

HGI Plan Review: section 32 report for Recreation 3 - Rangihoua park

1.0 Executive summary

This report comprises the section 32 evaluation undertaken by the council for the recreation 3 - Rangihoua park land unit.

The main conclusions are as follows:

Having evaluated the alternatives, benefits and costs the recreation 3 land unit of the proposed Plan is the most appropriate means for achieving the purpose of the Act because it will help protect natural and physical resources within Rangihoua park, while enabling people and communities to provide for their social, economic and cultural wellbeing.

Developing a single land unit with defined 'areas' around which different activities are provided for is the most efficient and effective method for achieving the objectives.

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 Existing & proposed plan provisions

The operative Plan has a specific policy area called policy area 8 – 'Rangihoua park'. There are also four land units which apply to various parts of the policy area – they are land unit 4 (wetland systems), 17 (landscape amenity), 10 (outdoor activities) and 19 (community activities). The park also contains two items that are scheduled in the operative Plan for their heritage values – the former woolshed on Onetangi Road and the pa site on Rangihoua maunga.

The approach in the operative Plan means that the provisions of the various land units apply, as well as those for the policy area. The goal of the policy area is to facilitate the creation of a major recreational park which provides a diverse range of outdoor active and passive recreational opportunities for the residents of Waiheke Island and visitors. The policy area is broken into the following areas:

- Recreation amenity area
- Conservation protection area
- Heritage protection area
- Landscape amenity area

These 'areas' provide an indication of the planning approach and management for the particular parts of the Rangihoua policy area. The rules require controlled activity consent for all buildings and structures, so that they are complementary to the natural environment, also for earthworks and vegetation removal. Discretionary activity consent is required when the permitted activity standards contained in Part 6B of the Plan are varied. The discretionary activity requirements also control earthworks in heritage and conservation protection areas,

vegetation alteration within the conservation policy area and any activity within the Rangihoua maunga heritage protection area.

The recreation 3 – Rangihoua park land unit in the proposed Plan will follow the approach of the existing policy area by dividing the park into separate areas for management purposes. However, only the provisions of the recreation 3 land unit will apply rather than having a ‘layered’ approach where the policy area and the underlying land units are applied. The five following areas have been identified:

- recreation
- conservation
- Rangihoua Maunga
- cultural and heritage facilities
- landscape amenity.

A description of each area is provided with a statement about the planning approach. An activity table has been created which lists the activities and the consent requirements for each of the areas defined above. In general the approach is to provide for appropriate recreation based activities within the recreation, cultural and heritage facilities and landscape amenity areas, while limiting activities within the conservation and Rangihoua Maunga areas. Alterations and additions to existing buildings require consent, as do new buildings which are greater than 50m². Assessment criteria have been developed to assess applications for particular issues. A map showing the areas is attached as **appendix B**.

A new map has been prepared which illustrates the locations of the various areas noted above, as well as the indicative locations of walking and bridle trails.

2.3 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 Rangihoua park.

2.3.1 Consultation to date

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

Initial consultation

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

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

Focus groups

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

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

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

Telephone survey

The council commissioned an independent research company to undertake a phone survey in late 2005. The survey was of a randomly selected sample of 1002 on-island residents and off-island ratepayers of Waiheke, Great Barrier and Rakino. The questionnaire used for the survey was designed to get responses on the key issues that had emerged from the consultation process and stakeholder feedback.

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

Consultation with other stakeholders

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

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

2.3.2 Issues raised during consultation

General consultation

No specific issues were raised by the wider public or stakeholders in relation to Rangihoua park during the consultation period. However, written feedback, the telephone survey and feedback from the focus groups resulted in comment on the design of buildings and controlling the effects of buildings on the landscape. This feedback is summarised below:

- Support for controls on buildings to ensure that they blend into the landscape and respect the natural environment (particularly the coast and ridgelines).
- Support for further emphasis on design issues (including design guidelines and height) so that buildings have good innovative design and appropriate colours and materials.
- Opposition to further controls on building design issues as freedom of design is beneficial.
- Support for controls on colour (including the existing T Heath controls) to ensure that buildings blend into the landscape and natural environment.
- Opposition to controls on colour (including removing existing T Heath controls) as colour should be at owner's discretion.

