a permitted activity, subject to compliance with development controls. Cost to the community generally.
	Under the operative land unit 16 provisions, any activity is a permitted subject to compliance with the development controls of the plan. This would allow activities which are potentially not compatible with a quarry operation i.e. retail activities to operate 'as of right'.

Overall, option 2 has environmental, social and economic benefits but more potential environmental, social and economic costs.

Therefore option 2 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objective.

The risk of acting or not acting

Council has sufficient information on option 2 to make a decision on its effects.

The risk of acting on option 2 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.3 Option 3

Option 3 is:

No limitation on type of activities or size of developments within the land unit, as a means of achieving the objectives. This would allow any activity to operate at any scale and would mean that development controls would not apply within the land unit.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	Potential for quarry to operate without any environmental controls being adopted i.e. siltation control measures, acoustic buffers etc. This would have adverse effects on the quality of surrounding waterways and the acoustic amenity of surrounding areas. Environmental cost generally.
<u>Social and Economic</u>	<u>Social and Economic</u>
Increase in variety of activities that can be	Increase in public uncertainty about what

undertaken within the land unit	activity could be undertaken within the land unit. Cost borne by the community generally.
Reduction in direct compliance costs for people wanting to undertake development within the area as resource consent would not be required. Benefit to person undertaking development only.	Increase in adverse visual, amenity, noise, traffic and reverse sensitivity effects between different activities within the land unit and between residential uses on other adjoining land units. Cost borne by the community generally.
Maximising of development potential and therefore potential for maximising profits on development. Benefit to person undertaking development only.	Loss of the land units quarry character as other activities develop. Cost borne by the community generally.

Overall, option 3 has only social and economic benefits to individuals undertaking quarrying and significant costs to the community and environment at large. Therefore the environmental, social and economic costs of undertaking this option outweigh any benefits to individuals which may result.

Therefore option 3 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objective.

The risk of acting or not acting

Council has sufficient information on option 3 to make a decision on its effects.

The risk of acting on option 3 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.4 Option 4

Option 4 is:

Use of policies and rules which list quarrying as a restricted discretionary activity within the land unit, as a means of achieving the objectives.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Require quarry operators to undergo a restricted discretionary resource consent process. As part of this process the effectiveness of environmental control measures i.e. siltation control will be able to be assessed by council to ensure that the environmental effects of the quarry operation are successfully mitigated.	The restricted discretionary status of the resource consent generally means that it will proceed on a non notified basis. This non notified basis will preclude other agencies / individuals with different expertise on the environmental effects of quarrying being able to provide information to council. This has the potential to have an environmental cost.
	Council required under the restricted activity status to restrict its discretion to certain matters. Potential that effects of quarrying that are outside these areas of discretion, and which have potential adverse environmental effects would not be considered.
<u>Social and Economic</u>	<u>Social and Economic</u>
Council able to control the effects of the	Increase in direct compliance costs in time

Benefits	Costs
quarry operation which will mean that these effects on surrounding land uses are appropriately mitigated. Benefit to community generally.	and money for people wanting to undertake quarrying as resource consent would be required. Cost to all people undertaking any development.
	Council required under the restricted activity status to restrict its discretion to certain matters. Potential that effects of quarrying that are outside these areas of discretion, and which have potential adverse social and economic effects would not be considered.

General comment on Benefits and Costs

In general this option could control the effects of the quarry operation activities within the land unit but would have the potential that some potential effects are not fully assessed or controlled. This could have environmental, social or economic costs.

The costs of undertaking this option, therefore outweighs any benefits which may result.

Therefore option 4 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objective.

The risk of acting or not acting

Council has sufficient information on option 4 to make a decision on its effects.

