

# **HGI Plan Review: section 32 report for Land Unit - Commercial 7 (wharf)**

## **1.0 Executive summary**

This report summarises the evaluation undertaken by the council of commercial 7 - wharf in terms of section 32 of the Resource Management Act.

In the operative District Plan land unit 25 – wharf is applied to the paved areas behind the wharf structures at Matiatia and Kennedy’s Point on Waiheke and Sandy Bay on Rakino. The intent of the land unit is to provide for the future planning needs of wharf related activities.

The proposed District Plan, retains the concept of a wharf land unit (commercial 7 (wharf)) because the wharf and transport activities provided for by the land unit are essential for the movement of people, freight and traffic on and off the islands. However, in response to matters raised in consultation and good planning practice, the land unit is applied more widely throughout the Hauraki Gulf.

The objective for commercial 7 (wharf) is the most appropriate means of achieving the purpose of the Act because it provides for the social and economic wellbeing of the community (through the provision of the wharf and transport facilities) while ensuring the protection of the environment (namely the adjoining coastal environment).

The policies and rules of commercial 7 (wharf) are the most appropriate means of achieving the objective as they provide a balance between providing for the necessary wharf and transport activities and the protection of the adjoining coastal environment. In addition, the policies and rules have been shown to have benefits that outweigh the costs and to be necessary in terms of avoiding risks to the environment.

The proposed land unit also gives effect to the relevant national and regional planning documents because it provides for the appropriate use and development of wharf and transport activities and the protection of the character of the adjoining coastal environment.

## **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 Operative plan provisions**

Land unit 25 – Wharf is applied to the areas adjacent to the existing wharfs at Matiatia, and Kennedy’s Point on Waiheke and Sandy Bay on Rakino. The intent of the land unit is to take account of the future planning needs of wharf related activities.

A summary of the key provisions of the existing land unit is set out below:

- A description of the land unit including the identification of the activities to be undertaken; parking, visitor accommodation, freight and other ancillary activities.
- An objective seeking development, which facilitates the efficient integration of water and associated land-based activities in a manner, which caters for the needs of both residents and visitors.
- An objective seeking to ensure that future development within the land unit does not dominate or detract from the natural character or environmental quality of the coastline.
- A permitted activity standard which requires that all permitted activities within the land unit to:
  - (a) be associated with the provision of goods or services which facilitate the movement or accommodation of people and/or freight within or through the area, and
  - (b) maintain public access to the coastline, and
  - (c) conform to the standards and terms contained in Part 6B (permitted standards), and
  - (d) meets the requirements of Rule 6.25.4.1B below (particular rules);
  - (e) except where it has been otherwise provided for in the rules of this land unit as a controlled, discretionary or prohibited activity.
- Particular rules relating to building height, lot coverage, gross dwelling area (Matiatia wharf only), location and nature of activities (Matiatia wharf only), conservation and amenity and hazardous substances.
- A requirement for a controlled activity consent for new buildings
- Assessment criteria for new buildings relating to the location of buildings, design and external appearance, scale and form of buildings (including colour), landscaping and parking and service areas.
- A requirement for discretionary activity consent for marine industry, community facilities and helipads.
- A requirement for discretionary activity consent to vary any of the bulk and location standards for permitted activities by up to 10%.
- A wharf development plan specifically for Matiatia.

## 2.3 Proposed plan provisions

The proposed District Plan, retains the concept of a wharf land unit (commercial 7 (wharf)) as the wharf and transport facilities provided for by the land unit are essential for the movement of people, freight and traffic on and off the islands.

However, in response to matters raised in consultation and good planning practice, the land unit is applied more widely throughout the Hauraki Gulf. In particular, it is proposed to apply the wharf land unit to the paved areas behind the wharf structures at Orapiu and Kennedy's Point on Waiheke, Sandy Bay at Rakino and to the wharves at Tryphena, Okupu, Whangaparapara and Port Fitzroy on Great Barrier. This approach will allow more residents and visitors to obtain the benefits of wharf areas that function effectively.

