

# **HGI Plan Review: section 32 report for the Medlands settlement area**

## **1.0 Executive summary**

This report summarises the evaluation undertaken by the council for the method of development of the settlement area of Medlands in terms of section 32 of the Resource Management Act. The scope of this report is to look at the areas identified within the settlement area and the borders of the settlement area. With regard to the implementation of rules for the residential amenity area and the local retailing area in all of the Great Barrier settlements, these can be found in separate s32 reports for those particular sub-areas.

The main conclusions are:

- That a settlement plan identifying appropriate activities in different parts of Medlands is the most effective manner in which to manage the land resource within the settlement
- That a list of appropriate activities is identified to reflect the nature and sensitivity of the delineated areas in the settlement
- That in terms of growth for Great Barrier Island, provision has not been made for extending the settlement area at Medlands
- That there are still further opportunities for growth and development within the existing settlement area boundaries
- The proposed provisions are the most appropriate way of achieving the purpose of the Act.

## **2.0 Introduction**

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

This report has been prepared 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 Island. 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. Special landscape characteristics, such as wetlands and dune systems, have been integrated into the settlement area as the Medlands dune and wetland conservation 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 approach has been to minimise the number of consents required for general building activity in the residential areas of Great Barrier, by replacing the existing controlled activity status with permitted standards.

The settlement areas identify areas within them in which a certain range of activities can take place. The relevant areas in Medlands are:

- Medlands residential amenity area
- Medlands dune and wetland protection area
- Medlands Quarry area

The settlement area for Medlands carries over the existing boundaries of the policy area, with two exceptions:

1. The settlement area excludes some Department of Conservation land and Auckland City Council owned land that was previously in the policy area.
2. The quarry area has been modified to better reflect the quarry area.

The boundaries of the sub-areas within the settlement area have more or less been carried over from the policy area, with the addition of some Auckland City Council owned land into the dune and wetland protection area, and the extension of these provisions over Sandhills Road.

## **2.3 Operative provisions**

The method used for managing the land resource at Medlands in the operative plan is a layered approach using a policy area and land unit layer.

The policy area is very similar to the proposed settlement area, however it is the land unit which determines the development controls. The policy area has a range of objectives and policies that apply to each area, as well as particular rules and assessment criteria for vegetation removal, new buildings, and additions and alterations to existing buildings.

The operative policy area recognises the following areas:

- Quarry
- South Medlands area
- Residential amenity area
- Beach/wetland/riparian conservation area

## **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 the Medlands area.

### **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, and
- 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 based on Waiheke.

The four topics for the focus groups were:

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

A 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.

### **2.4.2 Issues raised during consultation**

Issues particularly relating to the Medlands area or the main areas of settlement through the feedback included:

1. Subdivision to 2000 sqm in suitable areas.
2. Restrict to existing settlements eg Typhena, Claris. Discourage small lots and high user occupation in inappropriate settings - low lying, estuary edge, beach front.
3. Opposes cluster subdivision - except in policy areas for pensioner housing and industrial uses, and if out of sight. Opposes reduction of lot sizes in inappropriate areas.
4. Current lot sizes do not meet GBI need to grow. Suggest rural lot sizes down to 1.5ha. Suggest Medlands Valley and Typhena for development.
5. Min lot sizes 1: 2000m<sup>2</sup>
6. Medlands - LU 5 - reduce subdivision requirement to allow lots of 2.5ha and 1.3ha min
7. District Plan should be made easier for businesses.
8. Parking area at end of Sandhills Rd, Medlands needed
9. Suggest Medlands Valley and Tryphena for development.
10. Explore options around large lot subdivision to the rear of Medlands settlement extending up to the ridgeline.

The summary of the consultation form the workshop from Great Barrier is also attached as Appendix 5.

## **2.5 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.

## **2.6 Objectives**

The objectives for the Medlands Settlement are:

- 10b.6.2 To recognise existing development and subdivision patterns at Medlands Beach, while protecting the sensitive nature of the foredune, wetlands and Oruawharo stream.
- 10b.6.3 To maintain and enhance the amenity of the residential amenity area and to ensure development does not detrimentally impact upon the adjoining dune and wetland conservation area.
- 10b.6.4 To ensure that the sand dune, sand areas and wetland areas of the dune and wetland conservation area remain in their natural state and maintain their ecological functions.
- 10b.6.5 To provide for continuing use of the Medlands quarry as a source of rock materials for construction on the island, while safeguarding surrounding wetland and residential areas.

