

# **HGI Plan Review: section 32 report for the local retailing areas in the Great Barrier settlements**

## **1.0 Executive summary**

This report summarises the evaluation undertaken by the council for the objectives, policies and rules for the local retailing areas in the Great Barrier settlements in terms of section 32 of the Resource Management Act.

The main conclusions are that:

- The objectives are the most appropriate way to achieve the purpose of the Resource Management Act
- Overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the settlement areas and associated local retailing areas, and consequently are the most appropriate method of achieving the objectives.
- The proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act
- The methods are consistent with the Hauraki Gulf Marine Park Act, statutory national and regional planning documents and non statutory documents.

## **2.0 Introduction**

### **2.1 Purpose of this report**

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

### **2.2 Proposed plan provisions**

The proposed plan incorporates the method of settlement areas to manage the resources for the various settlements on Great Barrier. The proposed method differs from the policy areas in the operative plan, in that the underlying land unit “layer” and the controls associated with the land units have been removed, and replaced with a comprehensive place, activity, and development control based settlement area. This report relates to those areas in the settlement areas defined as local retailing. These can be found in Tryphena, Claris, Okiwi, and Port Fitzroy. Any relevant policies and objectives from the landscape based land unit have been integrated into the settlement area.

The approach taken is a “hybrid approach” - it manages effects in terms of development controls and also activity lists. This hybrid approach manages effects that cannot easily be quantified and managed by development controls, such as amenity effects and community values. The proposed provisions outline a range of activities that may need controlling using a discretionary activity consent. The provisions also outline a number of development controls.

The approach has been to minimise the number of consents required for general building activity in the residential areas of Great Barrier, however with the local retailing areas, it is necessary achieve a high standard of design to ensure attractive development. This reflects on the community desire to attract a range of mid to high range tourists and develop Great Barrier’s ecotourism industry.

While design of buildings in the local retailing areas is proposed to be a restricted discretionary consent, the local retailing area does provide for a wide range of activities as permitted activities, in order to decrease compliance costs for business owners.

## **2.4 Operative plan provisions**

There are currently five policy areas that affect the settlements on Great Barrier Island, with the purpose of them different in each case. In the policy areas, buildings are controlled activities (cannot be declined), as is all vegetation removal. The controls on buildings relate to scale, form, location and colour.

The underlying land unit in the operative provisions determines the development controls. The proposed settlement plans bring together these aspects, so that there are specific development controls for each area within the settlement.

There are no activity lists relating to the current policy areas, and there is currently no specific provision for specified areas for local retailing activity.

## **2.5 Consultation**

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to retailing and commercial activities on Great Barrier.

### **2.5.1 Consultation to date**

The council undertook consultation in 2005 in preparation for drafting the proposed Plan.

#### **Initial consultation**

The main consultation period was from April to July 2005. Consultation during that period consisted of:

- public meetings, workshops, nga hui, and one on one meetings
- a photographic exercise on Waiheke
- inviting written feedback on a consultation document which contained issues and options papers on a wide range of topics.

#### **Focus groups**

At the close of consultation, the council analysed the feedback forms received. From these, key issues were identified that subsequently became topics for focus groups on Waiheke. The four topics for the focus groups were:

- landscape
- transport
- sustainability
- future planning (including subdivision, growth, and providing for business activity)

An additional workshop was also held on Great Barrier to give a further opportunity to discuss issues raised through the feedback forms.

## **Telephone survey**

The council commissioned an independent research company to undertake a phone survey in late 2005. The survey was of a randomly selected sample of 1002 on-island residents and off-island ratepayers of Waiheke, Great Barrier and Rakino.

The questionnaire used for the survey was designed to get responses on the key issues that had emerged from the consultation process and stakeholder feedback.

The survey provided a means of canvassing the views of a wide range of people who may not have been previously involved in the consultation process.

## **Consultation with other stakeholders**

During the preparation of a proposed plan, the council has also consulted with the following parties:

- the Auckland Regional Council (ARC)
- the Department of Conservation (DOC)
- tangata whenua
- network utility authorities
- Ministry for the Environment (MfE).

## **Public notification**

Notification of the Plan provides an opportunity for further public participation through the formal submission and appeal process.