The land unit has not been applied to privately owned wharfs, as these wharfs do not generally have large paved areas or roads adjoining them or a sufficient level of development and activities to warrant the application of the land unit.

The land unit has also not been applied at Matiatia, as the wharf area at Matiatia is included within the Matiatia (mixed use) provisions. Inclusion of the wharf area in the Matiatia (mixed use) provisions is appropriate as it will allow the development of the wharf and transport activities to be integrated with the mixed use development that is to be undertaken on the valley floor. It is also noted that the Matiatia (mixed use) provisions are a “roll over” of the plan change 38 – Matiatia provisions which have been approved by the Environment Court.

A summary of the key provisions of commercial 7 (wharf) is set out below:

- A description of the characteristics of the wharf land unit including its amenity values, the activities undertaken, the form of built development and recognition of the important role that wharfs play in facilitating the movement of people, freight and traffic on and off the islands.
- An objective seeking to ensure the efficient operation of the wharf and transport facilities while protecting the character of the adjoining coastal environment from the potential adverse effects of activities and buildings.
- An activity table that provides for car parking, marine fuelling services, passenger transport and wharf administration and freight handling as permitted activities.
- Development controls relating to the height of buildings, building coverage and earthworks.

## **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 wharves throughout the Hauraki Gulf.

### **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
- inviting written feedback on a consultation document that 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
- Ministry for the Environment
- network utility authorities.

### **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**

The following matters were raised during the initial consultation, focus groups and consultation with stakeholders:

### **General comments:**

- On a general level, the Auckland Regional Transport Authority (ARTA) supports all provisions that increase the efficiency of loading and unloading ferries, provide pedestrian access separate from vehicles and opposed any development adjacent to the wharf that reduce/limit space for stacking vehicles waiting for the ferry and for manoeuvring vehicles coming off the ferry.
- Include provisions that increase efficiency of ferry loading / unloading.
- Oppose developments that reduce / limit space for stacking vehicles waiting for ferry and for manoeuvring vehicles coming off ferry.

### **Great Barrier specific comments:**

- Upgrade Great Barrier wharves.
- Include wharves on Great Barrier in wharf land unit, particularly at Fitzroy.
- New land unit not policy area at Tryphena.
- Provide pedestrian access separate from vehicles at Tryphena Wharf.

- Suggestion of creating new land unit seems the most flexible.
- Land unit 25 to allow appropriate development at Tryphena.
- Create a new land unit for wharves rather than policy areas.
- Reclaim more land for parking at Tryphena.
- Concern about sea freight and access to fuels
- Public transport should be a priority
- The issues paper mentions the narrow winding road up from the wharf. In the possible approaches section it appears that creating a new land unit for the area at an around the wharf is a separate activity based unit could be the most flexible option.

#### **Kennedy's Point specific comments:**

- Kennedy's Point should be kept for freight and vehicle use. From a passenger transport perspective this would be beneficial as it would concentrate demand for bus services to one place and thereby maintaining a more efficient and economic bus service.
- Unless the surrounding land at Kennedy's Point is proposed for significant development, ARTA does not support another passenger transport terminal at Kennedy's Point at this stage.

### **3.0 Resource management issues**

#### **3.1 Issues**

As the land unit is applied to relatively small areas and as the activities undertaken are limited, there are only two significant resource management issues that need to be addressed:

1. How to ensure the efficient operation of the wharf and transport facilities.
2. How to protect the character of the adjoining coastal environment from the potential adverse effects of activities and buildings.

These issues have been addressed by the objectives, policies and rules contained in commercial 7 (wharf) and are discussed in section 4.1.2 below.

