

# **HGI Plan Review: section 32 report for Rotoroa Island**

## **Executive summary**

This report summarises the evaluation undertaken by the council of the Rotoroa land unit in terms of section 32 of the Resource Management Act.

The existing plan provisions for Rotoroa are outdated as they relate to the continued use and development of a drug and alcohol treatment centre run by the Salvation Army that has now closed.

The council has undertaken consultation with the Salvation Army as to the future of the island. This consultation identified that the intended future use of the island is for conservation, residential and visitor activities (including public access to large areas of the island).

In response to matters raised in consultation and good planning practice, the proposed plan provision retain the specific land unit for Rotoroa but the provisions of the land unit have been amended to provide for the comprehensive redevelopment of the island for conservation, residential and visitor activities.

The analysis undertaken has demonstrated that the proposed land unit provisions are a comprehensive set of objectives, policies and rules which provide for the redevelopment of the island for conservation, residential and visitor activities and which ensure that the natural features and the landscape character of the island are protected and enhanced.

The objective is the most appropriate means of achieving the purpose of the Act because it provides for the social and economic wellbeing of the community through the provision of public access and visitor and residential activities while ensuring the protection of the environment.

The policies and associated rules are the most appropriate means of achieving the objective as the policies and rules provide a balance between providing for the visitor and residential development to occur and the protection of the adjoining environment. In addition, the policies and rules have been shown to have benefits that outweigh the costs and to be necessary in terms of avoiding risks to the environment.

The proposed plan provisions also give effect to the relevant national and regional planning documents, primarily because the provisions provide for appropriate use and development of visitor and residential activities and because the provisions protect and enhance the landscape character of the island.

## **1.0 Introduction**

### **1.1 Purpose of this report**

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

## 1.2 Operative plan provisions

Land unit 26 – Rotoroa Island is applied to Rotoroa in the operative District Plan. This land unit provides for the continued use and development of the drug and alcohol treatment centre located on the Island. The land unit also identifies that the treatment centre has been operated by the Salvation Army since 1908.

A summary of the key provisions of the existing land unit is set out below:

1. A description of the existing activities, buildings and the landscape character of the island.
2. Objectives relating to the existing and future development of the treatment and rehabilitation centre and protection and enhancement of the amenity and environmental values of the island.
3. Policies requiring revegetation to occur and for buildings and structures to be integrated with the landscape and clustered around the existing development at Home Bay.
4. Policies requiring the landward perimeter of the island to be undeveloped in order to protect the environmental values of the coast and avoid natural hazards.
5. A permitted activity standard which requires all permitted activities on the island to:
  - Conform to the listed standards and terms on Part 6b (Permitted Standards)
  - Provide for a maximum of 160 people (staff and clients to reside on the island)
  - Be subject to the Part 10 Heritage controls
  - Be consistent with any Rural Property Management Plan for the Island
  - Contribute to the treatment and rehabilitation work undertaken on the island.
6. Development controls relating to lot coverage, building height, earthworks, vegetation removal, noise and setbacks from the coast, wetlands and other water bodies.
7. A requirement for controlled activity consent to vary any of the standards and terms for permitted activities in Part 6B (except lot coverage, which is a restricted discretionary activity).
8. A requirement for discretionary activity consent for activities that do not contribute to the treatment and rehabilitation work on the island, helipads and where the number of people (staff and clients) is more than 160 but less than 200.
9. Assessment criteria relating to:
  - Effects on the visual and landscape character and natural and cultural environment
  - Integration of buildings with the landscape and other buildings
  - Hazards
  - Effects on indigenous vegetation, wildlife and heritage items

## 1.3 Proposed plan provisions

In the proposed District Plan, Other Islands 1 (Rotoroa Island) has been applied to Rotoroa. The intent of the land unit is to provide for conservation, residential and visitor activities and for protection of the landscape character and natural features of the island. Having considered the alternative uses, these activities are considered to be the most appropriate as they provide for the reasonable use of the land whilst ensuring that the environment is protected.