- Support for controlling reflectivity, instead of colour so that buildings blend with the landscape.

Internal consultation

A draft of the recreation 3 land unit was presented to the Kaitiaki Management Committee, which is a council committee set up to manage the Rangihoua Maunga. The committee includes iwi and council representatives.

Feedback was also sought from community planning and recreation and community services staff members.

3.0 Resource management issues and objectives

3.1 Issues

1. How to manage the use of the park in an integrated manner which recognises the differing characteristics and differing scales and types of land use appropriate to various parts of the park.
2. How to manage the relationship between the park and surrounding land uses and water bodies (Rangihoua Creek and Putiki Bay) in order to avoid adverse effects and achieve positive benefits throughout Rangihoua Park.
3. How to recognise and protect the significant iwi values associated with the Rangihoua Maunga.
4. How to maintain and enhance the landscape and ecological values associated with the Rangihoua Maunga, the open space character of the park, the streams and pond, and the vegetated areas.
5. How to manage the range of community aspirations to use the park in a variety of ways including for active and passive recreation and for cultural activities.

3.2 Objectives

- 10a.24.3.1 To recognise and protect the significant iwi values associated with the Rangihoua Maunga.
- 10a.24.3.2 To maintain and enhance the landscape values and open space character of the Park associated with the Rangihoua Maunga, the bush, and the streams and wetland areas.
- 10a.24.3.3 To maintain and enhance the ecological values associated with the vegetation, streams, wetland areas, and the adjacent Rangihoua Creek and Putiki Bay.
- 10a.24.3.4 To provide for a range of types of community use as appropriate throughout the different parts of the park
- 10a.24.3.5 To provide for appropriate levels of public access to the park.

10a24.3.6 To ensure that buildings and activities on the park do not adversely affect adjacent sites.

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

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

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

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

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

Section 72 states as follows:

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

The following provisions of section 76 are also relevant:

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

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

- (3) An evaluation must examine –
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and

- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

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

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

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

4.1.1 The purpose of the Act

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

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

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

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

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the Rangihoua park land unit proposal 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 Rangihoua park land unit 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

Section 5

The objectives for the Recreation 3 land unit seek the recognition and protection of significant iwi values associated with Rangihoua maunga; the maintenance and enhancement of landscape and ecological values; the provision of a range of community uses and public access and to ensure that buildings and activities do not affect adjacent sites.

The purpose of the Act is to promote the sustainable management of natural and physical resources. The resources addressed by the recreation 3 land unit of the proposed Plan are both natural and physical. It is considered that the objectives promote sustainable management of natural and physical resources for the following reasons:

In achieving sustainable management, the use, development and protection of natural and physical resources need to be managed in a particular way or rate that enables people and communities to provide for their social, economic and cultural wellbeing. It is considered that objective 1 to recognise and protect significant iwi values associated with the Rangihoua maunga will protect a natural resource (the maunga) for future generations, as well as providing for the social and cultural wellbeing of the tangata whenua.

Objectives 2 and 3 require the maintenance and enhancement of the landscape and ecological values of the park. This will help protect natural landscape and ecological resources while safeguarding the life supporting capacity of water, soil and ecosystems within those defined ecological areas of the park, and avoiding, remedying, or mitigating adverse effect of activities on the environment.

Providing for community uses and public access as required by the objectives 4 and 5 will enable people and communities to provide for their social wellbeing and their health by providing a place for passive and active recreation.

Objective 6 seeks to ensure that buildings and activities do not affect adjacent sites will enable the people and communities surrounding the park to provide for their social wellbeing by ensuring the adverse effects of buildings and activities are avoided, remedied or mitigated.

Given the above, it is considered that the objectives are appropriate in achieving the purpose of the Act.

Section 6

Section 6, matters of national importance, states that in achieving the purpose of the Act all persons exercising functions and powers under it shall recognise and provide for various matters of national importance. Of particular relevance are the following:

Section 6(a) requires that the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and that their protection from inappropriate subdivision, use and development is recognised and provided for. Section 6(c) requires that the protection of significant indigenous vegetation and significant habitats of indigenous fauna is recognised and provided for. It is considered that Objective 3 which seeks the maintenance and enhancement of ecological values within the park, which contain streams and wetlands, is consistent with sections 6(a) & 6(c) of the Act.

