

HGI Plan Review: section 32 report for the island residential 2 (bush residential)

1.0 Executive summary

This report summarises the evaluation undertaken by the council of the island residential 2 (bush residential) land unit 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
- overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the land unit and consequently are the most appropriate method of achieving the objectives.
- the proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act
- the methods are consistent with the Hauraki Gulf Marine Park Act, statutory national and regional planning documents and non statutory documents.

Therefore, it is appropriate to incorporate these objectives, policies and rules 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

The proposed plan provisions relate to resource management issues, objectives and policies, rules relating to the status of activities, and development control rules within the island residential 2 (bush residential) land unit.

2.3 Land unit location and character

This land unit is located in western Waiheke and generally adjoins the island residential 1 land unit.

The characteristics of the land unit are:

- moderate to relatively steep slopes.
- low intensity residential development (compared with the Auckland isthmus) containing stand alone dwellings.
- heavily bush covered with generally indigenous vegetation.
- high ecological values.
- dwellings which are a secondary component of the landscape. Most dwellings blend into the dominant natural character of the indigenous vegetation.

2.4 Operative plan provisions

This land unit is titled 'land unit 12 – bush residential' within the Operative Hauraki Gulf Islands District Plan 1996 (HGI plan).

Within this land unit “*where it is proposed to erect, alter or add to any building(s)*” it is a controlled activity.

Issues have been raised by council processing planners about the suitability of the controlled activity status within the land unit. This is because council has to grant such applications, although they can place conditions on these consents.

There have been instances where developments have had to be granted by council within the land unit (as required under this status) when if they were restricted discretionary they may actually have been refused.

2.5 Consultation

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to the island residential 2 (bush residential) land unit.

2.5.1 Consultation to date

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

Initial consultation

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

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

Focus groups

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

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

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

Telephone survey

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

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

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

Consultation with other stakeholders

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

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

Public notification

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

2.5.2 Issues raised during consultation

The issues raised within this land unit principally concerned subdivision, growth and impervious services. No submitter proposed that the land unit should be substantially changed.

The minimum lot size within this land unit (2000m²) does not alter as part of this review. The subdivision section (section 12) of the plan provides additional detail on proposed subdivision provisions within this land unit. A separate Section 32 analysis has been undertaken for subdivision.

Extension of existing land unit boundaries

Council has received a specific submission as part of this consultation which seeks an extension to the existing land unit boundaries at Orapiu. An assessment has been undertaken to consider this matter, which is attached as **appendix A**.

This assessment has concluded that an island residential 2 (bush residential) land unit should be applied to the entire 4170m² site at 18 Nepean Place, Otakawhe, Orapiu.

3.0 Resource management issues and objectives

3.1 Issues

The significant resource management issues relevant to this land unit are:

1. *How to ensure that buildings complement the predominant elements of the natural landscape of indigenous vegetation and steep topography.*
2. *How to conserve indigenous vegetation to maintain ecological values and the visual amenity of the land unit.*
3. *How to ensure that non-residential activities do not adversely impact on the amenity of residential areas.*

3.2 Objectives

The objectives relevant to this land unit are:

To control residential development and limit non residential activities to a scale, location, intensity and appearance which is complementary to the bush clad character of the natural environment.

To ensure that development of sites retains indigenous vegetation cover.

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

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

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

Section 72 states as follows:

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

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

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

The following provisions of section 76 are also relevant:

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

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

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

- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
- (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

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

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

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

4.1.1 The purpose of the Act

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

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

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

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

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the island residential 2 (bush residential) land unit, 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 island residential 2 (bush residential) 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

4.1.2.1 Objective 10a.10.3.1

To control residential development and limit non residential activities to a scale, location, intensity and appearance which is complementary to the bush clad character of the natural environment.

This objective is 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 and cultural wellbeing by providing a land unit where the predominant activity is a residential use and the bush clad character and amenity of the land unit is maintained and enhanced.

It meets clause (a) and (c) of Section 6 ‘Matters of national importance’ of the Act, as identified below:

The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

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

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

This is because:

- the objective recognises that there is significant areas of indigenous vegetation within the land unit which play an important part in contributing to the character and amenity value of Waiheke.
- requiring development to be complementary with this bush clad character is important to ensure that the high amenity value of the land unit is retained.
- this objective will effectively balance the demand for development of the land unit while protecting its character and amenity value.