### **2.5.2 Issues raised during consultation**

The following outlines a range of comments by GBI owners or where the location of the person was unknown.

1. development of airstrips & town needs to be compact with minimal impact. Support a structure plan for Claris & Okiwi areas rather than a policy area approach [DOC]
2. Introduce residential, commercial or industrial land units
3. Specific Commercial zones for Claris
4. Urban design restrictions inappropriate for GBI as rural character
5. Combine effects based approach (but better drafted) with more prescriptive framework.
6. Move to more regulated framework with clearer guidance and greater control.
7. Support more regulated approach to growth & development with HGI (to protect ecosystems and landscapes). Support prescriptive provisions which provide a strong level of certainty in terms of location, type of activities with clear performance standards. [ARC]
8. [Concern about] consent requirements and associated costs
9. Change permissive nature of Plan, and introduce default non-complying category, and activity lists. Supports cautious and conservative approach to development. More opportunity for public involvement (through notification). Need for more non-complying activities.

10. Use controlled rather than discretionary activities to remove uncertainty from business planning
11. District Plan should be made easier for businesses.
12. Bigger economic infrastructure (self sustaining), employment.
13. Decrease compliance/consent costs by providing for the right activities in the right places.

The consultation from the Great Barrier Workshop is attached as Appendix 6.

## **3.0 Resource management issues and objectives**

### **3.1 Issues**

The issues for Great Barrier Island as a whole are:

1. How to protect the natural landscape character and natural features of the island.
2. How to assist economic growth on the island, particularly growth in the tourism industry.
3. How to provide for conservation and recreation activities on land owned by the Department of Conservation and other agencies.
4. How to recognise the particular character and identity of the island community.
5. How to encourage the further development of essential infrastructure on the island such as wharves, airports, telecommunications equipment, quarries and shared infrastructure such as water and wastewater systems and power generation.
6. How to recognise the relationship between Ngati Rehua and their ancestral lands, water, sites, waahi tapu and other taonga.

The issues for the settlement areas are:

1. How to manage and facilitate growth within the existing settlement areas on Great Barrier without compromising the natural environment.
2. How to encourage activities within settlement areas that enable the community to provide for their social, cultural and economic wellbeing.
3. How to ensure that new activities within settlement areas are located so that they do not adversely affect other land uses.

### **3.2 Objectives**

The objectives relevant to local retailing area in the settlement areas are:

- 10b.3.1 To provide for limited growth in existing settlements while protecting the natural environment.

- 10b.3.2 To facilitate appropriate development in suitable places throughout the settlement areas, based on the type of existing activities.
- 10b.5.4 To concentrate good quality visitor and local retail development and activities within the local retailing area. [Tryphena]
- 10b.7.3 To facilitate the establishment of local retail, service and visitor activities of high amenity in the local retailing area, without compromising the function of Claris airport.
- 10b.11.3 To provide an area for commercial activities which are compatible with the character and scale of Okiwi, to service the north part of Great Barrier.
- 10b.12.4 To provide for local retailing which is compatible with the character of Port Fitzroy.

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

Section 31 sets out the council's functions for the purpose of giving effect to the Act. The council's functions include:

- (a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) The control of any actual or potential effects of the use, development or protection of land.

Section 72 states as follows:

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

Section 74(1) of the RMA states as follows:

A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

The following provisions of section 76 are also relevant:

- (1) A territorial authority may, for the purpose of –
  - (a) Carrying out its functions under this Act; and
  - (b) Achieving the objectives and policies of the plan, - include rules in a district plan.
- ...
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the RMA before publicly notifying a district plan or a plan change. Section 32(3), (3A) and (4) state as follows:

- (3) An evaluation must examine –
  - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
  - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives

- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
- (a) the benefits and costs of policies, rules, or other methods; and
  - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

The statutory requirements, including section 32 matters, are assessed below under the following headings:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act
- Whether the policies, rules, or other methods are the most appropriate for achieving the objectives
  - having regard to their efficiency and effectiveness
  - taking into account the benefits and costs of policies, rules, or other methods
  - taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

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

### **4.1.1 The purpose of the Act**

Section 5 states that the purpose of the Act is ‘to promote the sustainable management of natural and physical resources’. Section 5(2) states:

- (2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Environment is defined in Section 2 of the RMA as including:

- (a) Ecosystems and their constituent parts, including people and communities; and
- (b) All natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to local retailing areas 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 particular relevance to the local retailing areas in the settlement areas, 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 objectives outlined in 3.2 above are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8. Specifically they meet clause (a) and (c) of Section 6 ‘Matters of national importance’ of the Act, as identified below by:

*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.*

*The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

It also meets clause (b) “the efficient use and development of natural and physical resources” clause (c) “the maintenance and enhancement of amenity values” and clause (f) “maintenance and enhancement of the quality of the environment” of Section 7 ‘Other Matters’ of the Act.

This is because:

- the objectives recognise that there is significant character within the settlements which play an important part in contributing to the character and amenity value of Great Barrier

- requiring development to be complementary with this character is important to ensure that the high amenity value of the settlements is retained.
- the objectives will effectively balance the demand for retail development on Great Barrier while protecting its character and amenity value.

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

In terms of efficiency and effectiveness, the plan needs to be able to be easily implemented, understandable, manage adverse effects of activities, and provide an equitable balance between environmental, social, cultural and economic costs and benefits. In addition, there needs to be a clear relationship between the objectives for the land, the policies that will be implemented by the Council, and the rules which will achieve the objectives.

The following describes these relationships.

### **10b.5.4 Objective – Tryphena local retailing area**

*To concentrate good quality visitor and local retail development and activities within the local retailing area.*

#### **Policies**

1. *By requiring new development in the local retailing area to be well designed and have a high standard of amenity and character.*
2. *By ensuring that new development in the local retailing area blends in with, rather than dominates, existing development.*
3. *By ensuring that buildings are not used for residential purposes, except where it is for the purpose of managing other activities on the site.*
4. *By encouraging visitor and retailing activities to locate in close proximity to each other, facilitating pedestrian movement and a cohesive and attractive commercial centre.*

### **10b.7.3 Objective – Claris local retailing area**

*To facilitate the establishment of local retail, service and visitor activities of high amenity in the local retailing area, without compromising the function of Claris airport.*

#### **Policies**

1. *By controlling the design, appearance, and scale of all buildings in the Claris local retailing area in order to maintain or enhance amenity of the Claris township.*
2. *By requiring new activities in the local retailing area to front the street and maintain a high standard of amenity.*
3. *By ensuring that new development in the local retailing area blends in with rather than dominates existing development.*



4. *By ensuring that buildings are not used for residential purposes, except where residential use is required for managing other activities on the site.*
5. *By encouraging visitor and retailing activities to locate in close proximity to each other, facilitating pedestrian movement and a cohesive and attractive commercial centre.*
6. *By limiting and controlling activities that may be sensitive to noise from the Claris airport.*
7. *By providing for community and healthcare facilities as permitted activities.*

**10b.11.5 Objective – Okiwi local retailing area**

*To provide an area for commercial activities which are compatible with the character and scale of Okiwi, to service the north part of Great Barrier.*

**Policies**

1. *By requiring assessment of the design, appearance, and scale of all buildings in the Okiwi local retailing area to maintain or enhance amenity of the Okiwi township.*
2. *By ensuring that new development in the local retail area blends with rather than dominates existing development.*
3. *By ensuring that premises are not used for residential purposes, except where it is for the purpose of managing other activities on the site.*

**10b.12.4 Objective – Port Fitzroy local retailing area**

*To provide for local retailing which is compatible with the character of Port Fitzroy.*

**Policies**

1. *By requiring an assessment of the design, appearance, and scale of all buildings in the Port Fitzroy local retailing area in order to maintain a high level of amenity.*
2. *By ensuring that new development in the local retailing area blends with rather than dominates existing development.*
3. *By ensuring that premises are not used for residential purposes, except where it is for the purpose of managing other activities on the site.*

The policies seek to allow for a mix of visitor and retail uses, while protecting land for these uses from residential development. The policies recognise the value of good design in creating a sense of place for Great Barrier, and for each of the settlement in which local retailing activities occur.

In summary, the policies have been carefully considered against the objectives, and are considered the most appropriate means of achieving the objectives.