While the provisions of the land unit generally reflect those put forward by the Salvation Army in consultation, some important amendments have been made to ensure that the provisions are effective and efficient and to avoid adverse effects on the environment. These changes include:

- Amendments to building height and coverage in the residential and visitor areas to ensure an appropriate level of development occurs (having regard to the activities provided for and the coastal environment of the land unit).
- Requiring restricted discretionary consents for new residential buildings rather than controlled activity consents as the restricted discretionary status is a more effective tool for achieving appropriate built form.
- Changes to the objectives and policies and general drafting to ensure best practice and that the land unit has an approach that is consistent across the plan.
- Amendments to ensure that public access is considered at the time of resource consents.

A summary of the key provisions of the proposed land unit is set out below:

1. A description of the characteristics of the island, including the high visual amenity value of the landscape and the location and form of existing development.
2. An objective relating to the provision for residential, conservation and visitor activities and the protection and enhancement of the natural features and landscape character of the island.
3. Policies relating to public access, controlling the scale, form (design), colour and location of buildings, the scale and intensity of activities and re-vegetation and integrated development.
4. A strategy that divides the land unit into two areas:
  - A conservation/residential area, which is applied to the majority of the island. The primary role is to provide for conservation and public recreation activities. As an adjunct to the conservation role, there is provision for up to ten dwellings to be located in the northern portion of the island.
  - The visitor area, which is, located behind the main beach at Home Bay on the western side of the island. The role of this area is to provide for visitor associated activities and the service infrastructure for the rest of the island. Development in this area is required to be undertaken on a comprehensive and integrated basis.
5. An activity table that identifies the status of activities and buildings in each of the areas.
6. Development controls relating to the height of buildings, building coverage, earthworks, vegetation removal, noise and setbacks from the coast, wetlands and other water bodies.
7. Assessment criteria to ensure that:
  - Buildings in the residential / conservation area are of an appropriate scale, form (design), colour and location;
  - Re-vegetation and removal of existing buildings occurs at the time the new dwellings are constructed;
  - Access ways and tracks do not have adverse effects on the landscape character or natural features of the island;
  - Public access is provided to appropriate areas;

- The scale and intensity of activities and buildings in the visitor area will not have adverse effects on the landscape character and amenity of the island;
- The activities in the visitor area can be serviced in terms of water supply and wastewater disposal.

## **1.4 Consultation**

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to Rotoroa.

### **1.4.1 Consultation to date**

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

#### **Initial consultation**

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

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

#### **Focus groups**

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

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

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

#### **Telephone survey**

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

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

#### **Consultation with other stakeholders**

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

- the Auckland Regional Council ('ARC')
- the Department of Conservation ('DOC')

- Ministry for the Environment (‘MfE’)
- tangata whenua
- network utility authorities.

### **Consultation with landowners**

The Salvation Army (the Army) provided written feedback in relation to the future of Rotoroa in the initial consultation period (refer **Appendix A**). This feedback indicated that the treatment and rehabilitation centre on the Island has closed and that the Army was in the process of investigating the options available for the future of the island.

Between January and June 2006, Council staff and Boffa Miskell staff (the consultants working for the Salvation Army) meet on two occasions and undertook written correspondence in relation to the possible proposed plan provisions for Rotoroa. The issues raised by Boffa Miskell, on behalf of the Salvation Army, at these meetings and in written correspondence are further discussed in section 1.4.2 below.

A site visit was undertaken on 29 June by Council staff and a landscape consultant engaged by Council, Boffa Miskell staff and trustees of the Rotoroa Island Trust.

### **Public notification**

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

## **1.4.2 Issues raised during consultation**

### **General consultation**

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

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

### **Consultation with the Salvation Army**

Consultation with the Salvation Army highlighted a number of important issues. These are outlined below:

(a) Island history

The Army raised the following points in relation to the history of the island:

- The island is held in a fee simple title and encompasses an area of approximately 82.5 hectares.
- The island has been owned by the Salvation Army since 1908 and consequently occupies a significant place in the history of the Army and for those people who have lived and stayed on the island.
- Over the past 100 years, the island and the drug and alcohol programmes run on the island have played a vital role in the social wellbeing of the community.
- The balance of the island is farmed with sheep and cattle and contains small woodlots.
- Over time, the operations on the island have been steadily winding down as treatment and rehabilitation programmes on the mainland have increased. The Rotoroa Island centre was closed in December 2005.