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 Objective 10a.10.3.2

To ensure that development of sites retains indigenous vegetation cover.

This objective is 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 and cultural wellbeing by providing a land unit where the predominate activity is a residential use while safeguarding the life supporting capacity of the land unit.

It meets clause (a) and (c) of Section 6 ‘Matters of national importance’ of the Act, as identified below:

The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

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

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

This is because it:

- recognises the extra sensitivity of this land unit to development because of it’s high proportion of indigenous vegetation and relatively steep topography.
- seeks to direct that development within the land unit minimises removal of indigenous vegetation cover in order to retain the character and amenity value of the land unit.
- recognises that the character of the land unit can contribute positively to the character of the coastal 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.

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

The policies for the land unit are:

- *By controlling the intensity of development and the bulk, scale and location of buildings to ensure that they are compatible with the natural environment.*
- *By assessing the design and appearance of buildings to ensure that they are integrated with the natural environment.*
- *By restricting the type and intensity of non residential activities to those which are compatible in visual amenity terms and in other generated effects (eg traffic, noise, hours of operation) with surrounding residential uses and the natural environment.*
- *By requiring the maximum amount of indigenous vegetation to be retained.*
- *By ensuring that any development is located on portions of the site that are of lower ecological value.*

These policies and the resulting rules are the most appropriate way of achieving the objectives because they:

- recognise and protect the dominant bush clad residential character of the land unit by controlling, through a restricted discretionary resource consent assessment, the scale, form (design), colour, materials and location of buildings within the land unit to those which are compatible and integrated with this character.
- recognises that certain non-residential activities are appropriate within this land unit where their scale, intensity and location are compatible with and support the bush clad residential character of the area.
- allow for a variety of appropriate non-residential activities while controlling the effects of these activities by requiring them to undergo a resource consent process.
- apply the same development controls to non-residential activities as residential activities.
- ensure the retention of indigenous vegetation cover by controlling the scale and location of buildings through a restricted discretionary resource consent assessment to parts of sites with a lower ecological value.

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

- Option 1 - The use of non RMA methods, including bylaws, voluntary agreement, covenants or education / advocacy as a means of achieving the objectives
- Option 2 - Retaining the operative plans policies and rules as a means of achieving the objectives
- Option 3 - No limitation on type of activities or size of developments within the land unit, as a means of achieving the objectives. This would allow any activity to operate at any scale and would mean that development controls would not apply within the land unit.
- Option 4 - Use of policies and rules which are more restrictive (i.e. requiring discretionary activity resource consent) for all activities and developments within the land unit as a means of achieving the objectives.
- Option 5 - Use of proposed objectives, policies and rules as a method of achieving the objectives.

4.2.1 Option 1

Option 1 is:

The use of non RMA methods, including bylaws, voluntary agreement, covenants or education / advocacy as a means of achieving the objectives

General comment

Section 73(1) of the RMA states:

There shall at all times be one district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.

This does not mean that non district plan methods cannot be used as a means of achieving the objectives. If they are a more efficient and effective method of achieving the purpose of the Act than a district plan method then they can and should be used.

Comment on bylaws

Section 145 titled 'General bylaw-making power for territorial authorities' of the Local Government Act 2002 sets out the council authority to make bylaws.

This section states:

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

- (a) protecting the public from nuisance:*
- (b) protecting, promoting, and maintaining public health and safety:*
- (c) minimising the potential for offensive behaviour in public places*

Therefore council does not have the statutory authority to make bylaws that would achieve the outcomes of the land unit. This method is discounted as an effective and efficient method of achieving the objectives of the land unit.

General comment on covenants, voluntary agreements, education and advocacy

Covenants and voluntary agreements are dependant on individuals agreeing that a feature should be protected or a development controlled in order to ensure that the objectives of the land unit are achieved.

Education and advocacy are dependant on people receiving, understanding and agreeing with the message and acting to ensure that the objectives of the land unit are achieved.