The following section outlines the costs and benefits of different options for looking at the types of activities and rules that should apply to the local retailing area, including development controls:

- No control on buildings or activities (entirely free market)

- Higher level of control, requiring non-notified restricted discretionary resource consents for buildings, certain activities permitted, while others require consent or are non-complying.
- Permitted standards (development controls) only for buildings, no control on the design of buildings.
- Maintain the status quo

#### 4.2.2 Option 1

No control on buildings or activities (entirely free market)

<b>Benefits</b>	<b>Costs</b>
<u>Environmental</u>	<u>Environmental</u>
	Inappropriate activities could locate next to each other, for example heavy industry next to childcare.
	No limits on control of height and bulk of buildings, could result in adverse shading effects on neighbouring properties, affecting access to daylight.
	No control on bulk and scale of buildings, and colour. Buildings would become dominant, detracting from the dominant natural environment of Great Barrier.
	No limits on removal of vegetation, resulting in loss of habitat for flora and fauna.
	Earthworks and sedimentation could lead to degradation of waterways.
<u>Social and Economic</u>	<u>Social and Economic</u>
No limit on scale of activities, location or coverage. Benefits to economy as high value activities could be undertaken anywhere, for example high rise apartment development in Claris.	Low-quality buildings might establish, leading to unattractive centres for the settlements.
Creation of jobs.	Low quality environments will not attract tourism, resulting in adverse economic impacts on Great Barrier.
No planning consent costs.	Inappropriate activities could locate next to each other, for example heavy industry next to childcare.
	Activities with high levels of adverse effects (eg noise and traffic) degrade areas where local retail activities are concentrated, lowering quality of life for residents.
	Unfettered development is not sustainable in terms of maintaining amenity values for an area, as the values the community place on those areas are eroded.
	No certainty as to the effects of activities on wellbeing.

#### The risk of acting or not acting

There is no required information that is relevant to a risk of acting or not acting in relation to this activity.

### 4.2.3 Option 2

Higher level of control, requiring non-notified restricted discretionary resource consents for buildings, certain activities permitted, while others require consent or are non-complying.

<b>Benefits</b>	<b>Costs</b>
<u>Environmental</u>	<u>Environmental</u>
Design of buildings is controlled, leading to better integration of buildings with each other in the local retailing areas.	
Development controls relating to height in relation to boundary, maximum height, and building coverage assist to maintain amenity by ensuring that development is of a similar scale, fitting with other development in the vicinity. Maximum height limits and building in relation to boundary controls will in a number of situations allow for access to solar energy for a renewable energy source. A height limit of 6.5m is sufficient to provide a two storey building, and maintain a low profile so that commercial activities do not dominate their surroundings. This will also help to ensure views are able to be had from the local retailing area to surrounding natural features. An absence of yard controls may enable buildings to be constructed up to the street front, and also give the ability to join buildings on separate sites, allowing continuous retail frontage.	
Permitted noise levels can be set at a level which allows for normal retail activities, as well as provision for generator noise, while ensuring that higher impact activities that may result in loud noise do not affect local retailing.	
Permitted standards on indigenous vegetation clearance allow for construction of a building platform, but ensure that effects are assessed if they exceed a certain level and replacement planting is able to be mitigate for the loss of flora/fauna habitat. Generally, there are no areas of vegetation below three metres in height in the local retailing areas that are worthy of protection.	
Permitted standards on earthworks ensure that the effects of earthworks are controlled. Recognise that effects arise when earthworks are undertaken on different slopes.  Standards changed to reflect the effect of earthworks as being the same anywhere rather than dependent on location (for example a difference of effects between Waiheke and Great Barrier).	
Assessment of colour can be a factor as part	

