

# **HGI Plan Review: section 32 report for the resource management overview (part 2 of the plan)**

## **1.0 Executive summary**

This report summarises the evaluation undertaken by the council of the resource management overview section (part 2 of the plan) 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 Act as set out in section 5, 6, 7 and 8
- there are no policies, rules or other methods within the resource management section (part 2 of the plan) which specifically relate to these objectives. Instead these are contained in other parts of the plan. The environmental, social and economic benefits versus costs of these proposed policies and rules have therefore been considered in other section 32 reports and are not assessed in this section 32 analysis.
- the proposed objectives will allow council to carry out its functions under section 31, 72 and 74(1) of the act
- the objectives are consistent with the Hauraki Gulf Marine Park Act, statutory national and regional planning documents and non statutory documents.

Therefore, it is appropriate to incorporate these objectives within the reviewed district plan.

## **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**

This part of the plan describes the characteristics that make up the islands, sets out the statutory context of the plan, describes how the plan encourages sustainable management and identifies broad gulf-wide resource management issues and related objectives.

Specifically:

- section 2.2 gives a general description of the environmental character and resources of the islands.
- section 2.3 outlines the statutory context of the plan. The Resource Management Act 1991 (RMA) is the primary statutory document governing the plan. The Hauraki Gulf Marine Park Act 2000 (HGMPA) is also discussed. Other statutory documents described are:
  - national policy statements and the NZ coastal policy statement
  - regional policy statements and plans
  - management plans and strategies prepared under other legislationOther influences include:
  - iwi authority considerations
  - the Treaty of Waitangi
- section 2.4 discusses 'sustainable management.' The following elements are identified under the concept of sustainable management, part 2.4.1.
  - managing the adverse effects of human activities on the environment
  - considering the natural environment

- enabling people to meet their needs
- considering future generations.

In part 2.4.2 of the plan consideration is given to how the plan will promote sustainable management.

- section 2.5 sets out broad high level issues and resulting objectives for the islands as a whole. Other parts of the plan have more specific issues, objectives, policies and rules relating to particular topics (such as heritage, natural hazards, hazardous facilities and contaminated land) or areas such as a particular land unit or settlement area.
- the resource management issues and objectives outlined in section 2.5.2-2.5.8 are listed under the following broad categories:
  - sustainable management
  - coastal
  - landscape
  - water
  - natural environment
  - Maori
  - human environment (other)

## 2.3 Operative plan provisions

Part 3 of the Operative Hauraki Gulf Islands District Plan 1996 (HGI plan) contains the resource management overview section.

This part of the plan is structured in the following manner:

- section 3.1 gives a general description of the environmental character and resources of the islands.
- section 3.2 outlines the resource management issues under the following headings:
  - sustainability
  - environment
  - coastal environment
  - conservation and heritage
  - Maori
  - lifestyle, cultural diversity and quality of life
  - subdivision
  - infrastructure and services
  - transportation and roading
  - the residents
  - recreation and visitors
  - water quality
  - farming
  - hazardous facilities
  - mining and quarrying
- section 3.3 outlines the resource management strategy under the same headings as in 3.2 of the plan, identified above. The residents' section is not included and a new section titled 'development and growth' is included.
- section 3.4 outlines the outcome and means under the same headings as in 3.2 of the plan, identified above. The residents' section is not included and a new section titled 'implementation and monitoring' is included.
- section 3.5 gives a general vision of the plan.

## **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 resource management overview section (part 2 of the plan).

### **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
- network utility authorities
- the Ministry for the Environment.

## **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**

Written feedback principally raised issues specific to particular parts of the islands. Although there was some feedback which raised issues of relevance to part 2 the 'resource management overview' section of the proposed plan.

These issues included:

- define 'sustainability' in HGI plan
- sustainability 'over ride'
- high quality natural environment
- protect natural environment as much as possible
- protect natural heritage (for biodiversity and ecology).

In addition, the focus groups on sustainability and landscape raised issues of relevance to part 2 the 'resource management overview' section of the proposed plan.

