

HGI Plan Review: section 32 report for the residential amenity areas in the Great Barrier settlements

1.0 Executive summary

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

The main conclusions are that:

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

2.0 Introduction

2.1 Purpose of this report

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

2.2 Proposed plan provisions

The proposed plan incorporates the method of settlement areas to manage the resources for the various settlements on Great Barrier. The proposed method differs from the policy areas in the operative plan, in that the underlying land unit “layer” and the controls associated with the land units have been removed, and replaced with a comprehensive place, activity, and development control based settlement area. This report relates to those areas in the settlement areas defined as residential amenity. These can be found in Tryphena, Medlands, Claris, Okupu, Whangaparapara, Awana, Okiwi, Port Fitzroy and Aotea. The special landscape characteristics, such as wetlands and dune systems, have been integrated into the settlement area as either separate areas or recognised through the objectives and policies.

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

The approach has been to minimise the number of consents required for general building activity in the residential areas of Great Barrier, by replacing the existing controlled activity status in the policy areas with permitted standards where appropriate. This recognises a need for some design freedom for buildings, which was rarely if ever controlled in a settlement situation, while

maintaining control over wider landscape effects that are created through reflective buildings and the adverse visual effects on the surrounding environment.

2.4 Operative plan provisions

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

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

There are no activity lists relating to the current policy areas.

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 residential provisions on Great Barrier.

2.5.1 Consultation to date

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

Initial consultation

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

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

Focus groups

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

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

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

Telephone survey

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

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

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

Consultation with other stakeholders

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

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

Public notification

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

2.5.2 Issues raised during consultation

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

1. Colour of houses should be at owner's discretion
2. New buildings should compliment natural landscape
3. Buildings should be sensitive to environment & blend into bush
4. All new dwellings to blend in with environment
5. Support controls on colour and materials (reflectivity etc) and limited rolling height levels for buildings - ARC
6. Provide for a wider degree of home occupations. Provide specific parking controls. List activities not included.
7. Support more regulated approach to growth & development with HGI (to protect ecosystems and landscapes). Support prescriptive provisions which provide a strong level of certainty in terms of location, type of activities with clear performance standards. [ARC]
8. Plan should anticipate potential changes in landuse through a more prescriptive framework & greater control of activities [DOC]
9. Move to more regulated framework with clearer guidance and greater control.
10. Combine effects based approach (but better drafted) with more prescriptive framework.
11. Move to more regulated framework with clearer guidance and greater control.
12. Need independent ecologist on staff with decisions subject to ecological peer review.

13. Support specific residential land unit for GBI [DOC]
14. Modify [residential land unit] for GBI
15. Would like to see Land Unit 12 of GBI, so long as building and design controls are adhered to.
16. Increase % lot coverage. But effluent disposal to take precedence.
17. Ad-hoc development could lead to unstructured island
18. Need to allow for home occupations, food production and cottage industries
19. Decrease compliance/consent costs by providing for the right activities in the right places.
20. Appears to be equal demand for small sites from both on island and off island owners.
21. Island needs growth.
22. Why are earthworks controls on GBI more restrictive? They should be the same.
23. Bush residential could be introduced - minimum site size of 2000m²

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

3.0 Resource management issues and objectives

3.1 Issues

The issues for Great Barrier Island as a whole are:

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

The issues for the settlement areas are:

1. How to manage and facilitate growth within the existing settlement areas on Great Barrier without compromising the natural environment.

2. How to encourage activities within settlement areas that enable the community to provide for their social, cultural and economic wellbeing.
3. How to ensure that new activities within settlement areas are located so that they do not adversely affect other land uses.