Section 6(b) requires the protection of outstanding natural landscapes and features from inappropriate subdivision, use and development. Rangihoua maunga is an outstanding natural feature. Objective 2, which requires the landscape values and open space character of the park associated with Rangihoua maunga to be maintained and enhanced helps achieve section 6(b) of the Act.

Section 6(e) requires that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is recognised and provided for. Objective 1, which seeks the recognition and protection of significant iwi values associated with the Rangihoua maunga recognises and provides for Maori culture and traditions with their ancestral lands and waahi tapu. It is considered that this objective is appropriate in helping achieve section 6(e).

Section 6(f) requires that the protection of historic heritage from inappropriate subdivision use and development is recognised and provided for. Historic heritage is defined in Part I of the Act as follows:

(a) Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) Archaeological
- (ii) Architectural
- (iii) Cultural,
- (iv) Historic
- (v) Scientific
- (vi) Technological; and

(b) - includes

- (i) Historic sites, structures, places and area; and
- (ii) Archaeological sites; and
- (iii) Sites of significance to Maori, including waahi tapu; and
- (iv) Surroundings associated with the natural and physical resources.

The Rangihoua maunga is considered to fall within the definition of historic heritage. The objective to recognise and protect the iwi values associated with it should result in its protection from inappropriate subdivision, use and development.

Therefore, it is considered that the objectives help achieve the relevant matters of national importance.

Section 7

Section 7 of the Act, other matters, states that in achieving the purpose of the Act all persons exercising functions and powers under it shall have particular regard to a number of issues. These are outlined below:

Section 7(a) requires particular regard be had to kaitiakitanga. It is considered that the objective to recognise and protect iwi values associated with Rangihoua maunga and the creation of the Kaitiaki Management Committee ensures that proper regard is had to kaitiakitanga for the Rangihoua maunga.

Section 7(c) requires that particular regard be had to the maintenance and enhancement of amenity values. Part I of the Act defines amenity values as "those natural or physical qualities and characteristics of an area that contribute to peoples appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes." It is considered that the iwi, landscape and ecological values of the park contribute to its overall amenity and that maintaining and enhancing these values will contribute to the overall amenity values for those people who visit the park.

Section 7(d) requires particular regard be had to the intrinsic values of ecosystems. It is considered that the objective to maintain and enhance ecological values is consistent with section 7(d).

Section 7(f) requires particular regard be had to the maintenance and enhancement of the quality of the environment. The objectives to maintain and enhance landscape and ecological values and to ensure buildings and activities do not adverse effect adjacent sites will help to maintain and enhance the quality of the environment.

Section 8 of the Act states that in achieving the purpose of the Act all persons exercising functions under it shall take into account the principles of the Treaty of Waitangi. It is considered that the objective “to recognize and protect the significant iwi values associated with the Rangihoua maunga” takes into account the principals of the Treaty of Waitangi.

It is therefore considered that the objectives for the recreation 3 (Rangihoua park) are appropriate in achieving the purpose of the Act.

Section 31

Section 31 of the Act sets out the functions of territorial authorities. Section 31(a) seeks the establishment, implementation and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development or protection of natural and physical heritage resources.

As noted, the objectives for the recreation 3 land unit seek the recognition and protection of significant iwi values associated with Rangihoua maunga; the maintenance and enhancement of landscape and ecological values; the provision of a range of community uses and public access and to ensure that building and activities do not affect adjacent sites. These objectives have been established to achieve the protection of natural and physical resources within the recreation 3 land unit. Implementation of the objectives allows for territorial authorities to achieve integrated management of effects in accordance with section 31(a) and control of the actual and potential effects in accordance with section 31(b).

Section 31(1)(b)(iii) of the Act requires control of the actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of biological diversity. It is considered that the objective to maintain and enhance the ecological values of Rangihoua park will help maintain biological diversity.

It is therefore considered that the objectives of the recreation 3 land unit of the proposed Plan assists the council in carrying out its functions as set out in section 31 of the Act.

Sections 72 & 74

Section 72 states that the purpose of preparing district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act. Section 74 states that a territorial authority shall prepare and change its plan in accordance with its functions as set out in section 31, the provisions of part 2 and its duty under section 32.