These methods are therefore likely to be highly variable in when and if they are used and the level of control or protection provided. Therefore their effectiveness in achieving the objectives of the land unit are limited. The assessment of the environmental, social and economic costs of these methods, below assumes that this would be the outcome of option 1.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Potential for a small proportion of environmental features i.e. indigenous vegetation to be protected through these methods.	Likely that the majority of environmental features would not be protected by these methods which would lead to an overall reduction in environmental quality.
	Decrease in indigenous vegetation on sites as people maximise development potential.
	Resultant difficulty to dispose of wastewater and stormwater on sites – negative impact on water quality
	Resultant reduction in flora and fauna within the land unit
	Reduction in the bush clad character and amenity of the land unit. Cost borne by the community generally.
<u>Social and Economic</u>	<u>Social and Economic</u>
Increase in variety of activities that can be undertaken within the land unit. Benefit to person undertaking development only.	Increase in legal fees for drafting up covenants and voluntary agreements.
Reduction in direct compliance costs for people wanting to undertake development as resource consent would not be required. Benefit to person undertaking development only.	Increase in public uncertainty about what activity could be undertaken within the land unit. Cost borne by the community generally.
Maximising of development potential and therefore potential for maximising profits on development. Benefit to person undertaking development only.	Increase in adverse visual, amenity, noise and traffic effects between different activities within the land unit. Cost borne by the community generally.

Overall, option 1 has only limited environmental benefits and potential significant environmental costs. It has only social and economic benefits to individuals undertaking developments while having social and economic costs to the community at large.

The environmental, social and economic costs of undertaking this option therefore outweigh any benefits to individuals which may result.

Therefore option 1 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objectives.

The risk of acting or not acting

Council has sufficient information on option 1 to make a decision on its effects.

The risk of acting on option 1 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.2 Option 2

Option 2 is:

Retaining the operative plans policies and rules as a means of achieving the objectives

The general direction and intent of the land unit has not altered as part of the district plan review, although there has been a refinement and refocusing of objectives, policies and rules to ensure that they better reflect the character of the land unit.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Protection of the bush clad character and amenity of the land unit by requiring buildings to undergo a controlled activity resource consent process.	Potential for some developments to be granted which may have adverse effects on this bush clad character. This is because controlled activity resource consents have to be granted by council, although conditions can be placed on these applications. Such applications would be refused if the activity status allowed it.
<u>Social and Economic</u>	<u>Social and Economic</u>
Development controls which are readily understood by the community and ensure the maintenance of the residential character. Benefit to community generally.	Monetary and time costs to people undertaking building work as resource consent required.
	Expectation by the community that the character of the land unit can be adequately controlled through the operative provisions. This is not necessarily the case because controlled activity consents have to be granted by council. Cost to the community generally.
	Policies and rules which do not clearly relate to or achieve the objectives of the land unit in all instances. Clarity of the plan adversely affected. Costs to all parties using and administering the plan.

Overall, option 2 has only limited environmental, social and economic benefits and greater potential environmental, social and economic costs.

The environmental, social and economic costs of undertaking this option therefore outweigh any benefits to individuals which may result.

Therefore option 2 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objectives.

The risk of acting or not acting

Council has sufficient information on option 2 to make a decision on its effects.

The risk of acting on option 2 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.3 Option 3

Option 3 is:

No limitation on type of activities or size of developments within the land unit, as a means of achieving the objectives. This would allow any activity to operate at any scale and would mean that development controls would not apply within the land unit.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	Decrease in indigenous bush cover on sites as people maximise development potential.
	Resultant difficulty to dispose of wastewater and stormwater on sites – negative impact on water quality
	Resultant reduction in indigenous flora and fauna within the land unit
	Reduction in the bush clad character and amenity of the land unit
<u>Social and Economic</u>	<u>Social and Economic</u>
Increase in variety of activities that can be undertaken within the land unit. Benefit to person undertaking development only.	Increase in public uncertainty about what activity could be undertaken within the land unit. Cost borne by the community generally.
Reduction in direct compliance costs for people wanting to undertake development as resource consent would not be required. Benefit to person undertaking development only.	Increase in adverse visual, amenity, noise and traffic effects between different activities within the land unit. Cost borne by the community generally.
Maximising of development potential and therefore potential for maximising profits on development. Benefit to person undertaking development only.	Loss of the land units residential character as other activities develop. Cost borne by the community generally.

