

HGI Plan Review: section 32 report for landform 5 (productive land)

1.0 Executive summary

This report summarises the evaluation undertaken by the council of landform 5 (productive land) in terms of section 32 of the Resource Management Act.

In the operative District Plan there are two land units which relate to areas of pastoral land; land unit 5 – foothills and lower slopes and land unit 6 – steep pastured slopes. These land units relate to pastoral land and provide for activities that benefit from the productive capability of the land and recognised its sensitivity. Both land units are located on Great Barrier, Ponui and Waiheke.

In the proposed District Plan the provisions of each of these two land units is rolled together to create one land unit which relates to all areas of pastoral land (landform 5 (productive land)). The combining of these land units is considered to be appropriate as each of these land units:

- have expansive rural landscapes
- are used for productive purposes such as pastoral farming
- contains a range of built elements
- contribute the character and identity of the islands

The objective of landform 5 (productive land) is the most appropriate means of achieving the purpose of the Act because it provides for use and development in a manner which ensures that the adverse effects of activities and buildings are avoided, remedied or mitigated.

The policies and rules of landform 5 (productive land) are the most appropriate means of achieving the objective as they provide a clear and effective set of provisions which put in place controls to protect the rural character of the landscape is maintained.

The provisions of landform 5 (productive land) give effect to the relevant national and regional planning documents as they ensure that only appropriate development can occur in areas of “outstanding natural landscape”, the coastal environment and as the productive capability of rural land is protected.

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 productive land, land unit 5 – foothills and lower slopes and land unit 6 – steep pastured slopes.

A summary of the provisions of land units 5 and 6 is set out below:

Land unit 5 – foothills and lower slopes

- An objective which states:

“To provide for a range of compatible land use activities which benefit from the productive potential aspect, location and rural character of the land unit”

- Policies relating to:

1. Imposing controls on the density, scale, form and location of buildings.
2. Imposing controls on modifications to the natural landform and vegetation.
3. Ensuring that the subdivision rules recognise the range of productive opportunities found within the land unit, while at the same time recognising that there are areas of high environmental sensitivity and amenity value.
4. Permitting intensive land use activity where the productive use, visual amenity, and protection of the natural environment will be enhanced.
5. Encouraging farming activities which achieve sustainable use of resources.
6. Establishing appropriate rules managing the intensity of land use activity in the land unit.

- All permitted activities must meet the standards of part 6B.
- A controlled activity consent is required where the land unit is located in the Tryphena and Port Fitzroy policy areas and the rules for that policy area require that consent is obtained to carry out the activity.
- A discretionary activity consent is required for camping facilities, commercial firewood harvesting, community facilities, rural property management plans, educational facilities, forestry, helipads or farm airstrips, multiple dwellings, rural industries and visitor facilities. All other activities are permitted (provided that they meet the standards of 6B).
- All permitted activities must meet the standards of part 6B. These standards include a 8m height limit, 500m² of lot coverage, provision for 1000m² of vegetation clearance and provision for 50m³ of earthworks.

This land unit is applied extensively across the islands and particularly on Waiheke and Great Barrier. These areas can be described as rolling and moderately contoured pastured slopes. The land unit reflects to a degree, ongoing pastoral farming and applies in locations with a range of aspects and soils and accordingly a range of pasture quality and productive capability.

Land unit 6 – steep pastured slopes

- An objective which states:

“To ensure that management of this land unit recognises and accords with the intrinsic sensitivity and high amenity value of the land.”

- Policies relating to the following:

1. Encouraging the retirement of land with little productive potential where inherent or potential instability exists.
2. Encouraging retirement and rehabilitation of steep upper slopes.
3. Encouraging appropriate stock control and management of vegetation cover.

4. Encouraging farming activities which achieve the sustainable use of resources.
 5. Protecting any riparian or wetland areas.
 6. Controlling earthworks and vegetation removal and limiting buildings and land use activities to those with no detrimental impact on the environment.
 7. Establishing a minimum area for subdivision in the land unit in order to ensure appropriate land use and management, while providing flexibility and opportunity to create smaller sized lots where particular assessment criteria are satisfied.
- All permitted activities must meet the standards of part 6B. These standards include a 8m height limit, 500m² of lot coverage, provision for 1000m² of vegetation clearance and earthworks controls.
 - A discretionary activity consent is required for camping facilities, commercial firewood harvesting, community facilities, rural property management plans, educational facilities, forestry, helipads or farm airstrips, multiple dwellings, rural industries and visitor facilities. All other activities are permitted (provided that they meet the standards of 6B).
 - A standard requiring that where there are multiple buildings on a lot then only one may be used as a dwelling.
 - Apart from those activities listed above that require a discretionary activity consent; all other activities are permitted (provided that they meet the standards of part 6B).