3.2 Objectives

The objectives relevant to residential amenity area in the settlement areas are:

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|----------|--|
| 10b.3.1 | To provide for limited growth in existing settlements while protecting the natural environment. |
| 10b.3.2 | To facilitate appropriate development in suitable places throughout the settlement areas, based on the type of existing activities. |
| 10b.5.3 | To maintain the low impact, bush-covered, and residential character of the Tryphena residential amenity area. |
| 10b.6.3 | To maintain and enhance the amenity of the residential amenity area and to ensure development does not detrimentally impact upon the adjoining dune and wetland conservation area. [Medlands] |
| 10b.7.4 | To maintain and enhance amenity and the existing patterns of residential development to the south of Claris township. |
| 10b.8.3 | To maintain or enhance the low impact character and amenity of the Okupu residential amenity area. |
| 10b.9.3 | To maintain the low impact, bush covered character of the Whangaparapara residential amenity area. |
| 10b.10.2 | To maintain and enhance the low impact character of the Awana residential amenity area, and ensure that new development integrates with the sensitive landscape qualities of the Awana beachfront area |
| 10b.11.3 | To maintain and enhance the low impact character of the residential amenity area. [Okiwi] |
| 10b.12.2 | To maintain existing development patterns and protect the bush covered character of the Port Fitzroy settlement. |
| 10b.13.2 | To maintain the low impact character of the Aotea settlement on ancestral Maori land at Koa. |
| 10b.13.3 | To establish a resource management framework whereby Ngati Rehua can provide for the sustainable use of ancestral land. |

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 residential amenity areas are identified below:

Clause		
(a)	The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development	✓
(b)	The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development	✓
(c)	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna	✓
(d)	The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers	
(e)	The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga	
(f)	The protection of historic heritage from inappropriate subdivision, use, and development	
(g)	The protection of recognised customary activities	

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of particular relevance to the residential amenity areas in the settlement areas, are identified below:

Clause		
(a)	Kaitiakitanga	✓
(aa)	The ethic of stewardship	✓
(b)	The efficient use and development of natural and physical resources	✓
(ba)	The efficiency of the end use of energy	✓
(c)	The maintenance and enhancement of amenity values	✓
(d)	Intrinsic value of ecosystems	
(f)	Maintenance and enhancement of the quality of the environment	✓
(g)	Any finite characteristics of natural and physical resources	
(h)	The protection of the habitat of trout and salmon	
(i)	The effects of climate change	✓
(j)	The benefits to be derived from the use and development of renewable energy	✓

Section 8 provides that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

4.1.2 Appropriateness in achieving the purpose of the Act

The objectives outlined in 3.2 above are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8. Specifically they meet clause (a) and (c) of Section 6 ‘Matters of national importance’ of the Act, as identified below by:

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

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

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

This is because:

- the objectives recognise that there is significant bush covered character within the settlements which play an important part in contributing to the character and amenity value of Great Barrier;
- requiring development to be complementary with this bush clad character is important to ensure that the high amenity value of the settlements is retained; and
- the objectives will effectively balance the demand for development on Great Barrier while protecting its character and amenity value.

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

In terms of efficiency and effectiveness, the plan needs to be able to be easily implemented, understandable, manage adverse effects of activities, and provide an equitable balance between environmental, social, cultural and economic costs and benefits. In addition, there needs to be a

clear relationship between the objectives for the land, the policies that will be implemented by the Council, and the rules which will achieve the objectives.

The following describes these relationships.

10b.3.1 Objective

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

Policies

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

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

10b.3.2 Objective

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

Policies

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

The policies determine three important aspects that determine what appropriate development is on Great Barrier, that is ensuring that similar activities are located in similar locations, maintain the high landscape and ecological values of GBI, and then limiting the adverse effects of activities. Encouraging sustainable building design is given particular emphasis, and this is reflected in the sustainable building design guidelines appendix to the plan.

Objectives and policies relating to all parts within each settlement area

10b.5.2 Objective – Tryphena settlement area

To allow for continued development of existing sites in Tryphena in a way that does not compromise the bush covered character of the settlement.