Overall, option 3 has only social and economic benefits to individuals undertaking developments and costs to the community and environment at large.

Therefore the environmental, social and economic costs of undertaking this option outweigh any benefits to individuals which may result.

Therefore option 3 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objectives.

The risk of acting or not acting

Council has sufficient information on option 3 to make a decision on its effects.

The risk of acting on option 3 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.4 Option 4

Option 4 is:

Use of policies and rules which are more restrictive (i.e. requiring discretionary activity resource consent) for all activities and developments within the land unit as a means of achieving the objectives.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Rigid control on buildings and activities within the land unit which would ensure that effects on the bush clad environment of the land unit could be strictly protected and controlled.	None
<u>Social and Economic</u>	<u>Social and Economic</u>
Control on building design, appearance and location within all areas of the land unit.	Increase in direct compliance costs in time and money for people wanting to undertake development as resource consent would be required for all development. Cost to all people undertaking any development.
	Increased number of assessments by council on whether resource consents should be notified or not. A large proportion of these resource consents would have a scale of effects which do not warrant notification. For example, building a dwelling in compliance with all development controls. This would raise expectations unnecessarily that these applications would be notified. Cost to the public generally.
	Lack of ability to operate a residential activity within an existing dwelling or any other permitted activity i.e. home occupation etc 'as of right'. Cost to all people undertaking any development.

General comment on Benefits and Costs

In general this option would impose rigid control on buildings and activities within the entire land unit while having a limited environmental, social or economic benefit.

This will impose unnecessary costs in money and time to a large proportion of residents within the land unit. There are other means which are more efficient and effective in achieving an environmental, social or economic benefit while imposing less of a social or economic cost.

The social and economic costs to residents of this land unit, of undertaking this option, therefore outweighs any benefits which may result.

Therefore option 4 is not the most effective or efficient method of addressing the issues within the land unit and consequently is not the most appropriate method of achieving the objectives.

The risk of acting or not acting

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

The risk of acting on option 4 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.5 Option 5

Use of proposed objectives, policies and rules as a method of achieving the objectives.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Requiring new buildings and alterations and additions to existing buildings within the land unit to be controlled by a restricted discretionary resource consent recognises the sensitive and unique bush clad character of the land unit and the necessity to have additional control within these locations in order to protect this character. This will have benefits to the environment of the land unit generally.	None
<u>Social and Economic</u>	<u>Social and Economic</u>
Requiring new buildings and alterations and additions to existing buildings within the land unit to be controlled by a restricted discretionary resource consent will ensure that a proposed building will be integrated with the bush clad character of the land unit. Council has restricted its discretion to matters related to the scale, form (design), colour and materials and location of buildings. The opportunity for applications to be refused will give additional impetus for applicants undertaking developments to ensure a positive design outcome is achieved. This will have a social benefit for the community generally.	Requiring new buildings and alterations and additions to existing buildings within the land unit to be controlled by a restricted discretionary resource consent will place a monetary cost on people to comply. Cost to all people undertaking development within the land unit.
‘Minor alterations and additions to a building’ are exempt from assessment as a restricted discretionary activity. These are defined in the Plan as: <ul style="list-style-type: none"> <i>the construction of uncovered decks complying with the permitted standards for the land unit (e.g. colour/reflectivity, building coverage etc.)</i> <i>changing or putting in windows or</i> 	Providing for certain non residential activities through restricted discretionary activity e.g. diary or discretionary activity (for example heath care services, offices etc) resource consents within the land unit will place a monetary and time cost on people to comply. Cost to all people undertaking such development.

