

HGI Plan Review: section 32 report for landform 4 (wetland systems).

1.0 Executive summary

This report summarises the evaluation undertaken by the council of landform 4 (wetland systems) in terms of section 32 of the Resource Management Act.

In the operative District Plan, land unit 4 (wetland systems) specifically relates to wetland areas. The intent of the land unit is to protect the natural character value of wetland systems.

The proposed District Plan retains the concept of a land unit specifically for wetland systems (landform 4 – wetland systems) for the following reasons:

- Wetland systems are a valuable ecological resource that requires a specific planning approach.
- The mapping of the wetland systems provides certainty of protection that cannot be achieved through the use of alternative rules such as permitted standards.
- Identifying wetland systems is necessary to uphold the integrity of ‘landform based’ land units given that wetland systems can cover large areas and include vegetation as well as ‘wet’ areas.

The objective of landform 4 (wetland systems) is the most appropriate means of achieving the purpose of the Act because it requires the protection of the natural character, ecological and hydrological values of the land unit.

The policies and rules of landform 4 (wetland systems) 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, ecological and hydrological values of the wetland systems. 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 they ensure the protection of the natural character of the coastal environment, significant areas of vegetation and habitat and areas of “outstanding natural landscape”. All of these matters 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

In the existing District Plan, wetland areas are classified as land unit 4 – wetland systems. The intent of the land unit is to protect the ecological and hydrological values of wetland systems located throughout the Gulf.

The key provisions of the land unit are summarised below:

- An objective which states:

“to limit land use activities within land unit 4 to those which preserve and protect the natural character and functions of wetlands”
- Policies relating to:
 1. encouraging the retirement and rehabilitation of land and ensuring that no detrimental impacts from surrounding land use activities occur.
 2. maintaining the flood mitigation role and stormwater control functions of wetlands through their protection
 3. limiting land use activities including drainage of low lying areas to those that do not detrimentally affect the natural functions of wetlands.
 4. by only allowing subdivision where the subdivision proposal includes other land units within each lot.
- 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 Medlands or Rangihoua policy areas.
- 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 on Ponui, Waiheke and Great Barrier. In some areas the wetland systems (including wetland vegetation) are small and confined and in other areas are expansive.

2.3 Proposed plan provisions

The proposed District Plan retains the concept of a land unit for wetland systems ((landform 4 (wetland systems)) for the following reasons:

- Wetland systems are a valuable ecological resource that requires a specific planning approach.
- Identifying wetland systems is necessary to uphold the integrity of ‘landform based’ land units given that wetland systems can cover large areas and include vegetation as well as ‘wet’ areas.

A summary of the proposed District Plan provisions is set out below:

- A description of the characteristics of the land unit, which include its natural character, ecological and hydrological values.
- An objective which states:

“To protect the natural character, ecological and hydrological value of wetland systems from the adverse effects of activities and buildings”
- Policies relating to the following:

1. Protection of wetland systems 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, ecological and hydrological value of the land unit.
- An activity table that 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 4 (wetland systems) is applied in generally the same locations as the land unit 4 – wetland systems in the existing plan, however the following modifications have 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 for the purposes of an esplanade reserve, conservation reserve or local park as this land is classified within land unit - Recreation 1.
- 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, ecological and hydrological values of the land unit. These areas were identified through site visits (by sea, air and foot) and from aerial photography. These areas located on Ponui, the eastern end of Waiheke and Great Barrier.

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 4 – wetland systems.

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 owners 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

The following issues relating to wetland systems and landform based land units were raised during the consultation period.

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.

Issues specific to wetland systems

- Identify map and safeguard wetlands
- Allow landowners to choose whether to protect wetlands or bring them into production
- Encourage constructed wetland systems to be used for wastewater treatment
- Preserve wetlands and enhance with boardwalks
- Realistic protection yards are required around wetlands
- Determine the extent of the protection yard based on the value of the feature rather than the size of the wetland
- Review the definition of wetland
- Change the wording of the rule so that it applies to any land within the distance specified in Table 1 from mean high water springs or any wetland/water system (including rivers, streams, lakes and wetlands).
- Protect wetlands identified by Auckland Regional Council

Issues raised by Tangata Whenua

- Ngati Rehua indicated that they support the land unit approach taken in the HGI plan as it gives primacy to ecology and biodiversity.
- Wetland systems are important areas for Iwi as they are important habitats for indigenous wildlife, critical to water quality and grow many plants that are used as traditional medicines among other things.

