

HGI Plan Review: section 32 report for landform 1 (coastal cliffs and slopes).

1.0 Executive summary

This report summarises the evaluation undertaken by the council of landform 1 (coastal cliffs and slopes) in terms of section 32 of the Resource Management Act.

In the operative District Plan there are two land units which specifically relate to the coast, land unit 1 – coastal cliffs and slopes and land unit 7 – steep infertile coastal slopes. The intent of both of the land units is to protect the natural character of these important coastal areas.

In the proposed District Plan, the provisions of land units 1 and 7 have been combined into one land unit (landform 1 (coastal cliffs and slopes)) which relates to both the coastal cliffs and slopes. The combining of these land units was considered to be appropriate as both land units:

- relate to steep coastal areas; and
- aim to preserve soils and vegetation; and
- have landscapes with high natural character; and
- are visually prominent.

The objective of landform 1 (coastal cliffs and slopes) is the most appropriate means of achieving the purpose of the Act because it requires the protection of the natural character and visual prominence of the land unit.

The policies and rules of landform 1 (coastal cliffs and slopes) are the most appropriate means of achieving the objective as they provide a clear and effective set of provisions which ensure the protection of the natural character and visual prominence of the 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 provisions of landform 1 (coastal cliffs and slopes) also give effect to the relevant national and regional planning documents as they ensure the protection of the natural character of the coastal environment and areas of “outstanding natural landscape”, both of which are matters of national importance under the Act.

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

There are two land units in the existing District Plan which specifically relate to the coast, land unit 1 – coastal cliffs and slopes and land unit 7 – steep infertile coastal slopes.

A summary of the provisions of land units 1 and 7 is set out below:

Land unit 1 – coastal cliffs and slopes

- An objective which states:

“To allow land use activities in land unit 1 only where they preserve and protect the natural features of the coastal environment”
- Policies relating to:
 1. encouraging stabilisation and enhancement of the natural qualities and characteristics of the land unit through re-vegetation and bonus provisions.
 2. only allowing earthworks, vegetation removal and buildings where they protect natural features.
 3. using subdivision rules that recognise the sensitivity of the land unit and encourage protection by instruments such as covenants.
 4. managing land unit activities so that the intrinsic values of the coastal environment are protected and preserved.
- All permitted activities must meet the standards of part 6B. These standards include a 0m height limit and no provision for earthworks or vegetation clearance.
- A controlled activity consent is required where the land unit is located in the Tryphena policy area.
- Rural property management plans require a discretionary activity consent; all other activities are permitted (provided that they meet the standards of part 6B).
- The land unit is applied in many locations around the Great Barrier coastline and to more limited areas of the Waiheke coastline. These areas can be described as sheer rock faces and steep coastal cliffs some of which have vegetation and others have none. A common characteristic of all of these areas is that lack of built development.

Land unit 7 – steep infertile coastal slopes

- An objective which states:

“To recognise the sensitivity of the land unit by restricting land uses and activities to those which encourage the preservation and protection of the land unit”
- Policies relating to the following:
 1. encouraging the retirement of the land from farming activities.
 2. controlling earthworks and vegetation removal and limiting buildings (other than dwellings) to those associated with or complimentary to the preservation and conservation of the natural environment.
 3. by recognising the limited land unit opportunities within the land unit as well as the need to enhance the natural environment through the use of subdivision and land use activity rules which secure protection.
 4. by maintaining and enhancing the visual amenity values of the land unit through appropriate rules and resource consent conditions.

- All permitted activities must meet the standards of part 6B. These standards include a 6m height limit, 250m² of lot coverage, provision for 1000m² of vegetation clearance and provision for <10m² of earthworks.
- A standard requiring only one dwelling per lot.
- Rural property management plans and forestry require a discretionary activity consent; all other activities are permitted (provided that they meet the standards of part 6B).
- Land unit 7 is applied in 4 locations on Great Barrier, these areas are can be described as prominent coastal slopes some of which are regenerating and all of which lack built development. Some of these areas extend quite a distance inland from the coastline. This land unit is not applied on Waiheke.

2.3 Proposed plan provisions

In the proposed plan, the provisions of land units 1 and 7 have been combined into one land unit (landform 1 (coastal cliffs and slopes)) which relates to both the coastal cliffs and slopes. The combining of these land units was considered to be appropriate as both land units:

- relate to steep coastal areas; and
- aim to preserve soils and vegetation; and
- have landscapes with high natural character; and
- are visually prominent.