Benefits	Costs
<p><i>doors in an existing building.</i></p> <ul style="list-style-type: none"> <i>changing materials or cladding with other materials or cladding that comply with the permitted standards for the land unit.</i> <p>This will allow certain alterations and additions to be under taken ‘as of right’ while not affecting the character and amenity of the land unit. This is a monetary and time benefit to people undertaking such work as they will not be required to go through a resource consent assessment.</p>	
<p>Allowing dwellings (one per site), accommodation for care, home occupations and home stays as permitted activities within the land unit recognises that these activities are appropriate to the existing character and amenity of the land unit.</p> <p>It allows these activities to be undertaken ‘as of right’ which is a benefit to the community generally.</p>	
<p>Providing for certain non residential activities through restricted discretionary or discretionary resource consent within the land unit recognises that these activities can be appropriate within the land unit, although the effects of these activities needs to be assessed to ensure that they do not adversely impact on the dominant bush clad character of the land unit.</p>	
<p>Increase in public certainty about what activity could be undertaken within the land unit because the activity table lists what are the permitted, restricted discretionary and discretionary activities. Benefit borne by the community generally.</p>	
<p>The land unit does not provide for visitor accommodation or tourist complexes. This is because the scale of effects of such activities i.e. traffic, noise etc would be such that they would compromise the character and amenity of the land unit. Having such activities within the land unit would also compromise the integrity of the visitor facility land unit.</p> <p>Notwithstanding this, the land unit provides for homestay’s as permitted activities and boarding house or hostels as discretionary activities as their scale of effects are such that they could be appropriate within the land unit.</p> <p>Benefit borne by the community generally.</p>	
<p>Impose a noise control in table 10c.1 of the plan which is:</p> <ul style="list-style-type: none"> 50dBA Monday to Saturday 7am to 10pm and Sunday 9am to 6pm. 	

Benefits	Costs
<ul style="list-style-type: none"> ○ 40dBA at all other times including public holidays (night time) <p>This is 5dBA more than the level applied in the operative plan. This was necessary because:</p> <ul style="list-style-type: none"> ○ these noise levels reflect the existing residential character of the land unit ○ the previous levels were onerous and a 'normal' residential use and permitted activities such as home occupations could find it difficult to comply. ○ the proposed levels will provide a level of control which will protect the acoustic amenity of the land unit. <p>Benefit borne by the community generally.</p>	
<p>Proposed development controls, with the exception of the noise rule, are the same as those within the operative plan. They are appropriate for such a residential environment and are well understood by the community.</p> <p>Benefit borne by the community generally.</p>	

General comment on Benefits and Costs

This option will require all new buildings and additions and alterations to existing buildings (with the exception of minor works) within the land unit to be assessed by council by way of a restricted discretionary resource consent to ensure that they are integrated with the bush clad character of the land unit. Council has the ability to refuse applications where they detrimentally affect the character of the land unit.

This option will have strong environmental, social and economic benefits while having limited costs to people proposing development. Therefore option 5 is the most effective and efficient method of addressing the issues within the land unit and consequently is the most appropriate method of achieving the objectives.

The risk of acting or not acting

Council has sufficient information on option 5 to make a decision on its effects.

The risk of acting on option 5 is that the costs identified above will eventuate. The risk of not acting is that either no method or another method will be utilised which will have greater environmental costs and / or greater social and economic costs on the community of the gulf.

4.2.6 Conclusion

The above analysis of Options 1 - 4 has concluded that the costs of undertaking these options outweighs any benefits. Therefore they are not the most effective or efficient method of addressing the issues within the land unit and consequently are not the most appropriate method of achieving the objectives.

Overall, the environmental, social and economic benefits of undertaking option 5 outweighs any costs which may result.

Therefore option 5 is the most effective and efficient method of addressing the issues within the land unit and consequently is the most appropriate method of achieving the objectives.

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

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

- achieve integrated management of the use and development of the land unit
- protect the predominant bush clad residential character of the land unit
- adequately control the actual and potential effects of the use and development of land within the land unit
- after assessing other options, and the benefits and costs associated with them, the proposed objectives, policies and rules are the most appropriate way to achieve the purpose of the Act.

5.0 National planning documents

5.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

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

...

The objectives, policies and rules of the land unit give effect to policies 1.1.2, 3.2.2, and 3.2.10, of the New Zealand Coastal policy Statement (1994), attached as **appendix B** by:

- requiring development to be of a scale, intensity and location which is consistent with the bush clad character of the land unit.
- recognising that this character can contribute positively to the character of the coastal environment.