Land unit 6 is applied on Great Barrier, Waiheke and Ponui. The land unit has high visual prominence due to its steep topography. The land use generally used for pastoral farming.

2.3 Proposed plan provisions

In the proposed District Plan the provisions of each of these two land units is rolled together to create one land unit which relates to all areas of pastoral land (landform 5 (productive land)). The combining of these land units is considered to be appropriate as each of these land units:

- have expansive rural landscapes
- are used for productive purposes such as pastoral farming
- contains a range of built elements
- contribute the character and identity of the islands
- are essential for the economy of the islands
- seek the same outcomes and have the same development controls

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 intent of landform 5 (productive land) is to ensure that productive activities can continue to make a significant contribution to the economy, character and identity of the Gulf.

The provisions of landform 5 (productive land) are summarised below:

- A description of the characteristics of the land unit, which include its pastoral and horticultural function, varying contours and expansive open landscape all of which lend its rural character.

- An objective which states:

“To provide for productive activities and to ensure that the expansive nature, the open pattern and rural character of the landscape is maintained”

- Policies relating to the following:
 1. Providing for productive activities, such as pastoral farming and horticulture to establish and operate within the land unit.
 2. Limiting the non-productive activities that can occur so that the rural use and character of the landscape is maintained.
 3. Requiring new sites to be of a size and nature which ensure that moderate to large scale productive activities can occur and which protects the expansive nature, open pattern and rural character of the landscape.
- An activity table that identifies that dwellings, home occupations, home stay, horticulture, pastoral farming and visitor accommodation for up to 10 people are permitted activities. Boarding kennels, commercial firewood harvesting, forestry, multiple dwellings, rural property management plans, the disposal of settled solids, visitor accommodation for more than 10 people and wineries are discretionary activities.
- Permitted standards are set out in part 10c for the land unit and include controls on a maximum building height of 8 metres, unlimited indigenous vegetation clearance, and between 50 and 400m² of earthworks depending on land gradient.

Landform 5 (productive land) is applied in the same locations as land units 5 and 6 in the existing plan. 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.
- The land unit is not applied in settlement areas.
- 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 rural character of the land unit. These areas were identified as a result of site visits (by sea, air and foot) and from aerial photography.

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 5 (productive land).

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).

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

Feedback in response to the Issues and Options document identified the following issues:

General Great Barrier and landform land unit comments:

- 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.

Productive land specific comments:

- The cost of resource consent is prohibitive for low income farming
- Farmers need to be able to make changes to land use without resource consent
- Preserve land use rights
- Concern that council intends to place more emphasis on ‘natural’ value than on productive farming
- Burden of protecting ‘natural features’ must not fall entirely on the land owner
- Farmers should be able to choose whether to protect or bring into production areas of bush, wetland or other natural resources
- Provide for caretaker and farm manager accommodation (perhaps based on maximum floor area)
- There should not be restrictions on where farm buildings may be located – ridgelines can be ideal for woolsheds
- Provide for tourist accommodation on productive land (lodges)
- Increase permitted level of earthworks in farming areas

3.0 Resource management issues

3.1 Issues

The significant resource management issues that need to be addressed in landform 5 (productive land) are:

“How to provide for productive activities such as pastoral farming and horticulture, to establish and operate within the land unit”

“How to maintain the expansive nature, the open pattern and rural character of the landscape”

These issues have been addressed by the objectives, policies and rules contained in landform 5 (productive land) 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 landform 5 (productive land) 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 5 (productive land) 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 5 (productive land) is:

“To provide for productive activities and to ensure that the expansive nature, the open pattern and rural character of the landscape is maintained”

The outcomes sought by the objective are to provide for productive activities and to ensure that the character of the landscape is maintained. The 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. The objective provides for the “use and development” of the productive land and therefore provides for the economic wellbeing of landowners and the economy in general.