### **4.0 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.

## 4.1 The extent to which the 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 the wharf land unit 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	
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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 wharf 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

The objective of the commercial 7 (wharf) land unit is:

*“To ensure the efficient operation of the wharf and transport facilities while protecting the character of the adjoining coastal environment from the potential adverse effects of activities and buildings”*

The objective seeks to achieve two outcomes, namely the efficient operation of wharf and transport facilities and the protection of the character of the adjoining coastal environment from the potential adverse effects of activities and buildings. The objective and the outcomes sought are the most appropriate for achieving the purpose of the Act for the following reasons:

#### Section 5 (purpose of the Act) reasons:

1. The objective provides for the wharf and transport facilities which are essential for the movement of people, freight and traffic on and off the islands. Consequently, the objective provides for the economic and social wellbeing of Hauraki Gulf residents and visitors.
2. Provided that appropriate controls are put in place, wharf and transport activities can be undertaken in a manner which:



- sustains the potential of natural and physical (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- safeguards the life-supporting capacity of air, water and soil, and ecosystems; and
- avoids remedies or mitigates any adverse effects of activities on the environment.

**Section 6 (matters of national importance) reasons:**

3. The objective seeks to protect the character of the adjoining coastal environment (including the coastal marine area) and to protect it from inappropriate subdivision, use and development.
4. The wharf and transport activities provided for by the objective will provide public access to and along the coastal marine area.

**Section 7 (other matters) reasons:**

5. The use of the wharf areas for wharf and transport activities is an efficient use of land as these areas are already developed and used for these purposes.
6. The objective seeks to protect the character of the adjoining coastal environment from the adverse effects of activities and buildings. Consequently, the objective will maintain the character and amenity values of the area.

**Section 8 (Treaty of Waitangi)**

7. The objective takes account of the principles of the Treaty of Waitangi as it recognises the need to use and protect natural and physical resources in a manner which benefits both Maori and Europeans.

**4.2 Whether the proposed objective assists the council to carry out its function of control of actual or potential effects of the use, development or protection of land**

In addition to achieving the purpose of the Act, the above objective also assists the council to carry out its functions under Sections 31, 72 and 74(1) of the Act because:

1. The wharf land unit is in effect a “transition zone” between sea transport and vehicular transport activities. The objective identifies the need for a framework for the integrated management of the effects of these activities on the adjoining coastal environment (integrated management is one of council’s functions set out in section 31 of the Act).
2. The objective identifies the need for the control of any actual or potential effects of the use and development of wharf areas. In particular, the objective identifies the need to control the adverse effects of activities and buildings on the character of the surrounding coastal environment.

### 4.3 Whether the policies, rules, or other methods are the most appropriate for achieving the objective

This section provides an analysis of the efficiency and effectiveness, costs and benefits and risks associated with the policies and rules of commercial 7 (wharf).

#### Policy 1:

*“By providing for wharf and transport associated activities to establish and operate within the land unit”*

The rules associated with this policy are:

Permitted activity status for car parking, marine fuelling services, passenger transport and wharf administration, public toilets and freight handling activities.

Benefits (including efficiency and effectiveness)	Costs
The policy and rules provide for the activities that are necessary for the functioning of these areas.	The activities that can occur are limited and as such other, more revenue generating activities, cannot establish (unless a non-complying resource consent is granted).
The policy and rules provide for wharf and transport activities to occur without the need for a resource consent and therefore avoid unnecessary costs.	
The activity table clearly indicates the activities which are provided for and which are not. This provides clarity for all parties.	
The policy and associated rules limit the range of activities provided for to those that are necessary for the functioning of the area. This avoids other activities establishing that could compromise the functioning of these areas.	

#### Risk of acting or not acting:

The risk of providing for wharf and transport associated activities to occur is that these activities and the associated buildings could dominate the area and compromise the ability for transport activities to occur. This risk is addressed in the controls on buildings discussed under policy 2.

If the proposed policy and rule were not included, wharf and transport associated activities could not occur and consequently these areas would not support the ferry services operating from the adjoining wharf structures.