An assessment of the objectives of the recreation 3 land unit earlier in this section of this report indicates that the objectives are appropriate in achieving the Act’s purpose and the functions for a territorial authority set out in section 31. Based on the evaluation of the alternatives, costs and benefits included within this report it is considered that the recreation 3 land unit is consistent with Auckland City Council’s duties under section 32. Therefore, it is

considered that the objectives of the recreation 3 land unit of the proposed Plan assist the council to carry out its functions under sections 72 and 74 of the Act.

4.2 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

Objective

To recognise and protect the significant iwi values associated with the Rangihoua Maunga.

Policies

1. By involving iwi in the management of the Rangihoua Maunga.
2. By not providing for any activities, other than planting and maintenance of ecosourced species on the Rangihoua Maunga.

The recognition and protection of iwi values associated with the maunga is efficiently and effectively achieved by involving the tangata whenua in the management of the maunga, as required by policy 1. Policy 2 achieves the objective by stating that only planting and maintenance of ecosourced species are provided for. This policy is given effect to in the activity table for area C, which requires non complying activity consent for most possible activities. Other activities, other than planting and maintenance of ecosourced species, are denoted as not applicable.

For the planting and maintenance of ecosourced species, restricted discretionary activity consent is required. While the normal tests of non notification apply to these restricted discretionary activities, consultation is still required with tangata whenua. Therefore, iwi have input through the resource consent process, for restricted discretionary activities. Therefore, by involving tangata whenua in the management of the maunga; by requiring non complying activity consent for most activities; and by involving tangata whenua in the limited number of activities that are provided for as a restricted discretionary activity it is considered that the policies and rules are the most efficient and effective means for achieving the objective. This is because involving iwi in the management of the maunga will ensure that iwi values are clearly identified and can be adequately protected through the resource consent process and the Kaitiaki Management Committee.

Benefits	Costs
Policy 1 should ensure that iwi values are identified and that any potential effects on iwi values are addressed through iwi involvement in management of the maunga.	All applications for resource consent in relation to the maunga will require iwi input. This may slow down the consent process and add costs to the applicant
The benefits of policy 2 are that any activities that may potentially detract from the iwi values will have to go through a rigorous consent process so that any actual	The implications of the policy are that only planting and maintenance of ecosourced species are provided and that even though the maunga is recreation land it cannot be

or potential effects can be adequately addressed.	used for recreation activities.
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After evaluating the benefits and costs of the policies and rules it is considered they are the most appropriate means for achieving the objective.

Objective

To maintain and enhance the landscape values and open space character of the Park associated with the Rangihoua Maunga, the bush, and the streams and wetland areas.

Policies

1. By controlling the scale, form, colour and location of buildings within the Park to ensure that the dominance of the natural environment is retained.
2. By recognising and protecting Rangihoua Maunga as the dominant landscape feature of the Park.
3. By protecting the stream and bush areas from development.

Policy 1 seeks to achieve the objective by controlling the scale, form, colour and location of buildings. To give effect to the policy the activity table requires consent for the majority of buildings throughout the park. Only small buildings, which are unlikely to affect the parks landscape values and open space character, are permitted in specific locations. Appropriate assessment criteria have been developed in relation to buildings. The aim of the assessment criteria is to ensure that new buildings, or additions and alterations to existing buildings are integrated with the natural landscape. Therefore, the requirement for resource consent for most new buildings, and the development of assessment criteria specific to the recreation 3 land unit is considered the most efficient and effective means for achieving the objective because it requires that buildings are assessed against criteria that require consideration of landscape values and open space character.

Policy 2 recognises that Rangihoua maunga is the dominant landscape feature of the park, and if the objective of maintaining and enhancing landscape values and open space character is to be achieved then the maunga needs to be protected. The rules in the activity table give effect to this by requiring non complying activity consent for most activities within area C, which relates to the maunga. Protecting the maunga by controlling works and activities through a consent process is an effective and efficient means of achieving the objective.

Policy 3 seeks the protection of the bush and streams that form part of the park. This is achieved through the following rules:

- The consent requirements outlined in the activity table for the recreation 3 land unit.
- The heritage provisions of the Plan which have protected some of the streams and wetlands as ‘sites of ecological significance.’
- The development controls which protect indigenous vegetation over 3m in height.