## **3.0 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.

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

#### 3.1.1 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 Medlands settlement area 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 Medlands settlement area 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).

### 3.1.2 Appropriateness in achieving the purpose of the Act

The objectives for Great Barrier and for Medlands seek to manage the land resource by containing the more densely populated settlements within a certain boundary, away from areas of outstanding natural landscape. The objectives for Medlands are based on an overall direction for the settlement, and objectives for each of the activity-based areas identified within the settlement.

The settlement areas introduce a range of human activities to the planning framework for Great Barrier, recognising the importance for social and cultural activities in an area where these co-exist with the natural environment. Consideration has been given to similar human activities or natural characteristics that identify a particular area. This recognises the importance of natural areas in the settlement, but at the same time recognises the important human element, which contributes to the social, cultural and economic wellbeing of an area. The quarry has been identified also, as it is an essential source of local construction material. Sourcing this type of material locally is a more sustainable method than transporting the material from elsewhere which requires considerable resources.

In terms of the natural environment, the objectives seek to maintain the life-supporting capacity and intrinsic values of ecosystems that still remain within the Medlands settlement area, as well as their amenity values. For Medlands, these can be found in the extensive dune and wetland areas, as well as the streams that generally form northern and southern borders for the settlement.

The objectives could be structured around a purely effects-based approach, where any activity can occur depending on its effects. In this case, activities occur on an ad-hoc basis, with no guidance or structure as to where activities occur. This may result in inappropriate activities locating next to each other, creating cross-boundary conflicts. It is considered that the provision of activity-based areas will allow for better development in terms of associating similar activities or areas with similar environmental values together, creating a better “feel” for the settlement. In addition, the reverse sensitivity effects of different activities conflicting will be reduced. A purely effects-based approach, while addressing a number of environmental effects on the environment, is not considered to be an integrated management approach, as it cannot provide for un-measurable effects such as amenity and community values.



It is considered that the structure and content of the objectives based around activities, and also based on a range of environmental effects, is therefore the most appropriate means for meeting the purpose of the Resource Management Act, and enables Council to fulfil its functions under s31, 72 and 74(1).

### **3.2 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.3.1 Objective**

*To provide for limited growth in existing settlements while protecting the natural environment.*

##### **Policies**

1. *By identifying areas in which additional subdivision can occur within the Okiwi and Claris settlement areas.*
2. *By identifying boundaries that limit the expansion of the settlements into surrounding areas in order to avoid the spread of development into sensitive natural areas.*

The policies identify areas that are targeted for growth, and also how the limits to growth within the settlements will be managed and the reasons for limiting growth, so that natural areas are protected.

#### **10b.3.2 Objective**

*To facilitate appropriate development in suitable places throughout the settlement areas, based on the type of existing activities.*

##### **Policies**

1. *By identifying areas within the settlement areas that have common characteristics, so that these activities can support each other and limit adverse effects on more sensitive activities.*
2. *By ensuring that development maintains or enhances the high landscape and ecological values of Great Barrier*
3. *By limiting adverse effects of activities and encouraging or requiring low impact design methods including:*
  - a. *Onsite management and re-use of stormwater and wastewater*
  - b. *Noise insulation*
  - c. *Minimising impermeable surfaces*

- d. *Utilising renewable energy sources*
- e. *Maintaining or increasing indigenous biodiversity*
- f. *Mitigation of visual impacts of development*

The policies determine three important aspects that determine what appropriate development is on Great Barrier, that is ensuring that similar activities are located in similar locations, maintain the high landscape and ecological values of GBI, and then limiting the adverse effects of activities.