These included:

- give sustainability a higher priority
- protect outstanding natural landscapes from inappropriate subdivision or development.

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

### **3.1 Issues**

The significant resource management issues within the resource management overview section (part 2 of the plan) are:

#### **3.1.1 Sustainable Management**

1. *How to encourage more sustainable management of natural and physical resources.*
2. *How to ensure that growth and development occurs in a manner that is consistent with sustainable management.*

#### **3.1.2 Coastal**

1. *How to encourage more sustainable management of the natural and physical resources of coastal environments.*
2. *How to manage the hazards posed to people, property, and the natural environment by coastal erosion and inundation by the sea (and considering the impact of climate variability).*
3. *How to recognise the requirements of coastal policy statements, plans and legislation (such as the National Coastal Policy Statement, Regional Coastal Policy Statement, and Hauraki Gulf Marine Park Act 2000) which apply to the islands.*
4. *How to ensure that development pressures do not result in adverse effects on sensitive coastal environments and unique coastal character.*

5. *How to ensure that public access to the coastal environment is maintained and improved.*
6. *How to ensure that land uses activities do not degrade coastal water quality due to:*
  - *sediment runoff from earthworks and erosion*
  - *effluent runoff from inadequate or malfunctioning effluent disposal systems*
  - *other contaminant runoff from roads or other hard surfaces.*

### **3.1.3 Landscape**

1. *How to encourage more sustainable management of natural features and landscapes.*
2. *How to ensure that outstanding natural features and landscapes are protected from inappropriate subdivision, use and development.*
3. *How to maintain the dominance of natural features over built features in areas which are valued for their natural landscapes.*

### **3.1.4 Water**

1. *How to encourage more sustainable management of natural and physical resources so that activities occurring on land do not adversely affect water systems.*
2. *How to ensure that activities occurring on the land do not degrade or reduce the long term availability of water through natural systems such as aquifers and bores.*
3. *How to ensure that activities occurring on the land do not adversely affect the quality, quantity or flows of water in permanently flowing streams and rivers, lakes and wetlands due to:*
  - *sediment runoff resulting from vegetation removal, earthworks and erosion*
  - *effluent runoff from inadequate or malfunctioning effluent disposal systems*
  - *other contaminant runoff from roads or other hard surfaces*
  - *changing volumes of runoff due to an increase in hard surfaces.*

### **3.1.5 Natural environment**

1. *How to encourage more sustainable management of natural and physical resources so as to avoid, remedy or mitigate adverse effects on the natural environment.*
2. *How to ensure that the development pressures do not result in adverse effects on the natural environment. This includes adverse effects on:*
  - *indigenous vegetation and fauna habitat*
  - *coastal areas*
  - *wetlands*
  - *the margins of lakes and rivers*
  - *water resources*
  - *the natural character of the landscape*
  - *areas of high ecological value*
  - *geological features.*
3. *How to prevent the loss and degradation of significant ecological features. This can result from:*
  - *removal of indigenous vegetation*
  - *sediment runoff from vegetation removal, earthworks and erosion*
  - *reduced water quality, or changes in the quantity or flow of water*
  - *pest and weed encroachment*
  - *stock encroachment.*
4. *How to address conflicts between the use and preservation of the natural environment.*

5. *How to address the potential for mining, and its associated adverse effects on the natural environment.*

#### **3.1.6 Maori**

1. *How to ensure that matters of significance to Maori are not adversely affected by subdivision, use and development.*

#### **3.1.7 Human environment (other)**

1. *How to provide for a variety of lifestyle and residential opportunities including:*
  - *a range of residential property sizes*
  - *permanent residents, holiday homes, and accommodation for seasonal visitors.*
2. *How to manage the effects of the use and development of land in accordance with the requirements of the RMA without placing unreasonable restrictions and costs on residents and landowners.*
3. *How to manage diverse and conflicting aspirations about the way in which the resources of the islands should be used, developed or protected.*

### **3.2 Objectives**

The objectives within the resource management overview section (part 2 of the plan) are:

#### **3.2.1 Sustainable Management**

1. *To manage land use activities to ensure that adverse effects are avoided, remedied or mitigated.*
2. *To limit the intensity of subdivision and land use to a scale that is appropriate to the different characteristics of various island environments.*
3. *To promote more sustainable transport options such as walkways and cycleways as an alternative to use of the private motor vehicle.*
4. *To enable the growth of the local economy, including business and employment.*
5. *To encourage low impact methods of resource use and development including more sustainable building practices and cleaner production techniques.*

#### **3.2.2 Coastal**

1. *To ensure that coastal subdivisions provide for improved public access to the coast except where this is not practicable due to erosion or safety concerns.*
2. *To prevent subdivision and development in coastal areas where there is a high risk of natural hazards.*
3. *To limit the intensity of land use and subdivision to a level which is appropriate to the natural character of the coastal environments.*
4. *To limit and manage earthworks and vegetation clearance so as to avoid or minimise sediment runoff into coastal waters.*

#### **3.2.3 Landscape**

1. *To ensure that buildings and structures in area of significant landscape value are sited and designed in a manner which maintains the dominance of the natural environment.*
2. *To protect significant geological landforms and ecological areas from being destroyed, or degraded through alteration or other means.*

3. *To encourage the retention, management and enhancement of existing indigenous vegetation.*
4. *To achieve positive environmental benefits from subdivision and development such as planting and protection of significant environmental features.*

#### **3.2.4 Water**

1. *To limit and manage earthworks and vegetation clearance so as to avoid or minimise sediment runoff.*
2. *To ensure that new development uses appropriate methods to minimise runoff.*

#### **3.2.5 Natural environment**

1. *To protect the significant elements of the natural environment.*
2. *To protect and preserve areas of significant ecological value.*
3. *To prohibit, throughout the islands, the introduction, keeping or farming of new organisms, and identified plant and animal pest species.*
4. *To prohibit mining throughout the islands.*

#### **3.2.6 Maori**

1. *To provide for Maori to develop and manage their ancestral lands in a manner which meets their needs. On Waiheke, this includes the Ngati Paoa land at the eastern end and the Piritahi Marae. On Great Barrier this includes the Ngati Rehua land and marae at Motairehe and Kaoa.*
2. *To recognise and provide for the protection of waahi tapu and other ancestral sites in a sensitive and culturally appropriate manner.*
3. *To recognise in the Plan's provisions the kaitiakitanga role of Maori with mana whenua.*

#### **3.2.7 Human environment (other)**

1. *To ensure that residential development is undertaken in a manner which respects the character and amenity of the islands while allowing for a variety of lifestyle choices.*
2. *To ensure that the requirements of the RMA, Hauraki Gulf Marine Park Act 2000 and other relevant legislation are adhered to within the Plan while appropriately and fairly applying the costs of this administration.*
3. *To appropriately balance the varying requirements and aspirations of residents and visitors to the islands while recognising and protecting its unique character and amenity.*

### **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 in 4.1.



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

### 4.1.1 The purpose of the Act

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

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

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

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

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the resource management overview section (part 2 of the plan), 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 resource management overview section (part 2 of the plan), 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**

### **4.1.2.1 Sustainable management objectives – Clause 2.5.2 of plan**

All the issues, objectives, policies and rules set out in the plan are targeted at achieving sustainable management of natural and physical resources. Notwithstanding this, the following objectives relate to sustainable management at a broad gulf wide level.

1. *To manage land use activities to ensure that adverse effects are avoided, remedied or mitigated.*
2. *To limit the intensity of subdivision and land use to a scale that is appropriate to the different characteristics of various island environments.*
3. *To promote more sustainable transport options such as walkways and cycleways as an alternative to use of the private motor vehicle.*
4. *To enable the growth of the local economy, including business and employment.*
5. *To encourage low impact methods of resource use and development including more sustainable building practices and cleaner production techniques.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 these objectives promote the sustainable management of natural and physical resources by outlining appropriate and achievable outcomes which can be implemented through policies, rules and other methods in subsequent parts of the plan to achieve a more sustainable future in the islands.