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By ensuring that development is subject to bulk, coverage and location standards, and where these standards are exceeded, that the adverse effects are avoided or mitigated.*
3. *By limiting removal of indigenous vegetation in order that drainage, stormwater and sedimentation effects are reduced or avoided and landscape values are maintained.*
4. *By protecting riparian areas around streams and where activities affect riparian areas, requiring planting to maintain or enhance water quality.*
5. *By controlling the scale and form of buildings within the headland protection areas and Reserves and Coastal Margin areas, to ensure that buildings integrate with the landscape.*

10b.6.2

Objective – Medlands settlement area

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

Policies

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

7. *By ensuring buildings are not visually intrusive, either individually or cumulatively and that they respect the scale of surrounding sand dunes and remain a minor visual element within the sand dune landscape.*

10b.7.2.1 Objectives – Claris settlement area

To consolidate similar activities in the areas identified to ensure that effects of activities do not affect the function of the airport and surrounding activities

Policies

1. *By preventing any building or landuse activity which may compromise the operation of the airport by being sensitive to effects from the operation of the airport, with particular regard to noise sensitivity and safety.*
2. *By not providing for the construction, alteration of, or addition to, any building that exceeds the height limits for the airport protection fans identified in the designation for Claris airfield.*
3. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*

10b.7.2.2 To create a functioning centre for Great Barrier.

Policies

1. *By providing for retail premises and further development to reinforce the role of the area as a gateway to the island.*
2. *By protecting activities in their respective areas from reverse sensitivity effects.*

10b.8.2 Objective – Okupu settlement area

To contain the existing subdivision pattern, avoiding expansion of the settlement area, and provide for appropriate development on existing sites within the settlement area as a means for maintaining landscape and ecological values of the area.

Policies

1. *By controlling the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By controlling the adverse effects of buildings on the environment through bulk, coverage and location controls and where these standards are exceeded, ensuring that the adverse effects are avoided or mitigated.*
3. *By limiting the removal of indigenous vegetation so that drainage, stormwater and sedimentation problems are mitigated or avoided, and landscape values are maintained.*

4. *By protecting riparian areas around streams and requiring replanting to maintain and enhance water quality.*
5. *By only including existing development within the Okupu settlement area.*

10b.9.2 Objective – Whangaparapara settlement area

To maintain the high value natural character of the wider Whangaparapara area, and protect the function of the visitor accommodation.

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By controlling adverse effects of buildings on the environment through bulk, coverage and location controls, and where these standards are exceeded, ensuring that the adverse effects are avoided or mitigated.*
3. *By limiting the removal of indigenous vegetation so that drainage, stormwater and sedimentation problems are mitigated or avoided, and landscape values are maintained.*
4. *By protecting riparian areas around streams and requiring replanting to maintain or enhance water quality.*
5. *By only including existing development within the Whangaparapara settlement area.*

10b.10.2 Objective – Awana settlement area

To maintain and enhance the low impact character of the Awana residential amenity area, and ensure that new development integrates with the sensitive landscape qualities of the Awana beachfront area

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By limiting the footprint of buildings to ensure that building sizes are of a residential scale.*
3. *By ensuring that development is subject to bulk, coverage and location controls, and where these standards are exceeded, that the adverse effects are avoided or mitigated.*
4. *By limiting removal of indigenous vegetation (particularly coastal shrubs) in order that drainage, stormwater and sedimentation problems are reduced or avoided and landscape values are maintained.*

2. *By providing for home occupations and home stays as a permitted activity to enable an economic use of an appropriate scale for residential sites.*
6. *By limiting activities that are likely to have a detrimental effect on residential amenity due to effects such as noise or traffic.*
7. *By only including existing development within the Awana Settlement area.*

10b.11.2 Objective – Okiwi settlement area

To provide for residential development in the north of the island, and to support small scale commercial, education and recreation activities, while protecting existing vegetation and riparian areas.

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By ensuring that development is subject to bulk, coverage and location controls, and where these standards are exceeded, that the adverse effects are avoided or mitigated.*
3. *By limiting removal of indigenous vegetation in order that drainage, stormwater and sedimentation problems are reduced or avoided and landscape values are maintained.*
4. *By requiring replanting of indigenous vegetation where new development requiring resource or subdivision consent is proposed.*
5. *By protecting riparian areas around streams and requiring replanting to maintain water quality.*
6. *By allowing for additional residential sites to be created within the Okiwi settlement area.*

10b.12.2 Objective – Port Fitzroy settlement area

To maintain existing development patterns and protect the bush covered character of the Port Fitzroy settlement.