Because the objective seeks that the landscape values and open space character of the bush, and the streams and wetland areas are maintained and enhanced having a policy and rules that

restrict works within these areas is considered an effective and efficient means for achieving the objective.

It is therefore considered that the policies, rules and assessment criteria efficiently and effectively help achieve the objective.

Benefits	Costs
It is acknowledged that buildings can detract from the landscape values and open space character of the park. Therefore by controlling buildings through a consent process and requiring assessment against specific criteria will help achieve the objective.	Virtually all buildings within the park will require resource consent placing costs and uncertainty on the applicant.
Policy 2 and the rules that give effect to it seek to achieve protection of the maunga as the dominant landscape feature. Controlling works and activities on the maunga will help protect it as a landscape feature.	These rules mean that a large portion of the open space that forms part of Rangihoua park will remain virtually unused. This could be considered to be an inefficient use of natural resources.
The benefits of policy 3 and the relevant rules that give effect to it are that no works or activities can take place within the bush and stream areas without consent. This consent process will help protect these areas.	These rules mean that resource consent will be required for virtually all works within these defined areas. This has time and cost implications on the applicant, and uncertainty as to the grant of consent.

After evaluating the benefits and costs of the policies and rules it is considered they are the most appropriate means for achieving the objective.

Objective

To maintain and enhance the ecological values associated with the vegetation, streams, wetland areas, and the adjacent Rangihoua Creek and Putiki Bay.

Policies

1. By requiring any planting to consist of ecosourced species.
2. By requiring planting along the stream banks within the park.
3. By controlling earthworks and vegetation clearance in order to limit sediment run-off into on-site streams and into Rangihoua Creek and Putiki Bay.

Rangihoua Park has considerable ecological values. Policies 1 and 2 seek the maintenance and enhancement of these ecological values through the planting of species that are sourced from that particular ecological area along the riparian margins of the streams within the park. The planting of ecosourced species is an efficient and effective means for maintaining and enhancing the park's ecological values.

As the removal of vegetation and earthworks can detract from the parks ecological values Policy 3 requires that these activities be controlled. This is achieved through the consent requirements in the activity table for the recreation 3 land unit as well as the development controls which control the modification and removal of indigenous vegetation and

earthworks. By requiring consent for earthworks and vegetation clearance council can effectively and efficiently address the potential effects on the park's ecological values.

Benefits	Costs
The benefits of requiring that planting be of ecosourced species is that it will contribute positively to the original ecology of the areas.	Using ecosourced species will result in a limited number of plant species throughout the park. This may detract from the landscape amenity of the park.
Requiring planting along the riparian margins will help retain and improve the ecological values of the streams.	Planting along the riparian margins may restrict public access.
Limiting earthworks and sediment run-off will contribute positively to ecological features.	May inhibit appropriate development to better facilitate park uses.

After evaluating the benefits and costs of the policies and rules it is considered they are the most appropriate means for achieving the objective.

Objective

To provide for a range of types of community use as appropriate throughout the different parts of the park

Policies

1. By providing for and directing recreation and associated facilities in those parts of the park identified as most suitable for this purpose.
2. By providing for buildings and structures which will contribute to the community use of the park, at an appropriate scale and in appropriate locations.
3. By providing for the ongoing use and limited expansion of the lawn cemetery, and the historic village and museum.

Rangihoua park comprises a wide variety of natural and physical resources. In addition to its cultural, ecological and landscape values it also functions as an important part of the open space network providing for various forms of recreation and other community uses, including sports fields, golf course, cemetery, walking and bridle trails as well as associated facilities. To ensure that the use of the park as a recreational and community facility does not detract from its other identified values the park has been split into the identified 'areas'. The resource management strategy for the land unit recognises that a different planning approach is required for each of these areas. Therefore, to ensure that a range of community uses are provided for in appropriate locations, the policies direct recreation, community uses and associated facilities to those parts of the park that are suitable for that purpose. Policy 2 acknowledges that some types of recreation require facilities to operate, therefore buildings and structures are provided for. In relation to the lawn cemetery, the historic village and museum policy 3 specifically provides for their ongoing use and limited expansion.

The activity table gives effect to the policies by permitting recreational activities specifically within area A, D and E. The approach of splitting the park up into specific areas and providing for various types of recreation within those areas is considered the most effective

and efficient means for achieving the objective because it recognises that the park has a variety of values and that these require different controls.