The objectives enable 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 by controlling the location, type, scale and intensity of development within the islands to that which is appropriate.

These objectives will sustain the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations and safeguards the life-supporting capacity of air, water, soil, and ecosystems by:

- promoting more sustainable transport and land use options.
- allowing for growth in the local economy of the islands. This will allow residents of Waiheke to provide for more of their retail and other commercial needs i.e. shopping, entertainment and employment needs on Waiheke, which reduces the need for them to commute into Auckland to fulfil these needs.
- limiting development in more sensitive environments and providing for appropriate development in other locations to reflect the varied character and amenity of the islands.

These objectives will also avoid, remedy, or mitigate any adverse effects of activities on the environment by:

- managing land use activities within the gulf in such a manner to ensure that this is achieved.

These objectives recognise and provide for the matters outlined in Section 6 ‘Matters of national importance’ of the Act on a broad, general level as they recognise that land use should vary depending on the character, amenity value and ecological value of the locality.

The objective meets clause (b) *“the efficient use and development of natural and physical resources”* (c) and clause (j) *“the benefits to be derived from the use and development of renewable energy”* of Section 7 ‘Other Matters’ of the Act, because it:

- encourages land use and development to be undertaken in a more sustainable manner.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.2 Coastal objectives – Clause 2.5.3 of plan**

1. *To ensure that coastal subdivisions provide for improved public access to the coast except where this is not practicable due to erosion or safety concerns.*
2. *To prevent subdivision and development in coastal areas where there is a high risk of natural hazards.*
3. *To limit the intensity of land use and subdivision to a level which is appropriate to the natural character of the coastal environments.*
4. *To limit and manage earthworks and vegetation clearance so as to avoid or minimise sediment runoff into coastal waters.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety by providing for development within the coastal environment, where appropriate, while protecting the natural character and high amenity value of the area.

The objectives achieve the following parts of section 6 matters of national importance of the Act:

- 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”*
- clause (c) *“the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna”*
- clause (d) *“the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.”*

This is because the objectives:

- recognise the unique nature and high value of the coastal environment and the importance of protecting this environment from inappropriate subdivision, use and development.
- recognise that the intensity and scale of development within the coastal environment should vary depending on the natural character of the area.

Therefore development which is appropriate in one part of the coastal environment of the gulf may not be appropriate in another part.

- recognise the importance of maintaining and enhancing improved public access to and along the coastal environment.
- recognise the importance of limiting and effectively managing any earthworks and vegetation clearance within the islands in order to avoid or minimise sediment runoff into coastal waters.

The objectives meet 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 by:

- recognising that the natural character of the coastal environment is an important contributor to the high amenity value and high environmental quality of the islands. The importance of retaining and enhancing these values is recognised in these objectives.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.3 Landscape objectives – Clause 2.5.4 of plan**

1. *To ensure that buildings and structures in area of significant landscape value are sited and designed in a manner which maintains the dominance of the natural environment.*
2. *To protect significant geological landforms and ecological areas from being destroyed, or degraded through alteration or other means.*
3. *To encourage the retention, management and enhancement of existing indigenous vegetation.*
4. *To achieve positive environmental benefits from subdivision and development such as planting and protection of significant environmental features.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety by providing for development within the gulf, where appropriate, while protecting outstanding and other valued natural landscapes and features from the impact of this use.

The objectives achieve the following parts of section 6 matters of national importance of the Act:

- 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*”
- clause (b) “*the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*”
- clause (c) “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*”
- clause (f) “*the protection of historic heritage from inappropriate subdivision, use, and development*”

This is because the objectives:

- recognise the unique nature and high value of the significant natural features and landscapes within the gulf and the importance of protecting these features and landscapes from inappropriate subdivision, use and development. This objective also reflects the intent of proposed change 8 ‘landscape and volcanic cones’ to the Auckland Regional Policy Statement which outlines areas of outstanding natural features and landscapes within the gulf.
- recognise that indigenous vegetation within the islands plays an important part in contributing to the high value of significant features and landscapes and that this vegetation should be appropriately managed to ensure its retention and possible enhancement.
- recognise that the intensity and scale of development within these areas of significant landscape value should be such that it does not dominant or otherwise adversely affect the value of the landscape.
- recognise the importance of protecting significant geological landforms and ecological areas from being destroyed or degraded.
- recognises that subdivision and development can play a role in protection and enhancement of significant landscape features and landscapes.