The rationalisation of two land units into one is also in line with community feedback seeking clearer and less complicated provisions within the district plan.

The overall intention of the land unit is to protect these areas from modification by activities and buildings. This level protection is necessary in order to retain the high level of natural character and visual prominence of these areas and in order to give effect to the provisions of proposed changes 8 to the Auckland Regional Policy Statement which identifies the majority of this land unit as “outstanding natural landscape”.

A summary of the key provisions of landform 1 (coastal cliffs and slopes) is set out below:

- A description of the characteristics of the land unit, which include its visual prominence, natural character and undeveloped nature.
- An objective which states:

“To protect the natural character and visual prominence of the coastal cliffs and slopes from the adverse effects of activities and buildings”

- Policies relating to the following:
 1. Protection of the natural character and visual prominence of the land unit from modification by activities and buildings.
 2. Requiring new sites to be of a size and nature that avoids adverse effects on the natural character and visual prominence of the land unit.
- An activity table which identifies that all activities and buildings are non-complying activities.

- Permitted standards which do not include controls on height, building coverage etc as all buildings are non-complying activities.

Landform 1 (coastal cliffs and slopes) is applied in the same locations as land unit 1 and 7 in the existing plan (albeit that the inward extent of landform 1 is not as extensive as land unit 7). In addition, the following changes have also been made:

- The land unit is not applied within the DOC estate as this land is now classified within the conservation land unit.
- The land unit is not applied to land which is owned by ACC for the purposes of an esplanade reserve or local park as this land is classified within the recreation 1 land unit.
- Adjustments have been made to the shape of the land unit so that it fits the shape of the coast as far as practical.
- Adjustments have been made to the shape of the land unit so that it fits the aerial and cadastral land base as far as practical.
- Adjustments have been made to the shape of the land unit so that it fits alongside adjoining land units in a practical manner.
- New areas have been added where they were identified as having the natural character and visual prominence values of the land unit. These areas were identified as a result of site visits (by sea, air and foot) and from aerial photography. These areas include the northern slopes of Rakino, headlands at Oneroa and pockets of land along the Great Barrier and Ponui coastlines.

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 landform 1 (coastal cliffs and slopes).

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 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).
- Great Barrier Off-Island property owner's questionnaire.

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 ('MfE')
- 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

Land Units in general:

- Refine the existing land unit structure to better provide for land use and control on Great Barrier Island.
- Recognise and provide for the high degree of naturalness that characterises Great Barrier Island.
- To consider combining some existing land units where the impacts and expected outcomes are similar.
- To consider how buildings and structures are to be provided for within the Great Barrier landscape.
- For heritage matters to be considered in determining the application of land units.
- Protect indigenous forest and vegetation.
- Ensure that land can be used for productive purposes while keeping compliance costs to a minimum.

Specific to the natural and coastal environment:

- Need to preserve the natural character of the coastal environment
- Preserve coastal vistas

- Further assessment criteria for buildings in the coastal zone
- Identification of coastal hazards in coastal zone
- Plan should reference Auckland Regional Policy Statement and Regional Plan – Coastal
- Consideration needs to be given to increasing coastal access
- Significant ecological diversity in coastal and lowland forest remnants
- Protect coastal reserves from noise
- Supports overlay of outstanding natural landscapes
- Need to ensure that the burden of protecting outstanding natural landscapes does not just fall on landowners.
- Use only truly significant features to constrain development
- More attention paid to the preservation of undeveloped scenic areas using the HGMPA
- Protect views of unbuilt coastlines
- Strengthen plan to protect sensitive areas
- Maintain naturalness of outstanding natural landscapes
- Ridgelines and coastal areas are areas of importance to Iwi.

Specific to the colour / scale / form of buildings in the landscape:

- Support for controls on buildings to ensure that they blend into the landscape and respect the natural environment (particularly the coast and ridgelines).
- Support for further emphasis on design issues (including design guidelines and height) so that buildings have good innovative design and appropriate colours and materials.
- Opposition to further controls on building design issues so that there is freedom of design.
- Support for controls on colour (including the existing T Heath controls) to ensure that buildings blend into the landscape and natural environment.
- Opposition to controls on colour (including removing existing T Heath controls) as colour should be at owner's discretion.
- Support for controlling reflectivity, instead of colour so that buildings blend with the landscape.
- Protection of outstanding natural landscapes

3.0 Resource management issues

3.1 Issue

The significant resource management issue that needs to be addressed in landform 1 (coastal cliffs and slopes) is:

“How to protect the natural character and visual prominence of the coastal cliffs and slopes from the adverse effects of activities and buildings”