Benefits	Costs
Policy 1 and the activity table permit some recreation activities in particular parts of the park considered suitable for that purpose. The benefit of this approach is that those parts of the park that have important conservation and cultural values are not used for recreation purposes and therefore those specific values can be retained.	This means that although the land unit for the park is 'recreation' large parts of the park will not be able to be used for that purpose. This could be considered a loss of open space for recreation purposes.
The benefit of providing for building and structures through policy 2 and the activity table is that it will allow certain recreational uses (clubrooms, toilets, goalposts etc) to operate effectively. Also, by requiring these facilities to be of an appropriate scale and appropriate location they should not give rise to significant adverse effects.	There is likely to be consent requirements for the majority of buildings and structures, imposing consent application costs on the applicant.
The benefit of policy 3 and the rules for area D is that it provides for existing assets through the proposed Plan so that from a resource management perspective their ongoing use is provided for.	The policy and rules provides for resources that are not recreational in their nature within a recreation land unit.

After evaluating the benefits and costs of the policies and rules it is considered they are the most appropriate means for achieving the objective.

Objective

To provide for appropriate levels of public access to the park.

Policies

1. By providing for public access at appropriate locations.
2. By recognising the importance of linking walkways and bridle trails in the park with the wider network of walkways and trails.

To achieve the objective of providing for 'appropriate levels of public access' Policy 1 seeks to provide for public access at 'appropriate locations'. This policy recognises that public access may not be appropriate for all parts of the park. The locations where public access is limited are the maunga and the conservation areas where the respective cultural and ecological values are such that public access may detract from these values. This approach is given effect to through the activity table where walking tracks for public access are non complying activities in areas B and C.

Waiheke has numerous walking trails throughout the island. Some of these run through Whakanewha Regional Park, which is adjacent to Rangihoua park. Connecting some of the trails, which are indicatively shown on the map for the recreation 3 land unit, will help provide for public access at appropriate locations.

It is considered that by restricting walking tracks within areas B (conservation) and C (Rangihoua maunga) of the recreation 3 land unit and by illustrating the indicative location of the existing tracks (which are outside areas B & C) that this is the most efficient and effective means for achieving the objective of providing for 'appropriate' levels of public access.

Benefits	Costs
The benefits of policy 1 and the activity table are that public access is provided for where it will not adversely affect the conservation and cultural values of Rangihoua park. This means that important conservation and cultural values are recognised and provided for while providing for public access at appropriate locations.	Some parts of Rangihoua park will not be accessible for the public.
Linking the walkways and bridle paths of Rangihoua with other existing paths outside the park should help to increase public access.	None.

After evaluating the benefits and costs of the policies and rules it is considered they are the most appropriate means for achieving the objective.

Objective

To ensure that buildings and activities on the park do not adversely affect adjacent sites.

Policies

1. By setting appropriate noise standards for activities on the park.
2. By controlling the location of buildings with respect to adjacent sites.
3. By requiring parking areas to be set back from the Park's external boundaries.

It is considered that the main potential for adverse effects of the operation of the park on adjacent sites is from noise, parking and buildings. Therefore the policies give direction for achieving the objective by stating that appropriate noise standards need to be set, by controlling the location of buildings in relation to adjacent sites and by encouraging parking away from the boundaries.

The development controls set the noise standards for the land unit, and set backs from boundaries. Parking can be located in areas A (recreation), D (cultural and heritage facilities) and E (landscape amenity). Given that the policies and rules address the principal reasons for effects on adjacent sites it is considered that they are the most efficient and effective means for achieving the objective.

Benefits	Costs
Policy 1 and the relevant noise standards in the development controls table will limit noise adversely affecting adjacent sites from activities within the park.	This may inhibit some activities taking place in the park due to the noise levels associated with them.
Controlling the location of buildings in relation to the boundaries assists to retain the	This means that some parts of the park may not be able to be built on because of the

amenity levels of adjacent sites.	potential to affect amenity levels on adjacent sites.
Carparking close to the park boundaries can cause light spill and adverse noise effects on adjacent sites. Locating these away from the boundaries reduces the potential for these effects. This still leaves considerable land for the establishment of carparking facilities.	None.