## Policy 2:

*“By ensuring that buildings are of a size and scale which will not have adverse effects of the adjoining coastal environment”*

The rules associated with this policy are:

- 6m height limit
- 200m<sup>2</sup> building coverage
- 50m<sup>2</sup> earthworks on a slope > 1 in 6
- 400m<sup>2</sup> earthworks on a slope < 1 in 6

Benefits (including efficiency and effectiveness)	Costs
The policy and rules will ensure that buildings are of a size and scale which will not have an adverse effect on the character of the adjoining coastal environment.	The extent of building that can occur ‘as of right’ is limited and therefore resource consents may be required for any additional buildings.
The permitted standards are effective as they provide a clear indication to all parties as to what is appropriate for the area.	
While the provisions provide for a relatively limited amount of built development, they are efficient as they allow a building(s) to occur without the need for a resource consent.	
The extent of built development is limited, this means that there is sufficient room for transport activities to occur within the land unit.	

### Risk of acting or not acting:

The risk of the proposed policy and rules is that the amount of buildings that can occur in the land unit is limited.

If the policy and rules were not included in the provisions large buildings could establish which could detract from the character of the adjoining coastal environment and the functioning of the land unit.

## 4.4 Alternative options

The following options are the main alternatives, which the council has considered as a means of achieving the objective of the land unit:

- ‘Do nothing’ and retain the existing land unit provisions
- Apply more permissive development controls
- Apply more restrictive development controls (including requiring restricted discretionary activity consent for new buildings).

#### 4.2.1.1 Option 1

Instead of reviewing and amending the provisions of land unit 25 – wharf, the existing provisions (as summarised in section 2.2 above) could have been retained as they are (albeit that they would also be applied to the wharf areas at Orapiu and Great Barrier).

Benefits (including efficiency and effectiveness)	Costs
People are familiar with and understand the existing provisions.	The permitted activity standard is unclear as some people consider that this standard provides for a wide range of activities while others interpret the provision as providing for a very limited range of activities.
The existing objectives and policies recognise the need to protect the coastal environment and to provide for wharf and transport associated activities.	A resource consent (controlled activity) is required for every new building or an addition and alteration to an existing building. This creates unnecessary delays and expense for the operation of these areas, especially as the majority of buildings are low key and may not be permanent.
	The 1000m <sup>2</sup> of lot coverage provided for is likely to result in adverse effects on the coastal environment, especially as it would mean that buildings could take up a substantial portion of the wharf areas.
	The 1000m <sup>2</sup> of lot coverage provided for is likely to result in adverse effects on the functioning of these areas as there will be little room for transport associated activities to occur.

#### The risk of acting or not acting

The risk of taking this approach is that there would be uncertainty as to the activities that are provided for and there could potentially be adverse effects on the coastal environment and the functioning of the transport activities located in the wharf areas due to the size of the buildings provided for.

The risk of not taking this approach is that there may not be objectives and policies which provide for wharf and transport activities and the protection of the adjoining coastal environment.

#### 4.2.1.2 Option 2

Applying more restrictive development controls, including requiring a restricted discretionary activity consent for new buildings.

Benefits (including efficiency and effectiveness)	Costs
The character of the adjoining coastline would be protected from the adverse effects of buildings.	Inefficient use of land as these areas are a modified coastal environment which can accommodate a level of built development without having adverse effects on the coastal environment.

	Compliance costs in that resource consents will need to be obtained for every new building that is located in the wharf areas.
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### **The risk of acting or not acting**

The risk of taking this approach is that it would mean that the buildings that are necessary for the functioning of the area either cannot occur or that unnecessary cost will be incurred obtaining resource consents for buildings.

This risk of not taking this approach is that there could be adverse effects on the character of the adjoining coastal environment.

#### **4.2.1.3 Option 3**

Applying less restrictive development controls, including higher height and building coverage limits.