#### **10b.6.2 Objective - Medlands settlement area**

*To recognise existing development and subdivision patterns at Medlands Beach, while protecting the sensitive nature of the foredune, wetlands and Oruawharo stream.*

##### **Policies**

1. *By using indigenous vegetation to mitigate the detrimental impact of erosion, instability or improve dune conservation.*
2. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
3. *By considering the dynamic and sensitive nature of sand dunes when assessing any resource consent and where consent is granted, imposing conditions on buildings, earthworks and vegetation removal that take account of the nature of the sand dunes.*
4. *By ensuring that development is subject to bulk, coverage and location controls, and where these standards are exceeded, that the adverse effects are avoided or mitigated.*
5. *By ensuring that land use activity involving buildings, earthworks or vegetation removal does not adversely affect Oruawharo Stream or its riparian areas, or reduce the ecological value of the stream.*
6. *By ensuring that all buildings are located and are constructed in a manner which minimises disturbance to indigenous vegetation and maximises, where appropriate, use of existing cleared areas.*
7. *By ensuring buildings are not visually intrusive, either individually or cumulatively and that they respect the scale of surrounding sand dunes and remain a minor visual element within the sand dune landscape.*

The proposed policies describe various methods by which the natural environment will be protected in terms of amenity and ecological values. In particular, amenity is afforded by enabling the natural environment to be the dominant element, rather than the buildings. This is further reflected in a general rule for all of the settlements that sets a colour standard for buildings. The policies seek the protection of the ecological values of the wetlands, Oruawharo stream, and dune systems where development is occurring. The policies also

recognise the importance of the human element and that development will occur, but ensures that development is of an appropriate scale and that adverse effects are avoided or mitigated.

**10b.6.3 Objective – Medlands residential amenity area**

*To maintain and enhance the amenity of the residential amenity area and to ensure development does not detrimentally impact upon the adjoining dune and wetland conservation area.*

**Policies**

1. *By limiting the footprint of buildings to ensure that building sizes are of a residential scale.*
2. *By providing for home occupations and home stays as a permitted activity to enable an economic use of appropriate scale for residential sites.*
3. *By limiting activities that are likely to have a detrimental effect on residential amenity due to effects such as noise or traffic.*

The policies seek to maintain discrete, appropriate development in the residential areas, to ensure that residents can maintain an appropriate level of residential amenity. The existing patterns of development are recognised through the proposed boundaries of the settlement area.

**10b.6.4 Objective – Medlands dune and wetland conservation area**

*To ensure that the sand dune, sand areas and wetland areas of the dune and wetland conservation area remain in their natural state and maintain their ecological functions.*

**Policies**

1. *By ensuring that land-use activity in the vicinity of wetlands and rivers does not detrimentally impact upon, alter or affect the water quality or quantity of those areas.*
2. *By protecting important wetland, dune and riparian areas through covenants or reserve requirements.*

The protection of Medlands dune and wetland conservation area is important for ecological and landscape purposes. The policies will help to ensure that inappropriate activities do not encroach on these.

**10b.6.5 Objective – Medlands quarry area**

*To provide for continuing use of the Medlands quarry as a source of rock materials for construction on the island, while safeguarding surrounding wetland and residential areas.*

### ***Policies***

1. *By providing for quarrying activities.*
2. *By limiting the adverse effects of quarrying activities on surrounding residential areas in terms of noise and vibration.*
3. *By limiting any adverse effects on the adjacent wetland systems, with particular regard to silt, sediment and dust.*

The policies recognise that there is a need for quarried rock on Great Barrier for construction and road building activities. However, it is important that the natural functions of the surrounding wetland area is safeguarded, and that the effects of the quarry in terms of noise and disruption of residential amenity are avoided or mitigated.

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 approaches for looking at the boundaries of the Medlands settlement area, and the means by which to achieve the objectives of the settlement area.

- Continue with the status quo - land units underlying policy areas
- Create a new activity-based settlement area that incorporates a single planning framework (refer map at Appendix 1).
- Consider extending the boundaries of the settlement area to the foothills of Medlands

#### **3.2.1 Option 1**

Creating a new activity based settlement area for Medlands, based around the existing development and activities (refer map at Appendix 1). Provide for quarry activity with appropriate rules. Remove land unit provisions.