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By limiting removal of indigenous vegetation in order that drainage, stormwater and sedimentation problems are reduced or avoided and landscape values are maintained.*

3. *By ensuring that development is subject to bulk, coverage and location controls, and where these standards are exceeded, that the adverse effects are avoided or mitigated.*
4. *By protecting riparian areas around streams and requiring replanting to maintain or enhance water quality.*

10b.13.2 Objective – Aotea settlement area

To maintain the low impact character of the Aotea settlement on ancestral Maori land at Kaia.

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By providing for home occupations and home stays as a permitted activity to enable an economic use of appropriate scale for residential sites.*
3. *By ensuring that development is subject to bulk, coverage and location controls, and where that where these standards are exceeded only minor adverse effects occur.*
4. *By protecting riparian areas around streams to maintain or enhance water quality.*
5. *By limiting removal of indigenous vegetation in order that drainage, stormwater and sedimentation problems are reduced or avoided and landscape values are maintained.*
6. *By locating buildings to minimise any potential impact from flooding.*

10b.13.3 Objective – future development in Aotea settlement area

To establish a resource management framework whereby Ngati Rehua can provide for the sustainable use of ancestral land..

1. *By assessing the adverse effects of activities that are not residential in nature on a case by case basis, until a site specific plan has been prepared.*
2. *By recognising that the development of a comprehensive plan for the Aotea settlement area into the Plan is desirable, either by a comprehensive resource consent application or through a structure plan incorporated into the Plan..*
3. *By treating subdivision as a non-complying activity to protect ancestral land for future generations.*
4. *By providing for papakainga housing as a discretionary activity to assess multiple dwellings on a case-by-case basis until such time as a comprehensive plan is undertaken.*

The policies for each of the settlement areas set a context for development for the settlements, and how environmental outcomes will be achieved in all areas within the settlement. Of particular importance are controls on built development, which seek to limit reflective colours for buildings, as well as bulk and location controls. Particular regard is had to Aotea settlement in terms of papakainga housing, and providing this as a method for achieving multiple dwellings on a single site.

Objectives and policies relating to residential amenity in each of the settlement areas.

Note: Awana and Aotea only have residential amenity areas, so the relevant objectives and policies have been integrated into the overall objectives and policies for the settlement.

10b.5.3 Objective – Tryphena residential amenity area

To maintain the low impact, bush-covered, and residential character of the Tryphena residential amenity area.

Policies

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

10b.6.3 Objective – Medlands residential amenity area

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

Policies

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

10b.7.4 Objective – Claris residential amenity area

To maintain and enhance amenity and the existing patterns of residential development to the south of Claris township.

Policies

- 1. By limiting the footprint of buildings to ensure that building sizes are of a residential scale.*

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

10b.8.3 Objective – Okupu residential amenity area

To maintain or enhance the low impact character and amenity of the Okupu residential amenity area.

Policies

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

10b.9.3 Objective – Whangaparapara residential amenity area

To maintain the low impact, bush covered character of the Whangaparapara residential amenity area.

Policies

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

10b.11.3 Objective – Okiwi residential amenity area

To maintain and enhance the low impact character of the residential amenity area.

Policies

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

4. *By ensuring that where new subdivision occurs, that it protects riparian areas and avoids culverting of stream areas in favour of bridging where necessary.*

10b.12.3 Objective – Port Fitzroy residential amenity area

To protect and enhance the low impact bush covered character of the residential amenity area.

Policies

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

In each of the residential amenity areas, the footprint of buildings is limited to achieve a low impact character and avoid large dominant buildings. The policies recognise a need to be able to provide for low impact home occupations, and other activities where these will not have a detrimental effect on residential amenity.

In summary, the policies have been carefully considered against the objectives, and are considered the most appropriate means of achieving the objectives. They indicate the decisions that Council will make to ensure that the objectives for the light industrial area are met. They also set a context for each of the development control rules within the settlement areas.