The objectives meet clause (c) “*the maintenance and enhancement of amenity values*” clause (d) “*intrinsic value of ecosystems*” and clause (f) “*maintenance and enhancement of the quality of the environment*” of Section 7 ‘Other Matters’ of the Act by:

- recognising that significant features and landscapes within the gulf are an important contributor to the high amenity value and high environmental quality of the islands. The importance of retaining and enhancing these features and landscapes is recognised in these objectives.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.4 Water objectives – Clause 2.5.5 of plan**

1. *To limit and manage earthworks and vegetation clearance so as to avoid or minimise sediment runoff.*
2. *To ensure that new development uses appropriate methods to minimise runoff.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety by providing for development within the gulf, where appropriate, while managing development and land use so that it does not adversely affect the quantity and quality of water systems, which include rivers, lakes, wetlands, aquifers and the marine area.

The objectives achieve the following parts of section 6 matters of national importance of the Act:

- 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*”
- clause (e) “*the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*”

This is because the objectives:

- recognise that earthworks and vegetation removal need to be appropriately managed within the islands to ensure that the quality of water systems is not adversely affected by sediment runoff and so the natural character of these water systems is not adversely affected.
- recognise that runoff from sites should be minimised in order to reduce potential adverse effects resulting from flooding and contamination of waterways with sediment and traces of petrochemicals from roads.
- recognise that maintaining high quality water systems is important to Maori.

The objectives meet clause (c) “*the maintenance and enhancement of amenity values*” clause (d) “*intrinsic value of ecosystems*” and clause (f) “*maintenance and enhancement of the quality of the environment*” of Section 7 ‘Other Matters’ of the Act by:

- recognising that the maintenance and enhancement of water quality and water quantity is an important contributor to the amenity values, the value of ecosystems and the quality of the environment.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.5 Natural environment objectives – Clause 2.5.6 of plan**

1. *To protect the significant elements of the natural environment.*
2. *To protect and preserve areas of significant ecological value.*
3. *To prohibit, throughout the islands, the introduction, keeping or farming of new organisms, and identified plant and animal pest species.*
4. *To prohibit mining throughout the islands.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety by allowing for development within the gulf, where appropriate, while managing development and land use so that it protects significant elements of the natural environment and areas of significant ecological value.

The objectives achieve the following parts of section 6 matters of national importance of the Act:

- 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.*”
- clause (b) “*the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*”
- clause (c) “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*”

This is because the objectives:

- recognise the unique nature and high value of the natural environment and ecological areas within the islands and the importance of protecting these elements and areas from inappropriate subdivision, use and development.

This objective also reflects the intent of proposed change 8 ‘landscape and volcanic cones’ to the Auckland Regional Policy Statement which outlines areas of outstanding natural features and landscapes within the gulf.

- recognise that new organisms, identified plant and animal pest species and mining can have potentially significant adverse effects on the character and ecology of the islands. Providing for these activities would be incompatible with and would compromise important conservation and heritage values of the gulf. For these reasons, two specific objectives identify that these organisms and mining activity are prohibited within the plan (in clause 4.4).