2. The productive activities provided for by the objective contribute to the character and identity of the Gulf and, as such, contributes to the social wellbeing of the communities of the Gulf.
3. Provided that appropriate controls are put in place, buildings and activities can be undertaken in landform 5 (productive land) in a manner which:
 - sustains the potential of natural and physical (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - safeguards the life-supporting capacity of air, water and soil, and ecosystems; and
 - avoids remedies or mitigates any adverse effects of activities on the environment.

Section 6 (matters of national importance) reasons

4. The protection of the open, rural character sought by the objective will ensure that only appropriate development occurs adjoining the coast and is therefore consistent with section 6.
5. The productive activities provided for by the objective ensure that the rural character and amenity of the land unit is maintained. As such, the objective ensures that the areas of “outstanding natural landscape” within the land unit are protected.

Section 7 (other matters) reasons

6. The objective seeks to protect the expansive, open, rural character of the land unit and, as such, will ensure that the amenity value of the productive land is maintained.
7. The objective seeks to protect the expansive, open, rural character of the land unit and, as such, will ensure that the quality of the environment is maintained.
8. As these areas are already modified environments it is an efficient use of land to continue using these areas for productive activities rather than modifying areas with high natural character.

Section 8 Treaty of Waitangi

9. 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.

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 represents a review of the existing objectives to ensure that integrated management of effects is achieved.
2. The objective identifies the need to control the adverse effects of activities and buildings on rural character of the productive land.

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 5 (productive land).

Policy 1:

“By providing for productive activities, such as pastoral farming and horticulture to establish and operate within the land unit”

The rules associated with this policy are:

Permitted activity status for dwellings, home occupations, home stay, horticulture, pastoral farming and visitor accommodation for up to 10 people. Permitted activity standards including unlimited vegetation clearance for vegetation under 3m.

Benefits (including efficiency and effectiveness)	Costs
The policy and rules provide for the activities that are necessary to maintain the openness and rural character of the landscape is protected (including areas of “outstanding natural landscape”).	Rural activities can result in adverse effects on the environment if appropriate controls are not put in place.
Provision for these activities increases the lifestyle options available throughout the Gulf.	Unlimited clearance of vegetation under 3m will mean that revegetation is unlikely within the land unit.
The permitted activity status for these activities is efficient and effective as it provides for these activities to occur ‘as or right’ and as such avoids unnecessary resource consents.	
Provisions for these activities allow landowners to achieve a return from their land and to contribute to the economy of the Gulf.	
The permitted standards are effective as they provide for day to day productive activities to occur without the need for resource consent. In particular, the unlimited clearance of vegetation under 3m will provide landowners with the means to maintain pasture for productive activities.	

Risk of acting or not acting:

The risk of taking this approach is that productive activities could result in adverse effects on the environment. This could in turn detract from the overall character and amenity of the Gulf.

The risk of not taking this approach is that the activities that are necessary to maintain the rural character of the land unit are not undertaken.

Policy 2:

“By limiting the activities that can occur so that the rural use and character of the land unit is maintained”

The rules associated with this policy are:

The permitted activities in the land unit are limited to those listed above. Discretionary activity status for boarding kennels, commercial firewood harvesting, forestry, multiple dwellings, rural property management plans, the disposal of settled solids, visitor accommodation for more than 10 people and wineries.

Benefits (including efficiency and effectiveness)	Costs
Limiting the range of activities provided for ensures that the rural character and amenity of the land unit is maintained and not eroded by a range of non-rural activities.	Limiting the range of activities provided for limits the options that landowners have for the use of their land.
Limiting the range of activities provided for ensures that the productive nature of the land is utilised and not eroded.	Discretionary activity consents will incur costs in terms of time and money for applicants.
Limiting the range of activities provided for ensures that the open and expansive qualities of the land unit area maintained.	
The discretionary activity consent status for these activities “gives effect” to proposed change 8 to the ARPS as it will mean that any application for a non-productive purpose to be assessed to ensure that will not have an adverse effect on areas of “outstanding natural landscape” located within the land unit.	

Risk of acting or not acting:

The risk of not acting is that the rural character and amenity of the land unit would be eroded if the range of activities provided for was not limited.