After evaluating the benefits and costs of the policies and rules it is considered they are the most appropriate means for achieving the objective.

Consideration of alternative methods

Option 1 – Status quo

The ‘status quo’ approach involves ‘rolling over’ the existing land unit and policy area 8 provisions within the operative Plan.

Benefits	Costs
Retaining the existing Plan provisions would retain familiarity and certainty with the existing objectives, policies and rules, which were only made operative in 2000.	The relationship between policy area 8 and the four land units applying to the park is confusing and does not provide an integrated set of planning controls.
	The provisions address some matters or formulate policies in a particular way that is inappropriate for district plan provisions and would be more appropriate in a management plan under the Reserves Act.
	It is not always clear which activities are permitted in which parts of the park and which require a resource consent.
	If the operative Plan provisions are retained then the existing problems associated with those provisions will also remain.

Taking into account the risk of acting or not acting it is considered that there is sufficient information on the existing rules to establish that they are replaced in the proposed Plan.

Option 2 – Other regulatory methods

Council could apply another land unit to Rangihoua park.

Benefits	Costs
<i>Applying recreation 1 or 2 to Rangihoua park</i>	
These will be the new land units for open space in the proposed Plan. Using these	Rangihoua park is substantially sized (110ha) and has a variety of natural and

Benefits	Costs
would avoid the creation of an additional recreation land unit and result in a consistent approach to open space throughout the gulf.	physical resources. These are principally recreation, cultural, ecological and heritage. The recreation 1 and 2 land units do not adequately address the variety of resources that are located within Rangihoua park, or the issues associated with these. This means that the application of either of the recreation 1 and 2 land units to Rangihoua may not result in sustainable management of natural and physical resources and would not give the same level of recognition to iwi values.

Taking into account the risk of acting or not acting it is considered that there is sufficient information about the other regulatory methods to acknowledge that using recreation 1 and 2 land units will not achieve sustainable management of the park's natural and physical resources.

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

It is considered that the rules of the recreation 3 land unit will achieve the integrated management of the effects of the use, development or protection of natural and physical resources because the recreation 3 land unit provides assessment criteria for a variety of matters such as buildings, noise, crime prevention through environmental design, and landscaping. The combination of assessment criteria and development controls will ensure that the effects of the use and development of natural and physical resources within the recreation 3 land unit can be appropriately addressed through the resource consent process and in accordance with the requirements of the Act.

Section 31(1)(b)(iii) of the Act requires control of the actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of biological diversity. It is considered that the rules and assessment criteria for the conservation area will help maintain biological diversity.

It is therefore considered that the rules of the recreation 3 land unit of the proposed Plan assists the council in carrying out its functions set out in section 31 of the Act.

Sections 72 & 74

Section 72 states that the purpose of preparing district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act. Section 74 states that a territorial authority shall prepare and change its plan in accordance with its functions as set out in section 31, the provisions of part 2 and its duty under section 32.

The rules and assessment criteria of the recreation 3 land unit help achieve the functions for a territorial authority set out in section 31. Based on the evaluation of the alternatives, costs and benefits included within this document it is considered that the recreation 3 land unit is consistent with the requirements of section 32. Therefore, it is considered that the rules of the

recreation 3 land unit of the proposed Plan assist the council to carry out its functions under section 72 and 74 of the Act.

5.0 National planning documents

5.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

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

The New Zealand Coastal Policy Statement 1994

The broad thrust of the New Zealand Coastal Policy Statement (NZCPS) is generally the protection of the natural character of the coastal environment from inappropriate subdivision, use and development. It is considered that the recreation 3 land unit is consistent with this objective because the natural character of Rangihoua park will be retained by directing activities and development to specific parts of the park where they can be accommodated, such as areas A (recreation), D (cultural and heritage facilities) and E (landscape amenity), and by restricting activities and development on areas B (conservation) and C (Rangihoua maunga). This approach will ensure that Rangihoua park is protected from inappropriate subdivision, use and development.

Chapter 2 of the NZCPS requires the protection of the characteristics of the coastal environment of special value to tangata whenua. Rangihoua maunga is of special value to the tangata whenua and as such the relevant objectives, policies and rules of the recreation 3 land unit restrict activities within area C which relate to the maunga. This approach is considered consistent with chapter 2 of the NZCPS.