The objectives meet clause (c) “*the maintenance and enhancement of amenity values*” clause (d) “*intrinsic value of ecosystems*” and clause (f) “*maintenance and enhancement of the quality of the environment*” of Section 7 ‘Other Matters’ of the Act by:

- recognising that the maintenance and enhancement of the natural environment and ecological areas and the prohibition of certain organisms and mining within the islands is an important contributor to the amenity values, the value of ecosystems and the quality of the environment within the gulf.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.6 Objectives about Maori – Clause 2.5.7 of plan**

1. *To provide for Maori to develop and manage their ancestral lands in a manner which meets their needs. On Waiheke, this includes the Ngati Paoa land at the eastern end and the Piritahi Marae. On Great Barrier this includes the Ngati Rehua land and marae at Motairehe and Kaoa.*
2. *To recognise and provide for the protection of waahi tapu and other ancestral sites in a sensitive and culturally appropriate manner.*
3. *To recognise in the Plan’s provisions the kaitiakitanga role of Maori with mana whenua.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety by allowing for development within the gulf, where appropriate, while ensuring that it does not compromise the relationship of Maori with their lands, culture or traditions.

The objectives achieve clause (e) “*The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*” and clause (f) “*the protection of historic heritage from inappropriate subdivision, use, and development*” of section 6 matters of national importance of the Act.

This is because the objectives:

- recognise the importance of, and provide for, Maori to develop and manage their ancestral lands in a manner which meets their needs.
- recognise the importance of, and provide for, the protection of waahi tapu and other ancestral sites in a sensitive and culturally appropriate manner.

The objectives meet clause (a) “*kaitiakitanga*” and clause (aa) “*The ethic of stewardship*” of Section 7 ‘Other Matters’ of the Act by:

- recognising the kaitiakitanga (stewardship) role of Maori with mana whenua to the islands.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.7 Human environment (other) objectives – Clause 2.5.8 of plan**

1. *To ensure that residential development is undertaken in a manner which respects the character and amenity of the islands while allowing for a variety of lifestyle choices.*
2. *To ensure that the requirements of the RMA, Hauraki Gulf Marine Park Act 2000 and other relevant legislation are adhered to within the Plan while appropriately and fairly applying the costs of this administration.*
3. *To appropriately balance the varying requirements and aspirations of residents and visitors to the islands while recognising and protecting its unique character and amenity.*

These objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 they enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety by providing for development within the gulf, in a manner which appropriately balances the varying requirements of residents and visitors, while respecting the character and amenity of the islands and adhering to the statutory requirements of legislation.

There are no matters of national importance under section 6 of the Act with particular relevance to these objectives.

The objectives meet clause (c) “*the maintenance and enhancement of amenity values*” of Section 7 ‘Other Matters’ of the Act by:

- recognising that in providing for the varying needs and aspirations of residents and visitors to the gulf and the requirements of relevant legislation it is important to protect the unique character and amenity of the islands.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

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

There are no policies, rules or other methods within the resource management section (part 2 of the plan) which specifically relate to these objectives. Instead these are contained in other parts of the plan. The environmental, social and economic benefits versus costs of these proposed policies and rules have therefore been considered in other section 32 reports and are not assessed in this section 32 analysis.



### **4.3 Whether the proposed objectives 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 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 the islands.
- protect the character and amenity value of the natural environment of the islands.
- adequately control the actual and potential effects of the use and development of land within the islands.

## **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 give effect to policies 1.1.1, 1.1.2, 3.2.2, and 3.2.7, of the New Zealand Coastal Policy Statement (1994), attached as **appendix A** by:

- recognising the unique nature and high value of the coastal environment of the islands and the importance of protecting this environment from inappropriate subdivision, use and development.

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

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

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

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

The objectives 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 islands by highlighting the importance of maintaining and enhancing water quality and water quantity and other environmental qualities in the islands
- protect and enhance the natural and physical resources of the islands through the promotion of sustainable management.
- provide for the social, economic, recreational and cultural wellbeing of the community by allowing for development and land use where appropriate.

## 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 give effect to objectives 7.3.(1), (2) and (3) and policies and methods 7.4.4, 7.4.5, 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 they:

- recognise that the intensity and scale of development within the coastal environment should vary depending on the natural character of the area. Therefore development which is appropriate in one part of the coastal environment of the gulf may not be appropriate in another part.