of a resource consent.	
Controlling activities with adverse amenity effects (resulting from industrial activities, smell etc.) by listing appropriate retailing and visitor activities, and requiring consent for a slightly wider range of activities, will protect the amenity of the settlement centres and retailing areas.	
If residential use requires resource consent with appropriate criteria, then it can be discouraged in the local retailing area so that it doesn't take up valuable space for retailing, service, and visitor activities.	
<u>Social and Economic</u>	<u>Social and Economic</u>
A range of activities will be able to be undertaken in existing buildings without requiring resource consent.	A financial cost will be imposed by always requiring a consent for new buildings.
An activity list will give people certainty as to what type of activities other people are able to establish in the local retailing area, and the activities they will be able to establish.	Not all building design will be suitable, meaning that bad building design will need to be redone, resulting in a cost to the building developer.
Encourages good design that will make Great Barrier attractive to tourists, resulting in economic benefits for the island.	
Activities that have a higher degree of effect are discretionary, to enable public participation in the planning process if necessary.	
Activities not listed in the activities table are non-complying, meaning that they are not likely to be conducive to a sustainable level of local retailing amenity. This includes activities such as panel-beaters, industry, etc.	

This option maintains a balance between public benefits and private costs by requiring consent for the design of new buildings, but enabling and giving certainty to a wide range of retailing activities to occur. Control of design for the buildings is considered to have beneficial effects on the long-term sustainability of the settlements, with input into the consent process by Council having the opportunity to achieve better long term outcomes by creating attractive retail centres for the settlements. By creating better centres and encouraging good design, tourists will be attracted to island, creating beneficial economic effects from tourism.

In terms of the development controls, these are attached as Appendix 1. These development controls generally reflect a scale and magnitude considered appropriate for local retailing-type activities throughout the gulf.

The activities considered appropriate for the local retailing area are those that are least likely to cause adverse effects on local retailing, such as higher impact industrial activities. The list of permitted activities, and those requiring consent to assess and mitigate their effects (or ultimately decline the activity where this is not possible) are attached as Appendix 2. A discretionary activity classification is the most appropriate classification for those activities as it enables public input into the planning process and the ability to decline if the appropriate effects thresholds are not met. It is relevant to note that other locations do provide for most, if not all, other higher impact activities in appropriate locations where their effects are less likely to offend amenity values.

### The risk of acting or not acting

Council has sufficient information on option 3 to determine the effects of acting on this option.

#### 4.2.4 Option 3

Permitted standards (development controls) only for buildings, no control on the design of buildings.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Permitted standards relating to height in relation to boundary, maximum height, and building coverage can maintain some amenity by ensuring that development is of a similar scale, fitting with other development in the vicinity	Design of buildings not controlled by consent, other than by bulk and scale requirements from development controls. Could have adverse effects on other activities in the retailing areas.
Permitted standards on colour could enable control of colour without requiring consent, to ensure low reflectivity and certain degree of greyness.	
<u>Social and Economic</u>	<u>Social and Economic</u>
By creating permitted standards, it would be possible that retailing and visitor activities could be established in the local retailing areas without requiring the cost of a consent.	Consent will be required to exceed the permitted standards
Allows freedom of design within the development control parameters.	Total freedom of design apart from colour may result in styles of building that do not cater to all peoples tastes.
	Low-quality, ugly buildings might establish, leading to unattractive centres for the settlements.
	Low quality environments will not attract tourism, resulting in adverse economic impacts on Great Barrier.
	Might not maximise opportunities for coherent development that creates a sense of place for the settlement, that could be achieved through design assessment.

### The risk of acting or not acting

Council has sufficient information on option 3 to determine the effects of acting on this option.

#### 4.2.5 Option 4

Maintain the status quo - policy areas and land units

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Allows for a degree of assessment for buildings.	Currently requires consent for removal of any vegetation, including weed species.
	Controlled activity consent means activities cannot be declined, uncertainty around the scope of conditions that are able to control activities.
	Land unit in settlement area is not typical of

<b>Benefits</b>	<b>Costs</b>
	land unit elsewhere (i.e lot size is much smaller in the settlements). Land unit controls, policies and objectives drafted with larger rural lot size in mind.
<u>Social and Economic</u>	<u>Social and Economic</u>
Familiarity of rules	No specific provision for commercial activities/retailing, particular in any one location where these might be able to support each other.
Any activity might occur anywhere	Conflict between objectives and policies in land unit and objectives and policies in settlement areas creates uncertainty as to what outcomes are being sought for a particular property.