(b) Principles for the future of the island

The Army and its stakeholder have established the following principles in relation to the future of the island:

- **A strong desire to retain ownership of the island as opposed to outright sale.** The relationship of the Army to the island and the islands history make it too important for the Army to relinquish ownership to another party.
- **Conservation / restoration and ongoing management.** The island has been substantially modified through past uses. However, the degree of modification could be substantially reversed by the reinstatement of indigenous vegetation cover and other conservation initiatives.
- **Community benefit.** To be able to ensure that the future use maintains a considerable degree of community benefit (be that educational, conservation and restoration of the island or similar outdoor activities).
- **Ongoing income.** Whilst the above aims are all core to the philosophy and approach of the Army, financial realities dictate that an ongoing income from the island is also a critical factor and will allow other community work undertaken by the Army to be funded.

(c) Related issues

In addition to the above principles, a number of other related issues were also identified by the Army:

1. How to conserve and where appropriate restore the natural character of the island and, in particular its coastline;
2. Continued protection and recognition of archaeological sites and recognition of the Maori and European heritage of the island;
3. Identifying appropriate future use of the natural and physical resources of the island;

4. Achieving a balance between open space and buildings to preserve the visual character of the land unit as seen from the sea when identifying appropriate future uses;
5. Limiting the visual impact of buildings and other structures when seen from the sea and other islands in proximity to Rotoroa and maintaining or enhancing landscape values;
6. Providing opportunities for public access to the island;
7. On-going management of the island in its new role to meet the foreseeable needs of future generations and the land use potentially able to fund conservation and restoration activities
8. Protection and enhancement of wildlife habitats and indigenous flora and fauna.

(d) The vision for Rotoroa

Having identified the driving principles and other related matters, the Army prepared the following vision for the island:

*“the bulk of the island is proposed to be conserved as publicly accessible open space, with rehabilitation and natural features, limited, carefully sited residential development to provide a revenues stream of (sic) conservation purposes is proposed over part of the northern half of the island, with visitor facilities being confined to the Home Bay area.”*

(e) Proposed Plan provisions put forward by the Army

In order to give effect to the Salvation Army’s vision for the island, a set of district plan provisions was prepared by Boffa Miskell (attached as **Appendix B**). The key elements of the proposed provisions are as follows:

- A description of the island, including identification that treatment operations have ceased and that the land unit is intended to provide a framework for managing the change in use of the island.
- A strategy which divides the island into three land use precincts:
  1. Conservation: open space precinct, which covers the majority of the island. The primary focus for this precinct is revegetation of the land and other conservation initiatives.
  2. Conservation: residential precinct which identifies a series of development cells in which development can occur in a wider conservation framework (through a discretionary a consent process).
  3. Gateway precinct which includes the majority of the former Salvation Army buildings (behind Home Bay beach) and runs through to Ladies Bay on the western side of the island. This area is intended to be a mixed-use area providing for a range of visitor activities. Development must occur through a comprehensive development plan process.
- Objectives and policies relating to the restoration and enhancement of the island through conservation and open space activities and protection of the environment and amenity values (particularly the coastal environment).
- Permitted activities must be associated with conservation, restoration, recreational, public access or conservation/educational related purposes.
- Particular rules limiting the use of activities and buildings in the conservation: open space precinct to conservation / public recreation activities.

- Controlled activity consent is required for a visitor information building in the conservation: open space precinct and where an activity is in accordance with an approved comprehensive development plan.
- Discretionary activity consent is required for activities and buildings in the gateway Precinct and the conservation: residential precinct.
- Development controls relating to height and development density.
- Assessment criteria relating to landscape, environmental and hazard effects are included for both controlled and discretionary activities.
- Subdivision is a non-complying activity.

## **2.0 Resource management issues and objectives**

### **2.1 Issues**

The significant resource management issues for Rotoroa which need to be addressed in the Plan are:

1. How to provide for conservation activities so that the natural character value of the island is enhanced.
2. How to provide for visitor and residential activities while protecting the landscape character and natural features of the island from the adverse effects of activities and buildings.
3. How to provide for public access around the island, particularly adjoining the coast.