The risk of taking this approach is that landowners will have a limited range of options for the use of their land. This detracts from their economic wellbeing and potentially the wider economy.

Policy 3:

“By requiring new sites to be of a size and nature which ensures that moderate to large-scale productive activities can occur and which protects the expansive nature, open pattern and rural character of the landscape”

The rules associated with this policy are:

25ha minimum site size.

Benefits (including efficiency and effectiveness)	Costs
The 25ha minimum site size ensures that productive capacity of the land will be maintained.	Land will not be able to be subdivided into smaller sites. This may limit the economic return from the land.

The 25ha minimum site size ensures that the open and expansive quality of the landscape is maintained (both within the land unit and the Gulf in general).	
The 25ha minimum site size is an effective control as it provides a clear indication to landowners and the wider public that small sites are not envisaged by the council in this land unit.	

Risk of acting or not acting:

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

The risk of not acting is that the land may not be able to be used for large scale productive purposes (because the small size of the site precludes it) and, as such, productive activities will not be able to contribute to the economic and social wellbeing of landowners and communities.

4.3 Alternative options

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

- Controlling buildings within the land unit
- Providing for a wider range of activities within the land unit

4.3.1 Option 1

Instead of being a permitted activity (subject to permitted standards), buildings could require a restricted discretionary consent.

Benefits	Costs
Certainty that buildings will not have adverse effects on the landscape, including “outstanding natural landscapes”.	Unnecessary time and expense costs for resource consents
	Unnecessary level of control as buildings for the permitted activities will have a rural purpose i.e. a farm shed and therefore will not detract from the rural landscape. Larger scale activities such as wineries require a discretionary consent and, as such the potential effects of the building can be assessed.
	Limits on design freedom of buildings for landowners.

The risk of acting or not acting

The risk of taking this approach is that it will result in an unnecessary level of control as buildings for a rural purpose will maintain and add to the rural character of the landscape.

The risk of not taking this approach is that buildings will have an adverse effect on the landscape.

4.3.2 Option 2

A wider range of activities could have been provided for as permitted activities.

Benefits	Costs
Landowners will have a wider range of options as to how their land should be used.	Such activities will have less incentive to locate in settlement areas where they will add to the amenity and services located in these areas.
	The rural character of the land unit may not be maintained as the land unit could become dominated by non-rural activities.
	A wider range of activities may result in adverse effects such as traffic and noise on the amenity of the land unit.

The risk of acting or not acting

The risk of taking this approach is that the rural character and use of the land unit may not be maintained.

The risk of not taking this approach is that the options for the use of land will be limited.

4.3.3 Conclusion

Having analysed the policies and rules of landform 5 (productive land) and considered the alternatives, it is concluded that the provisions of landform 5 (productive land) are the most appropriate means of achieving the objective as the policies provide a balance between providing for activities and buildings while protecting the rural character and amenity of the land unit. In addition, these policies and rules have been shown to have benefits that outweigh the costs and to be necessary in terms of avoiding risks to the environment.

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

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

1. The policies and associated rules provide a framework for the integrated management of the effects of the use and development as required by section 31 of the Act. In particular, the policies and associated rules manage the adverse effects of activities on the character and amenity of the land unit in an integrated manner.

2. The policies and associated rules provide a framework for the control of any actual or potential effects of the use or development of land as set out in section 31 of the Act. In particular, the proposed policies and rules ensure that activities and buildings are of a scale and intensity that is appropriate for the rural landscape.

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 5 (productive land) are attached as **appendix B**. 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.

“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 5 (productive land) give effect to the New Zealand Coastal Policy Statement by ensuring that only appropriate development occurs within the land unit (some areas of which adjoin the coast). This is achieved by limiting the activities that can be undertaken and the permitted standards relating to the size of buildings, vegetation clearance, coastal setback and earthworks.

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 provisions of landform 5 (productive land) recognise the national significance of the Hauraki Gulf (section 7 of the HGMPA) by:

- Recognising the interrelationship between development in regenerating slopes and the adjoining coastal environment.
- Protecting the character of rural areas which contribute to overall identity of the Gulf.
- Providing for the economic and social wellbeing of people and communities in the Gulf and New Zealand by protecting the character and identity of the islands.