The risk of acting or undertaking option 4 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.5 Option 5

Use of proposed policies and rules as a method of achieving the objectives

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Requiring a discretionary activity resource consent for quarrying will ensure that all potential environmental effects of the quarry operation can be considered and assessed. As part of this assessment the adequacy of a required quarry management plan (which outlines details about the operation of the quarry) can be considered. If the quarry management plan is inadequate in some regard the ability for council to refuse a consent is encouragement for the applicant to provide quality information. Conditions can be placed on the consent ensuring that potential environmental protection measures are actually put in place and continually operate. Therefore any of these potential adverse environmental effects of the quarry operation will be appropriately mitigated.	None

Benefits	Costs
In addition, if the environmental effects of a quarry operation is not able to be appropriately mitigated consent can be refused.	
Providing for the Hauraki gulf islands needs for base course crushed rock material and jasper from within the gulf itself means that this material does not need to be sourced and shipped in from other regions. This reduces potential transportation costs of this material within the gulf which is an environmental benefit and achieves sustainable management.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Requiring discretionary activity resource consent for quarrying will ensure that the effects of the quarry operation on the amenity and character of adjoining land uses can be appropriately controlled.	Requiring quarrying within the land unit to undergo discretionary activity resource consent imposes a monetary and time cost on people undertaking quarrying.
The yard control imposes a 30-metre separation between the quarry activity in Waiheke and any front, side or rear yard. This will ensure that an appropriate aural and visual buffer is established between the quarry activity and surrounding land uses on neighbouring sites. Social benefit to neighbouring sites.	The 30-metre yard will mean that a large area of the Waiheke quarry will not be able to be quarried. This is an economic cost to the owner / operator of the quarry.
The noise controls within the plan will create an appropriate balance between allowing the quarry operation to operate and protecting the acoustic amenity of surrounding land uses on neighbouring sites. Social benefit to neighbouring sites.	These noise controls will place a financial / economic cost on quarry operators to ensure compliance.
The vibration and blasting rule will control the effects of blasting within the two quarries by restricting blasting to two events a day on week days and to a certain sound pressure or sound level. This rule will ensure that blasting within the quarry is in compliance with the national and internationally recognised DIN 4150-3 standard. This will ensure that the amenity of surrounding land uses on neighbouring sites is not adversely affected by blasting.	The restriction on blasting will have an economic cost on the quarry operation as it restricts the number of times blasting can occur.
Buildings established in compliance with development controls can be constructed 'as of right'. Economic benefit to developers.	Only providing for quarrying in the land unit restricts the potential for complimentary land uses to operate within the quarry. Economic restriction on those activities.
Allowing only quarrying in the land unit provides clarity that this is the only appropriate activity in the land unit. Provides clarity in interpreting the plan.	
Providing for the islands needs for base course crushed rock material and jasper for use in road construction and the building industry provides for the economic needs of	

Benefits	Costs
residents of the gulf and achieves sustainable management.	

General comment on Benefits and Costs

This option will have environmental, social and economic benefits while having limited costs to quarry owners / operators. Therefore option 5 is the most effective and efficient method of addressing the issues within the land unit and consequently is the most appropriate method of achieving the objectives.

The risk of acting or not acting

Council has sufficient information on option 5 to make a decision on its effects.

The risk of acting on option 5 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.6 Conclusion

The above analysis of Options 1 - 4 has concluded that the costs of undertaking these options outweighs any benefits. Therefore they are not the most effective or efficient method of addressing the issues within the land unit and consequently are not the most appropriate method of achieving the objective.

Overall, the environmental, social and economic benefits of undertaking option 5 outweighs any costs which may result.

Therefore option 5 is the most effective and efficient method of addressing the issues within the land unit and consequently is the most appropriate method of achieving the objective.