### **2.2 Objectives**

The objective for Rotoroa is:

To provide for residential, conservation and visitor activities to occur while ensuring that the landscape character and natural features of the island are protected and enhanced.

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

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

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

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

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

Section 72 states as follows:



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

The following provisions of section 76 are also relevant:

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

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

- (3) An evaluation must examine –
  - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
  - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
  - (a) the benefits and costs of policies, rules, or other methods; and
  - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

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

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

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

#### 3.1.1 The purpose of the Act

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

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

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

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

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the current proposal are identified below:

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

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

Clause		✓
(a)	Kaitiakitanga	

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

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

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

The objective of the land unit seeks to achieve two key outcomes namely to provide for residential, conservation and visitor activities and to protect and enhance the landscape character and natural features of the island. The objective is considered to be the most appropriate for achieving the purpose of the Act for the following reasons:

#### **Section 5 (purpose of the Act) reasons:**

1. Residential and visitor activities can be undertaken for a return and, as such, provide for the economic wellbeing of the landowners.
2. Visitor activities provide a means for people to visit and enjoy the island and as such provide for the social wellbeing of people and communities.
3. With appropriate controls in place, residential and visitor activities can be undertaken in a manner which:
  - Sustains the potential of natural and physical (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - Safeguards the life-supporting capacity of air, water and soil, and ecosystems; and
  - Avoids remedies or mitigates any adverse effects of activities on the environment

The above is particularly so in this circumstance as the residential and visitor activities will be undertaken on land that is already substantially modified and as these activities will be undertaken in conjunction with revegetation and other conservation techniques.

#### **Section 6 (matters of national importance) reasons:**

4. Conservation activities (including enhancement of the landscape) are consistent with section 6 of the Act as these activities preserve and enhance the natural character of the coastal environment (including the coastal marine area) and as they ensure that use and development is of an appropriate form and nature for the environment.

5. Residential and visitor activities are consistent with section 6 of the Act as these activities:

- Will increase the public access to the island and therefore enhance public access to and along the coastal marine area.
- Can be undertaken in a manner which respects and protects the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga. This is achieved by ensuring that these activities are undertaken in locations which will not adversely effect waahi tapu sites.
- Can be undertaken in a manner which respects and protects the historic heritage on the island from inappropriate subdivision, use and development. This is achieved by ensuring that these activities are undertaken in locations which will not adversely affect heritage sites or buildings.

#### **Section 7 (other matters) reasons**

6. If appropriate controls are put in place, residential and visitor activities can be undertaken in a manner which achieves efficient use and development of land (which is a natural and physical resource).

7. Conservation activities (including the enhancement of the landscape character) is consistent with section 7 of the Act (other matters) as conservation activities and the protection and enhancement of the landscape character and natural features of the island will:

- Maintain and enhance amenity values of the island by ensuring that development protects the landscape character and natural features of the island and by undertaking revegetation planting concurrently with such development.
- Maintain and enhance the quality of the natural environment by undertaking re-vegetative planting on a substantially modified landscape and consequently enhancing the natural character of that landscape.
- Enhancing the intrinsic value of ecosystems by re-establishing those ecosystems through revegetation planting and by ensuring that development does not detract from those ecosystems.

#### **Alternative objectives:**

As stated above, the objective for the land unit seeks to achieve two key outcomes being; to provide for residential, conservation and visitor activities and to protect and enhance the landscape character and natural features of the island. The following table sets out the alternatives that were considered to this objective and why there were decided not to be the most appropriate:

<b>Alternative objectives</b>	<b>Reasons why it was not considered the most appropriate</b>
Retaining the existing objective relating to the existing and future development of the treatment and rehabilitation centre and	<ul style="list-style-type: none"><li>• As the Army has closed the existing treatment and rehabilitation centre, retaining the existing objective was not seen as a viable option as it would not relate to the actual or intended use of the island. Consequently, it would be</li></ul>