5.2 Hauraki Gulf Marine Park Act 2000

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

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

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

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

- protect and enhance the life-supporting capacity of the land unit;
- protect and enhance the natural and physical resources of the land unit;

- provide for the social and economic wellbeing of the community by allowing for certain non residential activities where appropriate; and
- encourage development in less ecologically valued areas.

6.0 Regional planning documents

6.1 Regional policy statement

Section 75(3) of the RMA states:

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

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

- the natural character of the coastal environment will be protected and enhanced by requiring buildings to be controlled so that they are integrated with the bush clad character of the land unit.

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

6.2 Regional plan

Section 75 (4) of the RMA states:

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

The objectives, policies and rules of the land unit 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 and because:

- areas of significant indigenous vegetation will be protected by the requirement that all building development within the land unit undergo a resource consent assessment. Those proposed developments which have potentially significant adverse effects on the indigenous vegetative cover of the land unit, may be refused consent.

These relevant sections are attached as **appendix E**. These methods are also not inconsistent with any 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, policies and rules of the land unit 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 bush clad residential character of the land unit which will protect and enhance Waiheke's character and achieve protection of the environment 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
- 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 consultation received related to this land unit and has incorporated alterations to the plan where it was considered necessary.

Assessment of the objectives, policies and rules within the land unit 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
- Overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the land unit and consequently are the most appropriate method of achieving the objectives.
- The proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act.
- The methods are consistent with the statutory national and regional planning documents, other acts and non statutory documents including:
 - New Zealand Coastal policy Statement
 - Hauraki Gulf Marine Park Act 2000
 - Auckland Regional Policy Statement
 - Auckland Regional Plan: Coastal
 - Essentially Waiheke – A Village and Rural Communities Strategy

Appendix A

Extension of Existing Land Unit Boundaries

Extension to the island residential 2 (bush residential) boundaries

1.0 Introduction

Feedback received to the pre-notification consultation on the plan requested that the existing site at 18 Nepean Place, Otakawhe Bay, Orapiu, Waiheke Island be altered from its existing operative split classification of land unit 10 (forest and bush areas) and land unit 12 (bush residential) to a proposed island residential 2 (bush residential) land unit.

This site is 4170m² in area and currently approximately 1/3 of the site is land unit 12 while the remainder is land unit 10.

Attached, as section 5 of this assessment is an aerial and photographs of the site.

2.0 Background

Subdivision consent was granted by Council in 2003 for a boundary adjustment to increase the size of Lot 1, DP 321789 from 1012m² to 4170m². This was subject to a consent notice on the title which restricts building coverage on the site to 230m² and indigenous vegetation clearance to 300m².

The original 1012m² site retained its existing land unit 12 classification and the remainder of the site retained its land unit 10 classification under the operative plan.

3.0 Character of site

The current land unit 12 portion of the site is located on a part of the property which is largely grass covered and cleared of indigenous vegetation, has a gentle upwards slope and contains two existing residential scale buildings which comprise one dwelling. The remainder of the site has a steeper slope and is largely covered by regenerating indigenous vegetation.

4.0 Assessment

This proposal to remove the current split land unit from the site and instead apply the island residential 2 (bush residential) land unit is supported for the following reasons:

- Applying an island residential 2 (bush residential) land unit to the site will allow two dwellings to be established on the site (minimum lot size per dwelling 2000m²). This is an appropriate land use activity for this site.
- Any proposal to establish another dwelling on the site will be assessed as part of a resource consent. This assessment will ensure that the bush clad character of the land unit will not be compromised. Subdivision of the site into two lots would be required before an additional dwelling is established otherwise a non complying resource consent would be required for multiple dwellings. This is because multiple dwellings are not provided for within the land unit.
- This site has the same character and amenity as the existing sites located to the south and across Nepean Place from the subject site which currently operate in a residential capacity and are proposed to be a bush residential land unit.

5.0 Aerial and Photographs of Site

Aerial of site and surrounding area



Site when viewed from 20 Nepean Place



Site when viewed from Nepean Place frontage



Appendix B
New Zealand Coastal Policy Statement (1994)

Appendix C

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 D

Regional Policy Statement

Appendix E

Regional Plan