<b>Benefits</b>	<b>Costs</b>
Protects residential areas from a range of higher impact activities or activities that are not conducive to residential amenity.	Ability is reduced for owners to establish higher impact activities in the residential area.
Avoids sprawl of settlement boundaries.	Individual property owners won't benefit from higher density provisions outside of the proposed settlement area that would allow them to subdivide their land.
Avoids inappropriate developments (retail, higher impact activities) from occurring in areas of higher residential amenity	As no further subdivision is provided for beyond the existing provisions, possible generation of income for Council from financial contributions will be reduced.
Removes conflict between land units and overlay of policy area, creating a more efficient framework under which decisions can be made.	May be seen as restricting freedom to undertake any activity anywhere.
Provides for a local source of rock material, which is a more sustainable option than	Quarrying activity will have an adverse landscape effect, however this effect already

importing from the mainland, with rules that protect residential amenity and the ecology of the surrounding area.	exists.
Allows different development controls for different areas within the settlement, rather than basing development controls on land units.	
By making similar activities in particular areas permitted, reduces costs of compliance by not always requiring a resource consent.	
Continues to allow for economic use of residential sites by allowing for home occupation/cottage industry type activities.	

### The risk of acting or not acting

There are no information requirements that are further needed to consider this option as most of the proposed area is managed by existing policy area controls combined with land unit controls. This option combines the two into a single planning framework, removing existing conflicts between the policies and objectives of the two layers.

### 3.2.2 Option 2

Extend the boundaries of the existing settlement to include larger lots of land around the Medlands settlement, opening up more land in the Medlands area for further subdivision.

In particular this has been considered in terms of:

- Extending to large lots up Oruawharo Stream valley
- Extending to the foothills around Medlands and Mitchener Roads
- Extending to Mason Road

Benefits	Costs
Individual land owners will receive benefit from development potential.	There are still a number of properties in Medlands yet to be developed, resulting in uncertain landscape effects if further development is provided for.
Additional land would be made available for a range of uses, with the possibility of some of this being created for new residents.	Possible areas for development in Medlands Road valley floor and the flat land behind Medlands settlement are prone to flooding.
Further subdivision occurring could allow public access, reserves, and/or financial contributions.	Sites above Puriri Bay difficult to access with tree covered slopes, providing amenity value to Puriri Bay.
	Land surrounding Medlands is high cost and high amenity. Economic research by Strategease indicates that there is a high demand for low cost smaller sites by island residents. Land may be sold to off island owners, rather than providing for on island owners.
	Providing for parts of the Medlands pastured foothills to be included in the settlement area would give additional development potential, but may lead to compromising the

Benefits	Costs
	regenerating slopes and forest areas that provide an important backdrop to the settlement.
	The existing area at Mason Road provides good quality rural residential activity on productive land. This would be lost if small residential scale activities were enabled.

### The risk of acting or not acting

There is sufficient information from survey work to determine the number of undeveloped sites (50) and the number of sites that may result from further subdivision (20), indicating that the proposed boundaries are sufficient in this area for the time being. Insufficient information exists around the nature of possible future subdivision in the foothills of the Medlands catchment. As such, there is a risk that acting on this option and classifying the foothills and including it within the settlement area may result in compromising the high landscape values of the upper slopes of the catchment.

### 3.2.3 Option 3

Maintaining the status quo with the existing policy area and land units.

Benefits	Costs
Provides a planning framework based on characteristic of land type.	Complexity of two different planning methods (policy areas and land units)
Provisions are familiar.	Conflicts between land units and policy areas (opposing objectives and policies)
	Current structure of policy areas requires consents for any building activity, which is a cost on homeowners and developers.
	Removal of any vegetation in the existing policy area requires a resource consent, placing a time and inconvenience cost on homeowners and developers.
	Does not identify or consolidate similar activities, potentially leading to reverse sensitivity and cumulative adverse amenity effects on residential uses.

### The risk of acting or not acting

Acting on the above option would continue to place costs on land owners in terms of requiring consent, and uncertainty in terms of conflict between different provisions in the plan. Refining the approach as outlined in Option 1 is the preferable option, as it is considered that there is sufficient information to make these changes.

### 3.2.4 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 at Medlands is to:

1. Use the method of a settlement area identifying appropriate activities in different parts of Medlands, and limiting the extent of the settlement area to the areas defined in Appendix 1, and as set out in Option 1 above.
2. That a list of appropriate activities is identified to reflect the nature and sensitivity of the identified areas in the settlement, and control these by way of different activity status and development controls.
3. That in terms of growth for Great Barrier Island, provision has not been made for extending the settlement area at Medlands for further development.