The following section outlines the costs and benefits of different approaches for looking at the types of activities and rules that should apply to the residential amenity area, including development controls. These are the main alternatives which the council has considered as a means of achieving the objectives:

- No control on buildings or activities (entirely free market)
- Permitted standards (development controls) for buildings, certain activities allowed, others requiring consent
- High level of control, require resource consent for all activities
- Maintain the status quo

4.2.2 Option 1

No control on buildings or activities (entirely free market)

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
	Inappropriate activities could locate next to each other, for example industry next to residential or childcare.
	No limits on control of height and bulk of buildings, could result in adverse shading effects on neighbouring properties, affecting access to daylight.

	No control on bulk and scale of buildings, and colour. Buildings would become dominant, detracting from the dominant natural environment of Great Barrier.
	No limits on removal of vegetation, resulting in loss of habitat for flora and fauna.
	Earthworks and sedimentation could lead to degradation of waterways.
<u>Social and Economic</u>	<u>Social and Economic</u>
No limit on scale of activities, location or coverage. Benefits to economy as high value activities could be undertaken anywhere, for example high rise development on Medlands Beach.	Inappropriate activities could locate next to each other, for example heavy industry next to childcare.
Creation of jobs.	Activities with high levels of adverse effects (eg noise and traffic) degrade amenity of residential areas, lowering quality of life for residents
	Unfettered development is not sustainable in terms of maintaining amenity values for an area, as the values are eroded.
	No certainty as to the effects of activities on wellbeing.
	Inappropriate activities locating next to residential activities could lower market value of properties.

Overall, option 1 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.

The risk of acting or not acting

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

4.2.3 Option 2

Permitted standards (development controls) for buildings, certain activities allowed, others requiring consent

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Permitted standards relating to height in relation to boundary, maximum height, building coverage, yards, and building footprint maintain amenity by ensuring that development is of a residential scale, fitting with other development in the vicinity. These maintain access to daylight and soil for plants and ecosystems to grow. Maximum height limits and building in relation to boundary controls will in a number of situations allow for access to solar energy for a renewable energy source. Yards	Design of buildings not controlled by consent, other than by development controls.

maintain separation between buildings on adjacent sites and space for easements for services if needed.	
Permitted noise levels have been set at a level which allows for social activity as well as provision for generator noise, while ensuring that higher impact activities that may result in loud noise do not affect residential amenity.	
Permitted standards on indigenous vegetation clearance allow for construction of a building platform, but ensure that effects are assessed if they exceed a certain level and replacement planting is able to be mitigate for the loss of flora/fauna habitat.	
<p>Permitted standards on earthworks ensure that the effects of earthworks are controlled. Recognise that effects arise when earthworks are undertaken on different slopes.</p> <p>Standards changed to reflect the effect of earthworks as being the same anywhere rather than dependent on location (for example a difference of effects between Waiheke and Great Barrier).</p>	
<p>Permitted standards on colour enable control of colour without requiring consent, to ensure low reflectivity and certain degree of greyness.</p> <p>The greatest contributor that gives rise to adverse effects of buildings in a landscape environment is highly reflective/bright colours or finishes on building materials. Cumulative effects arise particularly where buildings are grouped together in an open environment (parts of Tryphena, Medlands, Okupu ridgeline, Awana, Okiwi, Aotea), and on an individual basis in bush environments (Tryphena, Okupu, Whangaparapara, Port Fitzroy) where a highly reflective built form detracts from and dominates the natural bush environment. Buildings that are able to integrate with their surroundings by having less bright/less reflective colours have a lower adverse effect on landscape qualities and amenity. A permitted standard for colour based on reflectivity and greyness ensures that adverse visual effects of buildings are mitigated.</p>	
Controlling activities with adverse amenity effects (resulting from community values, traffic generation etc.) by listing appropriate residential type activities, and requiring consent for a slightly wider range of activities.	
<u>Social and Economic</u>	<u>Social and Economic</u>

By creating permitted standards, it is possible that residential activity can be established in the residential amenity areas without requiring the cost of a consent.	Consent will be required to exceed the permitted standards
People have certainty as to what type of activities are able to establish in the area around their home, and the activities they will be able to establish.	Total freedom of design apart from colour may result in styles of building that do not cater to all peoples tastes.
Allows freedom of design within the development control parameters.	
Activities that have a higher degree of effect are discretionary, to enable public participation in the planning process if necessary.	
Activities not listed in the activities table are non-complying, meaning that they are not likely to be conducive to a sustainable level of residential amenity. This includes activities such as panel-beaters, industry, etc.	