4.3 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 proposed objective, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act, because they:

- achieve integrated management of the use and development of the land unit
- adequately control the actual and potential effects of the quarry operation within the land unit
- integrate well with the Auckland Regional Council regulatory requirements regarding sediment control and the taking of water.
- are the most appropriate way to achieve the purpose of the Act

5.0 National planning documents

5.1 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 objectives, policies and rules of the land unit give effect to policies 3.1.1, 3.2.2, 3.2.4 and 3.2.5, of the New Zealand Coastal policy Statement (1994), attached as **appendix A** by:

- restricting the quarrying land unit to two specific locations within the gulf where quarrying has been undertaken for some time.
- recognising that there is little or no natural coastal character or amenity value remaining on Karamuramu Island due to past quarrying activities.
- recognising that the existing quarry has been operating on Karamuramu Island for a significant period of time and the potential adverse effects of siltation etc on the water quality of the coastal marine area surrounding the island is strictly controlled by the Auckland Regional Council.
- recognising that both quarries within the land unit are already highly modified
- recognising that the Waiheke quarry is located somewhat separated from the coastal environment.

5.2 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 B**.

The objectives, policies and rules of the land unit give effect to sections 7 and 8 of the HGMPA for the reasons identified in section 5.1 above and because they:

- provide for the social and economic well being of the Waiheke community
- do not adversely affect the life supporting capacity of the soil, air, water and ecosystems of the gulf.
- achieves sustainable management by meeting the islands needs for base course crushed rock material and jasper within the gulf.

6.0 Regional planning documents

6.1 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 land unit give effect to objective 13.3.2 and policy 13.4.1.2, 13.4.1.3 and methods 13.4.2.4 & 13.4.2.6 in the minerals section of the Auckland Regional Policy Statement for the reasons identified in section 5.1 above, and because:

- the two quarries are existing, have been operating for some time and are an important supplier of base course crushed rock material and jasper for use in the road construction and the building industry in the gulf.

In addition, it gives effect to objective 4.3(1) of the transport section and objective 5.3 of the energy section of the Auckland Regional Policy Statement because applying this land unit in Waiheke and on Karamuramu Island means that the requirements for base course crushed rock material and jasper on the islands can be met from within the gulf. This will negate the need for this material to be sourced from elsewhere which will save on energy and transportation use. These relevant sections are attached as **appendix C**.

6.2 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 land unit are consistent with the Auckland Regional Plan: Sediment Control because the quarry at Karamuramu Island obtained resource consent in 1999 under the proposed version of this plan to take up to 65m³ / day and 2000m³ / year of stormwater water from an existing bore to use to wash the excavated jasper. Approval was also obtained under this consent to implement sediment control measures to continue the existing quarry operation.

7.0 Other documents

7.1 Essentially Waiheke

Essentially Waiheke – A Village and Rural Communities Strategy is a non statutory strategic document which sets out a community approved framework for Waiheke's development. It was adopted by council in 2000 after extensive consultation with the Waiheke community.

The five central principles of Essentially Waiheke are:

- principles of environmental protection
- principles of economic development and employment
- principles of strong communities
- principles to protect and enhance Waiheke's character
- principles of location

The objectives, policies and rules of the land unit are consistent with the central principles and the underlying aims, strategies and actions within the document.

Most specifically the principles of economic development and employment apply as this land unit allows for quarrying to operate within the islands. Requiring a discretionary activity resource consent for quarrying will ensure that all potential environmental effects of the quarry operation can be considered and assessed and conditions can be imposed to ensure environmental protection.

8.0 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
- monitoring trends through analysing statistics (e.g. census, accident statistics, building consents)

9.0 Conclusions

Council has carefully considered all consultation received related to this land unit and has incorporated alterations to the plan where it was considered necessary.

Assessment of the objectives, policies and rules within the land unit against the statutory requirements of Section 32 of the Act has established that:

- The objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8
- Overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the land unit and consequently are the most appropriate method of achieving the objectives.
- The proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act.
- The methods are consistent with the statutory national and regional planning documents and non statutory documents and other acts including:
 - New Zealand Coastal policy Statement
 - Hauraki Gulf Marine Park Act 2000
 - Auckland Regional Policy Statement
 - Essentially Waiheke – A Village and Rural Communities Strategy
- The methods are consistent with the Auckland Regional Plan: Sediment Control and not inconsistent with any other regional plan.

Appendix A
New Zealand Coastal Policy Statement (1994)

Appendix B

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 C

Regional Policy Statement