### **3.3 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 district plan, with the proposed settlement area and separate areas identified within it will assist with Council discharging its functions for controlling the action and potential effect of the use of land in Medlands, as enabled by s72 and 74(1).

In particular, the changes reflect a review of the district plan, its objectives, policies and methods, that achieve integrated management of the use and management of land in the Medlands settlement as required under s31. Particular rules regarding subsections (b), (d), and (e), and developed under s76, are set out in other s32 reports, relating to each of the sub-areas within the settlements.

## **4.0 National planning documents**

### **4.1 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 proposed settlement area reflects the sustainable management of the land resource in the Medlands catchment, in particular preserving the natural character of the coastal environment by encouraging appropriate development where the character has already been compromised, and avoiding sprawling or sporadic subdivision, as outlined in Policy 1.1.1.

The settlement area does not contain any known areas of coastal Maori heritage, or any that have been requested to be identified in relation to Claris, however there are rules in the heritage section of the plan that require consents where archaeological sites may be affected by development.

It is considered that the approach taken gives effect to the policies set out in Chapter 3 of the New Zealand Coastal Policy Statement, with the remaining content of the statement not having relevance to the Medlands settlement.

The relevant parts of the New Zealand Coastal Policy Statement have been appended as Appendix 2.

## **4.2 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 3.

In relation to the settlement area method and its boundaries, these recognise the importance of providing for the social, cultural and economic wellbeing of the community of Medlands, while at the same time protecting the life-supporting capacity of the ecosystems of the gulf from further inappropriate development outside of existing modified areas.

## **5.0 Regional planning documents**

### **5.1 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 settlement area give effect to the strategic objectives in chapter 2 of the Auckland Regional Policy Statement (ARPS), particularly 2.5.1, objective 3, being to protect the soil resources, amenity values, rural character, landscape values and mineral resources of rural areas from the regionally significant effects of inappropriate subdivision, use or development. In addition, the delineation of the settlement area at Medlands is consistent with 2.5.3.2.3(ii) that provides for definition of the limits of rural and coastal settlements to protect environmental values, and that the integrity of those limits are maintained.

It is considered that the settlement area addresses the issues set out in 7.2 of the ARPS and is consistent with the objectives 7.3.1-10. Subsequently, the proposal is consistent with the methods and policies set out in section 7.4. These relevant sections are attached as Appendix 4.

### **5.2 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 settlement area are consistent with the following:

- Auckland Regional Plan: Coastal,
- Auckland Regional Plan: Air, Land and Water,
- Auckland Regional Plan: Sediment Control
- Auckland Regional Plan: Farm, Dairy Discharges

The provisions that are of most relevance are:

- To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision use and development.
- To maintain and enhance the diversity, integrity and landscape quality of the coastal environment.
- To maintain and enhance public access to, along and within the coastal marine area.

The provisions of settlement area, especially the dune and wetland conservation area, gives effect to the regional policy statement by avoiding activities and buildings that will have an adverse effect on the natural character of the coastal environment, and ensuring that the natural environment remains the dominant element in terms of landscape.

## **6.0 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
- undertaking land use surveys and ecological surveys
- monitoring trends through analysing statistics
- monitoring the number of developed sites in the Medlands settlement
- monitoring the number of subdivisions granted in the Medlands settlement
- monitoring the location and extent of the foredune and streams at Medlands
- monitoring flooding events and their extent

## **7.0 Conclusions**

The feedback that was received as part of the consultation process has been carefully considered in terms of how it affects the Medlands catchment and the boundaries of the settlement. With the overall purpose being to provide for growth where it was needed, it was determined that the number of vacant sites and sites that could be subdivided further in the settlement indicates that Medlands has not reached a level where new areas need to be opened up for development.

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 area, 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 area, implementing efficient and effective means of achieving them. A qualitative consideration of the costs and benefits of different options considered indicate that the best option has been proposed. Furthermore, the proposed option is consistent with regional and national statutory documents.

Overall, the proposed settlement area is considered to fulfil the statutory requirements of s32 of the Resource Management Act.

## **Appendix 1 - Medlands settlement area map**

## **Appendix 2 - Relevant sections of the New Zealand Coastal Policy Statement**

## **Appendix 3 - 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 4**

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

## **Appendix 5 - Summary of consultation from GBI workshop**