5.2 Hauraki Gulf Marine Park Act 2000

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

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

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

Section 7(2)(a)(i) requires that the historic, traditional, cultural and spiritual relationship of the tangata whenua of the gulf with the gulf be provided for. In relation to area C of the recreation 3 land unit, which relates to Rangihoua maunga, the objectives, policies and rules restrict the majority of activities on the maunga and require iwi consultation. This approach is considered to provide for the historic, traditional, cultural and spiritual relationship of the tangata whenua with the gulf.

Section 7(2)(a)(ii) requires that the social, economic, recreational, and cultural wellbeing of people and communities be provided for. The recreation 3 land unit provides for various types of recreation within Rangihoua park as a permitted activity. This helps people and communities within the gulf to provide for their social, recreational and cultural wellbeing. It is considered that Rangihoua park also contributes to people's economic wellbeing by bringing visitors to Waiheke Island to use Rangihoua park as a recreational facility.

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 –
 - (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (c) any regional policy statement.

In relation to heritage issues the Auckland Regional Policy Statement 1999 (ARPS) states the following:

The objectives of part 3.3 of the ARPS generally seek the involvement of tangata whenua in resource management issues, and that priority be afforded to the relationship of tangata whenua and their culture and traditions with their ancestral taonga. It is considered that the objectives, policies, rules and methods for the recreation 3 land unit, specifically in relation to tangata whenua are consistent with the relevant objectives of the ARPS. This is because they require the recognition and protection of the Rangihoua maunga through rules which restrict works and activities on a defined part of the maunga. And, they also seek iwi involvement in the management of the maunga.

In relation to the coastal environment the ARPS issue 7.2.6 recognises that in some parts of the coastal environment recreation is an important use which needs to be provided for in appropriate forms and locations. The recreation 3 land unit objectives requires the provision of a range of types of community uses as appropriate through different areas of the park. The policies and rules give effect to this by providing for particular types of recreation in various parts of Rangihoua park.

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 Auckland Regional Plan: Coastal

The Auckland Regional Plan: Coastal, provides the framework to promote the integrated and sustainable management of the Auckland region's coastal environment.

Objective 3.3.2 of the Coastal Plan seeks to preserve the natural character of the coastal environment by encouraging appropriate subdivision, use and development above mean high water springs to locate in areas of the coastal environment. It is considered that the recreation 3 land unit is consistent with this objective because the natural character of Rangihoua park will be retained through directing activities and development to specific parts of the park where they can be accommodated, such as areas A (recreation), D (cultural and heritage facilities) and E (landscape amenity), and by restricting activities and development on areas B (conservation) and C (Rangihoua maunga). This approach will ensure that Rangihoua park is protected from inappropriate subdivision, use and development.

7.0 Other documents

Essentially Waiheke

The main purpose of the strategy is to establish a community approved framework for Waiheke's development and to signpost the directions towards a sustainable future, where opportunities for development are facilitated and the island's community values and outstanding natural environment are respected and nurtured.

In relation to open space the relevant aims of Essentially Waiheke are that there is sufficient public land and reserve space and access to it. It is considered that the recreation 3 land unit is consistent with this aim in that Rangihoua park is a significant piece of open space on Waiheke island and that access to those parts that do not have specific ecological and cultural values is encouraged through the provisions of the land unit.

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

9.0 Conclusions

The recreation 3 – Rangihoua park land unit in the proposed Plan will follow the approach of the existing policy area by dividing the park into separate areas for management purposes. However, only the provisions of the recreation 3 land unit will apply rather than having a 'layered' approach where the policy area and the underlying land units are applied.

Having evaluated the alternatives, benefits and costs, the recreation 3 land unit of the proposed Plan is the most appropriate means for achieving the purpose of the Act because it will help protect natural and physical resources within the park, while enabling people and communities to provide for their social, economic and cultural wellbeing. It is also considered that denoting various 'areas' within the park with an individual planning approach for each area is the most efficient and effective method for achieving the objectives.

Appendix A

Hauraki Gulf Marine Park Act 2000

Section 7 states as follows:

Recognition of national significance of Hauraki Gulf

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

Section 8 states as follows:

Management of Hauraki Gulf

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

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

Appendix B – recreation 3 - (Rangihoua park) map