3.0 Resource management issues and objectives

3.1 Issues

The significant resource management issue that needs to be addressed in landform 4 – wetland systems is:

“How to protect the natural character, ecological and hydrological value of wetland systems 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 4 (wetland systems) are identified below:

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

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of are of particular relevance to the landform 4 (wetland systems) 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 4 (wetland systems) is:

“To protect the natural character, ecological and hydrological values from the adverse effects of activities and buildings”

The objective of the land unit seeks to protect the natural character, ecological and hydrological values of the land unit from the adverse effects of activities and buildings. This 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. Protecting wetland systems 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, ecological and hydrological 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 areas on Waiheke and Ponui are located within areas identified as “outstanding natural landscape” in proposed change 8 to the Auckland Regional Policy Statement. The land unit also contains significant indigenous vegetation and habitats.
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 natural 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 land unit is consistent with section 6 as the approach taken by the land unit is to avoid adverse effects which in turn will ensure the preservation of the natural character of the wetland systems. It also protects wetland systems 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. The land unit is consistent with section 6 as the approach taken by the land unit is to avoid adverse effects which in turn will ensure the protection of the significant vegetation and habitats that exist within the land unit.
6. During consultation, Iwi identified that wetland systems have important cultural value. 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

7. Protection of the natural character of the land unit from the adverse effects of use and development will ensure that the amenity values of the wetland systems is maintained.
8. 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 4 (wetland systems) recognise the 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 wetland systems) are avoided.

2. The objective identifies the need to control the adverse effects of activities and buildings on the wetland systems, particularly with respect to the natural character, ecological and hydrological values of the land unit.

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

This section provides an analysis of the efficiency and effectiveness, costs and benefits and risks associated with the policies and rules of landform 4 (wetland systems).

Policy 1:

“By protecting the wetland systems 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 natural character, ecological and hydrological values 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 wetland systems 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 regeneration of the wetland systems.	

Risk of acting or not acting:

If no such policy and rules were put in place there would be a risk that the wetland systems would be developed and consequently lose their natural character, ecological and hydrological values. This in turn would detract from the overall character of the Hauraki Gulf and would decrease the social and economic benefits that the character 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, ecological and hydrological values 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 natural character, ecological and hydrological values 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, ecological and hydrological values. This in turn would detract from the overall character of the Hauraki Gulf and would decrease the social and economic benefits that the character 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
- ‘Do nothing’ and retain the existing provisions of land unit 4 – wetland systems.

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, ecological and hydrological values 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 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 they were of an appropriate scale, form, colour and location.	It is likely that the natural character, ecological and hydrological values 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 may occur and that these activities and buildings would detract from the natural character, ecological and hydrological values of the land unit.

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

4.2.1.3 Option 3

Instead of reviewing and amending the provisions of land unit 4 – wetland systems, the operative provisions (as summarised in section 2.2 above) could have been retained as they are.

Benefits (including efficiency and effectiveness)	Costs
People are familiar with and understand the existing provisions.	The operative provisions contain conflict and uncertainty as the objective and policies indicate that some buildings and activities may be appropriate (e.g. the objective states “to <u>limit</u> land use activities”) but yet the permitted standards in Part 6b do not provide for any buildings or activities such as vegetation clearance to occur.
The existing objectives and policies recognise the need to protect the natural character functions of wetland systems.	The only activity that requires resource consent is “rural property management plans”. This means that inappropriate activities such as forestry can occur in the wetland systems.

The risk of acting or not acting

The risk of taking this approach is that there would be uncertainty as to the activities and buildings that are provided for and there could potentially be adverse effects on the wetland systems if inappropriate activities occur.

The risk of not taking this approach is that there may not be objectives and policies which identify the need to protect the natural character of wetland systems.

4.2.2 Conclusion

Having analysed the proposed policies and rules 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, ecological and hydrological values of the wetland systems. 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 on the wetland systems. 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) any New Zealand coastal policy statement; and
- ...

The parts of the NZ coastal policy statement that are relevant to Landform 4 (wetland systems) are attached as **appendix a**. The key principles of the most relevant parts 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 protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

“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”.

It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

.....

- “(c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins:”

The provisions of landform 4 (wetland systems) give effect to the NZ coastal policy statement by:

- Not specifically providing for activities and buildings to occur and thereby ensuring that natural character, ecological and hydrological values of the wetland systems are preserved. Avoiding adverse effects (rather than remedying or mitigating adverse effects) is appropriate in this circumstance as the values of this land unit are so high that all forms of development are inappropriate.