This option maintains a balance between economic and social costs and benefits by requiring consent only when an activity passes a certain threshold that is considered to warrant assessment of its effects. It gives certainty to activities without the costs involved in always requiring consent, while protecting aspects of the environment.

In terms of the development controls, these are attached as Appendix 1. These development controls generally reflect a scale and magnitude considered appropriate for all smaller lot residential activities throughout the gulf, with the exception of a maximum building footprint of 200m² to maintain residential scale buildings, and colour, which has been written into the rules as a permitted standard for Great Barrier.

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

The risk of acting or not acting

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

4.2.4 Option 3

High level of control, require resource consent for all activities.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Rigid control on all buildings, requiring council discretion on the design, form and	

Benefits	Costs
location of buildings.	
<u>Social and Economic</u>	<u>Social and Economic</u>
High level of control may give certainty of a quality environment, could possibly result in a rise in land value.	High cost on owners in terms of consent costs.
	High cost on Council in terms of establishing resources to process higher number of resource consents.
	High level of uncertainty as to whether applications will be approved or declined.
	Frustration at impact on development, time costs as resource consents are processed.
	Does not reflect the policies and objectives of the district plan.

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

This will impose unnecessary costs in money and time to a large proportion of residents within the settlements. 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 risk of acting or not acting

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

4.2.5 Option 4

Maintain the status quo - policy areas and land units

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Allows for a degree of assessment for buildings.	Currently requires consent for removal of any vegetation, including weed species, and for all buildings.
	Controlled activity consent means activities cannot be declined, uncertainty around the scope of conditions that are able to control activities.
	Land unit in settlement area is not typical of land unit elsewhere (i.e lot size is much smaller in the settlements). Land unit controls, policies and objectives drafted with larger rural lot size in mind.
<u>Social and Economic</u>	<u>Social and Economic</u>
Familiarity of rules	Does not enable consideration of residential amenity values in areas such that do not have an existing policy area
	Conflict between objectives and policies in land unit and objectives and policies in settlement areas creates uncertainty as to what outcomes are being sought

Benefits	Costs
	Permitted standards provide a more efficient method of achieving appropriate environmental results with regard to matters over which control is needed.
	Requires resource consent for all buildings, where colour is generally the only issue, and other issues such as tree clearance are dealt with as part of the resource consent. Results in unnecessary compliance costs.

The risk of acting or not acting

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

4.2.6 Conclusion

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

1. Identify suitable areas to ensure appropriate levels of residential amenity within the proposed settlement plans
2. To use a range of permitted standards to control development, rather than a free market or highly controlled approach
3. That appropriate activities are identified that can be carried out as permitted, or alternatively discretionary, activities within the residential amenity area.

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

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

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

5.0 National planning documents

5.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –

- (a) any national policy statement; and
- (b) and any New Zealand coastal policy statement; and

...

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

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

5.2 Hauraki Gulf Marine Park Act 2000

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

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

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

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

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

6.0 Regional planning documents

6.1 Regional policy statement

Section 75(3) of the RMA states:

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

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

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

These relevant sections are attached as Appendix 5.

6.2 Regional plan

Section 75 (4) of the RMA states:

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

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

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

8.0 Procedures for monitoring

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

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions.
- monitoring complaints and enforcement actions
- undertaking land use surveys and ecological surveys
- monitoring trends through analysing statistics
- maintaining a register of natural hazards.

9.0 Conclusions

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

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

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

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

Appendix 1 - Development controls

Appendix 2 - Activity table

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

Appendix 4 – Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000

Section 7 states as follows:

Recognition of national significance of Hauraki Gulf

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

Section 8 states as follows:

Management of Hauraki Gulf

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

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

Appendix 5

Relevant provisions from the Auckland Regional Policy Statement

Appendix 6 - Summary of consultation from GBI workshop