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

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

### **4.2.6 Conclusion**

Having considered the costs and benefits of the different options that are available to Council, the most efficient and effective means of managing the land resource in terms of the local retailing areas in the settlements on Great Barrier is Option 2:

1. Identify suitable areas for local retailing within the proposed settlements where local retailing activities already prevail.
2. Require consent for the design of buildings so that good design outcomes can be achieved, making the retailing areas in the settlements attractive places to visit.
3. Identify activities that can be carried out as permitted, or alternatively discretionary, activities within the local retailing area.

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

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

- achieve integrated management of the use and development of land in the retailing parts of the settlement areas;
- adequately control the actual and potential effects of the use and development of land within the settlement areas; and
- after assessing other options, and the benefits and costs associated with them, the proposed objectives, policies and rules are the most appropriate way to achieve the purpose of the Act.

## **5.0 National planning documents**

### **5.1 National and NZ coastal policy statements**

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
  - (a) any national policy statement; and
  - (b) and any New Zealand coastal policy statement; and
- ...

The objectives, policies and rules of the settlement area give effect to policies 1.1.2, 3.2.2, and 3.2.10, of the New Zealand Coastal Policy Statement (1994), attached as Appendix 3 by:

- requiring development to be of a scale, design and form which is consistent with character of retailing areas on Great Barrier.
- recognising that this character can contribute positively to the character of the coastal environment.

### **5.2 Hauraki Gulf Marine Park Act 2000**

Section 9(3) of the Hauraki Gulf Marine Park Act 2000, requires the council to ensure that:

... any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of this Act.

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be treated as a New Zealand coastal policy statement under the RMA. Sections 7 and 8 are attached as Appendix 4.

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

- protect and enhance the life-supporting capacity of the land in the settlement areas, and
- protect and enhance the natural and physical resources of the settlement areas.

## **6.0 Regional planning documents**

### **6.1 Regional policy statement**

Section 75(3) of the RMA states:

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

The objectives, policies and rules of the local retailing areas give effect to objectives 7.3.(1), (2) and (3) and policies and methods 7.4.4, 7.4.5, 7.4.7 and 7.4.10, of the coastal environment section of the Auckland Regional Policy Statement for the reasons identified in section 5.1 above and because:

- the natural character of the coastal environment will be protected and enhanced
- appropriate use and development of the coastal environment will be achieved

These relevant sections are attached as Appendix 5.

## **6.2 Regional plan**

Section 75 (4) of the RMA states:

- (4) A district plan must not be inconsistent with –  
...  
(c) a regional plan for any matter specified in section 30(1).

The objectives, policies and rules of the local retailing area give effect to objectives 10.3.1 and policies 10.4.3 and 10.4.4 and 10.4.5 of the Auckland Regional Plan: Coastal for the reasons identified in section 5.1 and section 6.1 above and because:

- the coastal marine area will be protected from inappropriate use and development.
- the local retailing areas already contains development and will effectively integrate any further development with the existing character of the local retailing areas.

## **8.0 Procedures for monitoring**

The council will monitor the effectiveness of the proposed provisions as a means of achieving the objectives and policies by:

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions.
- monitoring complaints and enforcement actions
- monitoring trends through analysing statistics
- reviewing consents to see whether good design outcomes are being achieved

## **9.0 Conclusions**

The feedback that was received as part of the consultation process has been carefully considered in terms of how it affects the local retailing areas, as well as providing for residential uses, other activities, and the permitted standards used for buildings and other activities.

The duties and functions of council, and the purpose and principles of the Resource Management Act have been used to develop the objectives for the settlement areas, and as indicated in the assessment, the objectives achieve the purpose of the Act.

The policies and methods chosen by Council reflect the objectives for the settlement areas, and their parts, implementing efficient and effective means of achieving them. A qualitative assessment of the costs and benefits of different options considered indicate that the best options have been proposed. Furthermore, the proposed options are consistent with regional and national statutory documents.

Overall, the proposed local retailing areas are considered to fulfil the statutory requirements of s32 of the Resource Management Act.



**Appendix 1 - Development controls**

**Appendix 2 - Activity table**

**Appendix 3 - Relevant sections of the New Zealand Coastal Policy Statement**

## **Appendix 4 - Sections 7 and 8 of the 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 5**

**Relevant provisions from the Auckland Regional Policy Statement**

**Appendix 6 - Summary of consultation from GBI workshop**