- Recognising Maori interests by protecting the water quality and diversity of the wetland systems from modification.

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 landform 4 (wetland systems) 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 ecological and hydrological areas retain their natural character.

The provisions of landform 4 (wetland systems) 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 ecological and hydrological areas.
- Protecting the cultural and spiritual relationship of tangata whenua with wetland systems.
- Maintaining the contribution of wetland systems 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 4 (wetland systems) are attached as an **appendix a**. The principles of key relevance to landform 4 (wetland systems) are:

- 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 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.
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- To maintain water quality in water bodies and coastal waters which have good water quality, and to enhance water quality which is degraded particularly for the following purposes:
 - (i) Estuaries and harbours: protection of aquatic ecosystems, recreation, fishing and shellfish gathering, cultural and aesthetic purposes.

In addition to the provisions identified above, proposed change 8 to the Auckland Regional Policy Statement identifies all of the areas of landform 4 (wetland systems) on Great Barrier and the majority of the areas of landform 4 (wetland systems) on Waiheke and Ponui as areas of “outstanding natural landscape”.

The provisions of landform 4 (wetland systems) give effect to the regional policy statement by:

- Protecting the landscape character of wetland systems from modification by activities and buildings.
- Protecting the diversity and water quality of wetland systems from modification by activities and buildings.
- Ensuring that any subdivision in the land unit is of a size and nature which protects the natural character and ecological and hydrological values of the land unit.

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 4 (wetland systems) are attached as **appendix a**. The provisions that are of key relevance to Landform 4 (wetland systems) 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 protect the dynamic functioning of physical coastal processes.

- To protect the integrity, functioning and resilience of ecosystems within the coastal environment.

The proposed provisions for the landform 4 (wetland systems) give effect to the Auckland regional plan: coastal by:

- Protecting wetland systems from the adverse effects of activities and buildings and thereby maintaining their natural character values and their integrity and functioning.
- By recognising that wetland systems contribute to the diversity and landscape quality of the natural environment.
- Clearly identifying wetland systems on planning maps so that the areas nominated for protection are more accurate and in some cases more extensive.

6.3 Proposed Auckland Regional Plan: Air Land and Water

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 Proposed Auckland Regional Plan: Air Land and Water, that are relevant to Landform 4 (wetland systems) are attached as **appendix a**. The considerations that are of key relevance to Landform 4 (wetland systems) are set out below:

“The preservation of wetlands is a matter of national importance under the RMA. This means that all persons exercising functions and powers under the Act must “recognise and provide for” wetland preservation. Protection is also influenced by New Zealand’s international responsibility under the RAMSAR Convention, to provide a level of protection to all wetlands, irrespective of whether they are listed as being of international importance. Given the rarity and value associated with wetlands it is necessary to apply a strict management regime to ensure the remaining wetlands are not destroyed and that the quality of them is not degraded further. The majority of activities that have the potential to directly or indirectly affect the values of the wetlands will require some form of resource consent.”

The provisions of landform 4 (wetland systems) gives effect to the Proposed Auckland Regional Plan: Air Land and Water by:

- Ensuring that the wetland management areas identified in the Proposed Auckland Regional Plan: Air Land and Water are shown on the HGI planning maps and subject to the wetland system land unit provisions.
- Protecting wetland systems from the adverse effects of activities and buildings by not specifically providing for these activities to occur.
- By clearly mapping the wetland systems so that all parties are aware that they require protection.

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 are relevant to landform 4 – wetland systems:

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 4 (wetland systems) are consistent with the above aims and principles as the provisions of the land unit recognise the relationship of Maori to the wetland systems and as they ensure that the natural character, ecological and hydrological values of the wetland systems are protected. The provisions may also result in enhancement of the wetland systems 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 surveys

9.0 Conclusions

The analysis undertaken in this report has demonstrated that the provisions of landform 4 (wetland systems) are a comprehensive set of objectives, policies and rules that ensure the protection of the natural character, ecological and hydrological value of the wetland systems.

The objective of landform 4 (wetland systems) is the most appropriate means of achieving the purpose of the Act because it requires the protection of the natural character, ecological and hydrological values of the land unit.

The policies and rules of landform 4 (wetland systems) 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, ecological and hydrological values of the land unit. 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 they ensure the protection of the natural character of the coastal environment, significant areas of vegetation and habitat and areas of “outstanding natural landscape”. All of these matters are matters of national importance under the Act.

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.