The objectives give effect to objective 8.3.(1) of the water quality section of the Auckland Regional Policy Statement because they:

- recognise that appropriately managing earthworks, vegetation removal and runoff will improve water quality within the islands.

The objectives give effect to objective 3.3. of the ‘matters of significance to Iwi’ section of the Auckland Regional Policy Statement because they:

- recognise the importance of, and provide for, Maori to develop and manage their ancestral lands in a manner which meets their needs.
- recognise the importance of, and provide for, the protection of waahi tapu and other ancestral sites in a sensitive and culturally appropriate manner.

These relevant sections are attached as **appendix C**.

Proposed change 8 ‘landscape and volcanic cones’ to the regional policy statement was notified on 26 September 2005. This applied outstanding natural landscapes and features classifications to parts of the islands. The objectives reflect the intent of proposed change 8 by recognising the importance of providing additional protection for areas of significant landscape value.

### 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 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 they:

- recognise the unique nature and high value of the significant coastal environment within the gulf and the importance of protecting these areas from inappropriate subdivision, use and development.

These sections are attached as **appendix D**. These methods are also consistent with all other provisions of the Auckland Regional Plan: Coastal.

## **7.0 Other documents**

### **7.1 Essentially Waiheke**

Essentially Waiheke – A Village and Rural Communities Strategy is a non statutory strategic document, which sets out a community approved framework for Waiheke’s development. It was adopted by council in 2000 after extensive consultation with the Waiheke community.

The five central principles of Essentially Waiheke are:

- principles of environmental protection
- principles of economic development and employment
- principles of strong communities
- principles to protect and enhance Waiheke’s character
- principles of location

The objectives within part 2 are consistent with these five central principles and the underlying aims, strategies and actions within the document for the reasons identified in section 5.1 and section 6.1 above.

They will also ensure the retention and enhancement of the character and amenity of the coastal environment and other landscapes within Waiheke and will ensure that the natural environment of Waiheke is protected from inappropriate use and development.

### **7.2 The Rakino Way**

The Rakino Way – An island community’s strategy was adopted by council in 2003. It is a non statutory document for managing future growth and development on the island.

The three central principles of the Rakino Way are:

- environmental protection
- development and maintenance of strong communities
- protection and enhancement of Rakino’s natural coastal character

The objectives are consistent with these three central principles and the underlying aims, strategies and actions within the document for the reasons identified in section 5.1 and section 6.1 above. They will also ensure the retention and enhancement of the character and amenity of the coastal environment of Rakino is protected from inappropriate use and development.

## **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
- undertaking surveys e.g. Waiheke residential landuse survey,
- monitoring trends through analysing statistics (e.g. census, accident statistics, building consents).

## 9.0 Conclusions

Council has carefully considered all feedback received related to the resource management overview section (part 2 of the plan), and has incorporated alterations to the plan where it was considered necessary.

Assessment of the objectives against the statutory requirements of Section 32 of the Act has established that:

- the objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8
- there are no policies, rules or other methods within the resource management section (part 2 of the plan) which specifically relate to these objectives. Instead these are contained in other parts of the plan. The environmental, social and economic benefits versus costs of these proposed policies and rules have therefore been considered in other section 32 reports and are not assessed in this section 32 analysis.
- the proposed objectives will allow council to carry out its functions under section 31, 72 and 74(1) of the act
- the objectives are consistent with the Hauraki Gulf Marine Park Act, statutory national and regional planning documents and non-statutory documents.

## **Appendix A**

### **New Zealand Coastal Policy Statement (1994)**

## **Appendix B**

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

Section 7 states as follows:

#### **Recognition of national significance of Hauraki Gulf**

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
  - (a) to provide for—
    - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
    - (ii) the social, economic, recreational, and cultural well-being of people and communities:
  - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
  - (c) to maintain the soil, air, water, and ecosystems of the Gulf

Section 8 states as follows:

#### **Management of Hauraki Gulf**

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

**Appendix C**

**Regional Policy Statement**

**Appendix D**

**Regional Plan**