This issue has been addressed by the objectives, policies and rules contained in the proposed land unit which are addressed in detail 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 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 the landform 1 (coastal cliffs and slopes) 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 landform 1 (coastal cliffs and slopes) 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 landform 1 (coastal cliffs and slopes) is:

“To protect the natural character and visual prominence of the coastal cliffs and slopes from the adverse effects of activities and buildings”

The objective of the land unit seeks to protect the natural character and visual prominence of the land unit from the adverse effects of activities and buildings. This objective and the outcomes sought are considered to be the most appropriate for achieving the purpose of the Act for the following reasons:

Section 5 (purpose of the Act) reasons:

1. Protecting this land unit from the adverse effects of buildings and activities is consistent with section 5 as it “avoids” adverse effects on the environment. Avoiding adverse effects (rather than remedying or mitigating) is considered to be appropriate in this circumstance as the natural character and visual prominence values of the land unit are so high, primarily due to the lack of built development and activities. It is also considered appropriate as all of the land unit on Great Barrier and the majority of the

land unit on Waiheke are located within areas identified as “outstanding natural landscape” in proposed change 8 to the Auckland Regional Policy Statement.

2. While “use and development” are not specifically provided for in this land unit, it is still considered that the provisions will contribute to the social and economic wellbeing of the communities of the Hauraki Gulf. This is because the protection of these areas is vital to maintaining the coastal character of the Gulf, which in turn is vital to economic and social wellbeing of the community (particularly in terms of tourism and the general character of the islands). It is also noted that this land unit does not generally cover the full extent of a site and consequently development can occur on other areas of the site.

Section 6 (matters of national importance) reasons

3. The protection of the natural character and visual prominence of the land unit is consistent with section 6 as it protects the natural character of the coast from the potential adverse effects of inappropriate subdivision, use and development.
4. Many of the areas within the land unit are located within areas identified as “outstanding natural landscapes” in proposed change 8 to the Auckland Regional Policy Statement. Consequently the objective is consistent with the section 6 which requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
5. During consultation, Iwi identified that prominent coastal locations have important cultural values. Consequently, the protection of these areas from the adverse effects of activities and buildings is consistent with section 6 as it recognises and protects the relationship of Maori to these areas.

Section 7 (other matters) reasons

6. The land unit is visually prominent, due to its sheer size, scale and nature. Protection of these characteristics from adverse effects of use and development will ensure that the amenity values of the land unit are maintained.
7. Not providing for use and development to occur within land unit will ensure that the quality of the environment within the land unit will be maintained and may be enhanced if regeneration occurs.

Section 8 Treaty of Waitangi

8. 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. In particular, the provisions of landform 1 (coastal cliffs and slopes) recognise importance of protecting the natural character of these areas to Maori.

Council’s functions

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 objective identifies the need to ensure that adverse effects on natural and physical resources (being the coastal cliffs and slopes located within the land unit) need to be avoided.
2. The objective identifies the need to control the adverse effects of activities and buildings on the coastal environment, particularly with respect to the natural character and visual prominence values of the land unit.

4.2 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 landform 1 – coastal cliffs and slopes.

Policy 1:

“By protecting the coastal cliffs and slopes from modification by activities and buildings”

The rules associated with this policy are:

All activities and buildings are non-complying activities.

Benefits (including efficiency and effectiveness)	Costs
The policy and rules give effect to the provisions of proposed change 8 to the Auckland Regional Policy Statement as they protect the character of areas identified as outstanding natural landscapes.	As activities and buildings are not provided for, land owners will not be able to develop these areas of their land.
The non-complying status of activities and buildings provides a very high level of protection. Therefore the values and characteristics of the land unit will be protected (as required by sections 5, 6 & 7 of the Act).	
The non-complying status of activities and buildings provides a very clear indication that the council does not expect buildings and activities to occur in the area and, as such, provides a high degree of clarity for district plan users.	
The absence of built development and activities may lead to the natural revegetation of the land unit.	

Risk of acting or not acting:

If no such policy and rules were put in place there would be a risk that these areas would be developed and consequently lose their natural character values and visual prominence. This in turn would detract from the overall landscape of the Hauraki Gulf and would decrease the

social and economic benefits that landscape brings to the community of the Gulf and New Zealand.

The risk of acting is that activities and buildings that will not be able to occur (unless they obtain consent as a non-complying activity) and as such will not be able to contribute to the social and economic wellbeing of the Hauraki Gulf.