<b>Benefits (including efficiency and effectiveness)</b>	<b>Costs</b>
More buildings could occur 'as of right' and thereby facilitate the wharf and transport facilities	Potential effects of buildings on the adjoining coastal environment
Avoids the cost of the resource consent process.	Potential effects on parking and traffic activities if too many buildings occupy the limited space available in these areas.

### **The risk of acting or not acting**

The risk of this approach is that there could be adverse effects on the character of the adjoining coastal environment and on the parking and traffic activities undertaken in the area.

The risk of not taking this approach is that there could be unnecessary costs and delays in constructing the buildings necessary for the functioning of the area.

## **4.5 Conclusion (appropriateness of policy and rules)**

Having analysed the policies and rules of commercial 7 (wharf) and considered the alternatives, it is concluded that the provisions of commercial 7 (wharf) are the most appropriate means of achieving the objective as these objectives and policies provide a balance between the necessary wharf and transport activities to occur and the protection of the adjoining coastal environment. In addition, these policies and rules have been shown to have benefits that outweigh the costs and to be necessary in terms of avoiding risks to the environment.

## **4.6 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 policies and rules assist council to carry out its functions under Sections 31, 72 and 74(1) of the Act because:

1. The policies and associated rules provide a framework for the integrated management of the effects of the use and development as required by section 31 of the Act. In particular, the policies and associated rules manage the adverse effects of wharf and transport activities on the adjoining coastal environment.
2. The policies and associated rules provide a framework for the control of any actual or potential effects of the use or development of land as set out in section 31 of the Act. In particular, the proposed policies and rules ensure that buildings are of a size and scale, which will not have which will not have adverse effects of activities and buildings on the character of the surrounding coastal environment.

## **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 provisions of the NZ coastal policy statement that are relevant to the wharf land unit are attached as **appendix a**. The key provisions that are most relevant are outlined below:

The following are matters of national importance:

- “The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and protection of them from inappropriate subdivision, use and development.
- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers”.

“It is a national priority to preserve the natural character of the coastal environment by:

- a. encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
- b. taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
- c. Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment”.

The provisions of commercial 7 (wharf) give effect to the NZ coastal policy statement because they provide for the appropriate use and development of a compromised coastal area while protecting the character of the adjoining coastal environment. The provisions also provide for public access to the coastal marine area.

## 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 provisions of commercial 7 (wharf) recognise the national significance of the Hauraki Gulf (section 7 of the HGMPA) by:

- Recognising the interrelationship between development in the wharf areas and the adjoining coastal environment.
- Providing for the economic and social wellbeing of people and communities in the Gulf and New Zealand by ensuring the efficient functioning of the wharf and transport facilities that are needed for moving people and goods on and off the islands.

The provisions of commercial 7 (wharf) give effect to the management direction for the Hauraki Gulf (section 8 of the HGMPA) by:

- Maintaining the economic wellbeing of people and communities by providing for wharf and transport activities which are essential for moving people and goods to and from the islands.
- Protecting the coastal character and amenity of the wharf areas from the adverse effects of wharf and transport activities.

## 5.3 Regional planning documents

## 5.4 Regional policy statement

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
- ...
- (c) any regional policy statement.

The parts of the regional policy statement that are relevant to commercial 7 (wharf) are attached as an **appendix a**. The provisions of key relevance to the commercial 7 (wharf) are set out below:

- That Auckland's coastal environment is a fundamental part of its heritage and is sensitive to the adverse effects of subdivision, use and development.
- Subdivision, use and development in the coastal environment need to be in an appropriate location, and of an appropriate form, which meets the purpose of the Act.
- Subdivision, use and development in the coastal environment have the potential to enhance or inhibit public access to and along the coastal marine area.
- To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.
- To enable appropriate subdivision use and development to be undertaken in the coastal environment.
- To develop a transport network which provides an acceptable level of accessibility between important areas.
- To avoid, remedy or mitigate the adverse effects of transport on the environment, particularly on local amenities and infrastructure.