The provisions of landform 5 (productive land) give effect to the management direction for the Hauraki Gulf (section 8 of the HGMPA) by:

- Maintaining the economic and social wellbeing of people and communities by providing for productive activities to occur and by ensuring land will be retained for productive purposes.
- Protecting the coastal character and amenity of the areas of the land unit that are located adjoining the coastal environment.

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 5 (productive land) are attached as **appendix B**. The principles of key relevance to landform 5 (productive land) are:

- 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.
- To protect the landscape values and character of rural areas from the regionally significant effects of inappropriate subdivision, use and development.
- In the coastal environment, new subdivision, use or development should be located and designed, so that the need for hazard protection measures is avoided.
- To protect the versatility and productive potential of the region's soil resource.
- To avoid remedy or mitigate adverse effects of activities that result in soil degradation. To minimise the effects of soil degradation on the water quality of receiving environments.

The provisions of landform 5 (productive land) gives effect to the Auckland Regional Policy Statement ensuring that rural land is retained for rural purposes and that only appropriate use and development can occur in the coastal environment.

In addition, the provisions also give effect to proposed change 8 to the ARPS as rural activities (and the associated buildings) provided for in the land unit will ensure that the rural character and amenity of the land unit is maintained.

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 5 (productive land) are attached as **appendix B**. The provisions that are of key relevance to landform 5 (productive land) 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.

The provisions of landform 5 (productive land) give effect to the Auckland Regional Plan: Coastal by ensuring that only appropriate development occurs within the land unit (some areas of which adjoin the coast). This is achieved by limiting the activities that can be undertaken and the permitted standards relating to the size of buildings, vegetation clearance, coastal setback and earthworks.

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 –
...
(d) 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 5 (productive land) are attached as **appendix B**. The provisions that are of key relevance to landform 5 (productive land) are set out below:

- To encourage integrated land management practices that minimise the discharge of sediment, maintain and enhance the productive potential of soil and minimise soil loss and degradation.
- To avoid, remedy or mitigate the adverse effects of stock access to stream beds and margins including, movement, foraging and defecation, while enabling environmentally sustainable farming practices.

The proposed provisions for the Landform 5 (productive land) give effect to the proposed Auckland regional plan: air land and water by putting in place permitted standards

(vegetation clearance, earthworks and setbacks from waterbodies) which protect the quality of natural resources such as soil and water quality.

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 to protect and enhance Waiheke's character are relevant to landform 5 (productive land). These aims and principles are:

Aim:

To maintain the existing land use pattern of discrete villages surrounded by areas of rural land, and to maintain a clear distinction between rural and village environments.

The central principles:

1. *Areas of rural land between and around existing residential villages is maintained.*
2. *The green, bush clad character of the Island is maintained and enhanced.*
3. *The unique identity of each village is fostered by concentrating shops and community facilities to create village centres and places for residents to meet and interact.*
4. *A wide range of activities in keeping with the character of each centre is encouraged.*
5. *An active, attractive, accessible and safe pedestrian environment is maintained and enhanced.*
6. *Significant archaeological and heritage features (including significant ridges and geological feature) and waahi tapu sites are identified and protected from inappropriate development, where preservation can be ensured and disclosure will not put the items at risk.*
7. *Indigenous vegetation on Waiheke is protected and enhanced through the District Plan provisions, particularly the remaining semi-mature and mature indigenous vegetation in western Waiheke which contributes to the physical and visual separation of villages. Establishment of trees in the village landscape is encouraged through education and promotion.*
8. *Coastal waters, bridle trails and walkways, access to beaches and the coastline are protected.*
9. *Land is maintained for productive rural uses.*

The provisions of landform 5 (productive land) are consistent with the principles to protect and enhance Waiheke's character as rural land is maintained for productive rural purposes.

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 provide for productive activities to occur while protecting the rural character of the landscape.

The objective of landform 5 (productive land) is the most appropriate means of achieving the purpose of the Act as the productive rural activities provided for contribute to the economic and social wellbeing of the communities of the Gulf.

The policies and rules of landform 5 (productive land) are the most appropriate means of achieving the objective as they provide a clear and effective set of provisions which provide for the use of the land while ensuring the protection of the landscape character 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 provisions of landform 5 (productive land) give effect to the relevant national and regional planning documents as they ensure that only appropriate development can occur in areas of “outstanding natural landscape”, the coastal environment and as the productive capability of rural land is protected.

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