Policy 2:

“By requiring new sites to be of a size and nature that avoids adverse effects on the natural character and the visual prominence of the land unit”

Associated rules and assessment criteria

- 25ha site size in subdivision rules

Benefits (including efficiency and effectiveness)	Costs
The policy and rules give effect to the provisions of proposed change 8 to the Auckland Regional Policy Statement as they protect the character of areas identified as outstanding natural landscapes.	The large lot size means that there is limited potential for landowners to subdivide within the land unit.
The large site size will ensure that the land unit is not divided up in a manner which detracts from the characteristics of the land unit (as required by sections 5, 6 & 7 of the Act).	

Risk of acting or not acting:

If no such policy and rules were put in place there would be a risk that these areas would be subdivided into small sites and would consequently lose their natural character values and visual prominence. This in turn would detract from the overall landscape of the Hauraki Gulf and would decrease the social and economic benefits that landscape brings to the community of the Gulf and New Zealand.

The risk of acting is that the land unit will not be able to be subdivided into small sites (unless they obtain consent as a non-complying activity) and as such will not be able to contribute to the social and economic wellbeing of the Hauraki Gulf.

4.2.1 Alternative options

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

- Prohibited activity status for all buildings and activities
- More permissive activity status for buildings and activities

It should be recognised that ‘do nothing’ is not an option as the proposed land unit is a combination of two existing land units and, as such, neither of the existing land units is entirely appropriate.

4.2.1.1 Option 1

Rather than not specifically providing for activities and buildings (i.e. instead of a non-complying status), activities and buildings could have been prohibited activities.

Benefits (including efficiency and effectiveness)	Costs
Activities and buildings could not occur in any circumstance and, as such, the natural character and visual prominence of the land unit would be protected.	Case law indicates that prohibited activity status can only be justified where there is absolute certainty that the activities and buildings are not appropriate in all circumstances. As the research and analysis required to justify such an approach has not occurred it is unlikely to be upheld before the Environment Court.
It would be very clear that to all parties that activities and buildings could not occur.	Landowners would not be able to use their land for activities and buildings.

The risk of acting or not acting:

The risk of taking this approach is that it may not be able to be justified before the Environment Court.

The risk of not acting is that an activity or building may be approved as a non-complying activity.

4.2.1.2 Option 2

A more permissive activity status for activities and buildings could have been put in place, for example buildings could have required a restricted discretionary activity consent rather than being classified as a non-complying activity.

Benefits (including efficiency and effectiveness)	Costs
Landowners would have been able to undertake activities and construct buildings within the land unit if a resource consent had been obtained.	It is likely that the natural character and visual prominence of the land unit would have been compromised by the structures and activities occurring in an undeveloped landscape.
	A loss of natural character values may have an effect on the overall character and amenity of the islands, which in turn may have roll on effects to activities such as tourism that rely on the natural character values.
	The adverse effects of buildings and activities would have to be controlled through the use of resource consents which can be costly and can cause lengthy delays.

The risk of acting or not acting

The risk of taking this approach is that activities and buildings are likely to occur and that these activities and buildings would detract from the natural character and visual prominence of the land unit. In particular, activities and buildings may become the norm in these areas rather than the exception.

The risk of not acting is that landowners may not be able to locate buildings and activities in the land unit and therefore may not accrue an economic return from this area of their property.

4.2.2 Conclusion (appropriateness of policy and rules)

Having analysed the policies and rules of landform 1 (coastal cliffs and slopes) and considered the alternatives, it is concluded that the proposed policies and rules are the most appropriate means of achieving the objective they provide a clear and effective set of provisions which ensure the protection of the natural character and visual prominence of the 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.

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

In addition to achieving the objective of the land unit the proposed policies and rules also assists the council to carry out its functions under Sections 31, 72 and 74(1) of the Act because the policies and rules provide a framework for the control of any adverse effects of use and development of land. In particular, the proposed policies and rules ensure that the adverse effects of activities and buildings are avoided.

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 parts of the NZ coastal policy statement that are relevant to landform 1 (coastal cliffs and slopes) are attached as **appendix b**. The 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 landform 1 (coastal cliffs and slopes) give effect to the National Coastal Policy Statement by avoiding the adverse effects of use and development on the natural character of the coastal environment. The adverse effects are avoided by not specifically providing for activities and buildings to occur i.e. activities and buildings are a non-complying activity.

The provisions also give effect to the National Coastal Policy Statement as the provisions ensure that any subdivision that occurs in the land unit is of a size and nature that will avoid adverse effect on the natural character of 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 a**.