The provisions of commercial 7 (wharf) give effect to the regional policy statement by providing for an efficient and accessible transport network while ensuring that the character and amenity of the adjoining coastal environment is protected.

## 5.5 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 parts of the Auckland Regional Plan: Coastal that are relevant commercial 7 (wharf) are attached as **appendix a**. The provisions that are of key relevance to commercial 7 (wharf) are set out below:

- To preserve the natural character of the coastal environment by protection 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 commercial 7 (wharf) give effect to Auckland Regional Plan: Coastal because the provisions provide for appropriate use and development of a compromised area while protecting the character of the adjoining coastal environment. The provisions also provide for public access to the coastal marine area.

## 5.6 Regional strategies

The Auckland Regional Land Transport Strategy 1999 was developed to relate to land transport matters rather than the Hauraki Gulf. However, the strategy does contain a policy that seeks to encourage and expand the use of water transport on the Waitemata harbour and Hauraki Gulf by supporting existing ferry services between the CBD and various locations, including Waiheke.



The provisions of commercial 7 (wharf) give effect to this strategy as they provide for the wharf and transport activities that are necessary to support the ferry services operating from the wharf areas.

The Auckland regional ferry strategy does not address Waiheke or the other Gulf Islands and as such is not relevant to the proposed land unit provisions.

## **5.7 Other documents**

The other documents that are relevant to commercial 7 (wharf) are the Gulf Transport Strategy and Essentially Waiheke.

The key aims of Essentially Waiheke, which are relevant to the wharf land unit, are:

- Wharf and airfield activities, which are safe, efficient and meet the needs of residents and visitors to the island.
- The visual and residential amenity values of Waiheke Island are maintained by the provision of appropriate wharf and airfield facilities.
- Matiatia wharf is the main passenger entry point to the island.
- Kennedy Point is the main point of entry to the island for vehicular traffic and the bulk movement of freight.

The key aims and objectives of the Gulf Transport Strategy, which are relevant to commercial 7 (wharf) are:

### **Aim:**

“Meeting the transport needs of the Hauraki Gulf Island communities and visitors to the Gulf, in a safe, efficient and cost effective manner which does not compromise the essential character of the island and conforms to acceptable environmental standards”.

### **Objectives:**

“To facilitate an efficient, cost effective and safe transport system which meets the passenger transport and freight needs of the island communities and the visitors to the Gulf”

“To facilitate the provision of the transport infrastructure required to support the level of transport services.”

“To minimise the adverse effects of the transport system on the environment”.

The proposed land unit provisions give effect to Essentially Waiheke and the Gulf Transport Strategy because they seek to provide safe and efficient transport services in a manner, which minimise the adverse effects of wharf and transport activities on the adjoining coastal environment.

## **5.8 Procedures for monitoring**

The council may 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 surveys eg user satisfaction surveys, land use surveys, ecological surveys

## 5.9 Conclusions

The analysis undertaken in this report has demonstrated that the proposed land unit provisions are a comprehensive set of objectives, policies and rules that provide for wharf and transport activities and the protection of the character of the adjoining coastal environment.

The objective is the most appropriate means of achieving the purpose of the Act because it provides for the social and economic wellbeing of the community (through the provision of the wharf and transport facilities) while ensuring the protection of the environment (namely the adjoining coastal environment).

The policies and associated rules are the most appropriate means of achieving the objective as they provide a balance between providing for the necessary wharf and transport activities to occur and the protection of the adjoining coastal environment. In addition, the policies and rules have been shown to have benefits that outweigh the costs and to be necessary in terms of avoiding risks to the environment.

The proposed land unit provisions also give effect to the relevant national and regional planning documents as the provisions provide for the appropriate use and development of wharf and transport activities, and because the provisions protect the character of the adjoining coastal environment.

## **Appendix A**

### **Relevant provisions from national and regional planning documents**

## **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.