The proposed land unit provisions recognise the national significance of the Hauraki Gulf (section 7 of the HGMPA) by:

- Protecting the life supporting capacity of the land unit from adverse effects by not specifically providing for activities and buildings to occur.
- Providing for the economic and social wellbeing of people and communities in the Gulf and New Zealand by ensuring that these important coastal areas retain their natural character.

The proposed land unit provisions give effect to the management direction for the Hauraki Gulf (section 8 of the HGMPA) by:

- Protecting and enhancing the life-supporting capacity of these important coastal areas.

- Protecting the cultural and spiritual relationship of tangata whenua with these important coastal areas.
- Maintaining the contribution of these areas to the economic and social wellbeing of these areas to the people and communities of the Hauraki Gulf and New Zealand.

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 parts of the regional policy statement that are relevant to landform 1 (coastal cliffs and slopes) are attached as an **appendix b**. The provisions that are most relevant are outlined below:

- 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 of 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 protect the landscape values and character of rural areas from the regionally significant effects of inappropriate subdivision, use and development.
- 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.

In addition to the provisions identified above, proposed change 8 to the Auckland Regional Policy Statement identifies all of the areas of landform 1 (coastal cliffs and slopes) on Great Barrier and the majority of the areas of landform 1 (coastal cliffs and slopes) on Rakino, Waiheke and Ponui as areas of “outstanding natural landscape”.

The provisions of landform 1 (coastal cliffs and slopes) 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 and by ensuring that the any subdivision that does occur is of a size and nature that protects the characteristics of the land unit.

The provisions of landform 1 (coastal cliffs and slopes) also gives effect to proposed change 8 as the objectives, policies and rules of the land unit specifically seeks to “avoid” adverse effects on the natural character of the land unit. The approach of “avoiding” adverse effects is necessary for this particular land unit as any form of development in this land unit has the potential to have adverse effects as the natural character and visual prominence values of this land unit are so high.

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 parts of the Auckland Regional Plan: Coastal that are relevant to landform 1 (coastal cliffs and slopes) are attached as **appendix b**. The provisions that are of most relevance to landform 1 (coastal cliffs and slopes) are set out below:

- 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 landform 1 (coastal cliffs and slopes) 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 and by ensuring that the any subdivision that does occur is of a size and nature that protects the characteristics of the land unit.

7.0 Other documents

Essentially Waiheke is a village and rural communities' strategy which establishes a community approved framework for Waiheke's development. The strategy contains a number of principles relating to environmental protection, economic development and employment, strong communities, character and the location of development.

The principles of environmental protection that are relevant to landform 1 (coastal cliffs and slopes) are:

Aim:

“Development will be restricted where there are identified environmental and amenity constraints in order to protect essential and valued resources and to maintain public health and safety”.

Central principles:

- “1. The island's features of high environmental quality are identified, protected and enhanced.*
- 3. Waiheke's coastal environment (including the coastal marine area) is protected and enhanced.*
- 4. high standards of air and water quality are achieved and maintained.*
- 5. Regeneration of native forest is encouraged, as is the enhancement of natural habitats for native bird species present on the island.*
- 6. Pests and noxious weeds that are harmful to the island's ecology are managed to safeguard ecosystems.*

7. *Retention of native species biodiversity is encouraged.*
8. *The principles of the Treaty of Waitangi are taken into account when managing the use, development and protection of the natural and physical resources of the island.”*

The provisions of landform 1 (coastal cliffs and slopes) are consistent with the above aims and principles as the provisions of the land unit ensure that the natural character of the coastal environment is protected. The provisions may also result in enhancement of the landscape where natural regeneration occurs as a result of the absence of built development.

8.0 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 e.g. user satisfaction surveys, land use surveys, ecological survey.

9.0 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 ensure the protection of the natural character and visual prominence of the coastal environment.

The objective of landform 1 (coastal cliffs and slopes) is the most appropriate means of achieving the purpose of the Act because it requires the protection of the natural character and visual prominence of the land unit.

The policies and rules of landform 1 (coastal cliffs and slopes) are the most appropriate means of achieving the objective as they provide a clear and effective set of provision which ensure the protection of the natural character and visual prominence of the 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 provisions of landform 1 (coastal cliffs and slopes) also give effect to the relevant national and regional planning documents as they ensure the protection of the natural character of the coastal environment and areas of “outstanding natural landscape”. Both of these matters are matters of national importance.

Appendix A

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 B

Relevant provisions from national and regional planning documents