<b>Alternative objectives</b>	<b>Reasons why it was not considered the most appropriate</b>
protection and enhancement of the amenity and environmental values of the island.	promoting an inefficient use of land because the land would not be used at all.
An objective promoting conservation and recreation uses only.	<ul style="list-style-type: none"> <li>• An objective relating to only conservation and recreation uses would effectively be requiring the landowner to provide a public park. Public parks should be provided by the council or other public organisations not private landowners such as the Army.</li> <li>• To expressly limit development opportunities to conservation and recreation activities would not provide for the 'reasonable use' of the island by the landowner.</li> </ul>
An objective promoting conservation, visitor and residential activities only.	<ul style="list-style-type: none"> <li>• An objective relating to the provision of conservation, visitor and residential activities would provide for the 'reasonable use' of the island but would not ensure that the adverse effects of such activities on the landscape character and natural features of the island are avoided or mitigated.</li> </ul>

### **Council functions:**

In addition to achieving the purpose of the Act, the above objective also assists the council to carry out its functions under Sections 31,72 and 74(1) of the Act because:

1. The objective represents a review of the existing plan provisions to ensure that the redevelopment of the island occurs in a comprehensive and integrated manner and that the proposed provisions reflect the reasonable and likely future use of the island.
2. The objective identifies the need to control the actual or potential effects of visitor and residential activities on the landscape character and natural features of the island.

This section provides an analysis of the efficiency and effectiveness, costs and benefits and risks associated with the policies and rules of landform 5 (productive land).

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

This section provides an analysis of the efficiency and effectiveness, costs and benefits and risks associated with the policies and rules of other islands 1 (Rotoroa)

#### **Policy 1:**

*'By providing areas throughout the island for public access and recreation activitie''.*

#### **Associated rules and assessment criteria**

- Permitted activity status for walkways, playgrounds, park furniture etc

- Restricted discretionary activity consent for the visitor information centre.
- Assessment criteria for new buildings relating to the extent to which public access will be provided for throughout the island.

Benefits (including efficiency and effectiveness)	Costs
This policy, rule and assessment criteria are effective as they provide for the recreation and visitor activities sought by the objective.	There is a cost to the applicant in that they will need to identify how public access throughout the island will be provided for.
<p>The above methods are efficient because:</p> <ul style="list-style-type: none"> <li>• Resource consents are not required for recreation activities such as walkways, they can simply happen ‘as of right’</li> <li>• Additional resource consents are not required in relation public access as the resource consent process for new buildings (as in the case of the public access assessment criteria).</li> <li>• A restricted discretionary resource consent is required for the visitor information centre. This is an efficient mechanism as the resource consent is not subject to public notification (which is a longer process) and as it provides for the consideration of all relevant matters but is not wider issues.</li> </ul>	
This approach also has the benefit of securing public access as there is no other way to ensure that public access will occur given that the island is privately owned and is not being subdivided.	

### **Risk of acting or not acting:**

If a policy and assessment criteria relating to public access were not included in the land unit, there would be risk that public access may not be allowed as there is no legal mechanism to require it to occur.

There are no risks associated with including a policy and assessment criteria.

### **Policy 2:**

*“By ensuring that the scale, form, colour and location of residential buildings will not have an adverse effect on the natural character and heritage features or landscape character of the island”*

### **Associated activity table, rules and assessment criteria**

- Restricted discretionary consent for new dwellings.
- Restricted discretionary consent for the visitor information centre
- 6m height limit

- 300m<sup>2</sup> building coverage per dwelling
- 250m<sup>2</sup> building coverage for a visitor information centre
- 40m setback from the MHWS
- 20m setback from other water bodies
- 50m<sup>2</sup> earthworks on a slope > 1 in 6
- 400m<sup>2</sup> earthworks on a slope < 1 in 6
- 300m<sup>2</sup> indigenous vegetation clearance below 3m
- Assessment criteria relating to scale, form, colour, location, access ways and tracks, landscaping and revegetation and removal of existing buildings.

Benefits (including efficiency and effectiveness)	Costs
<p>This policy, associated rules and assessment criteria are effective as they ensure that the landscape character and the natural character of the island is protected and enhanced.</p>	<p>The costs associated with the policy, rules and assessment are that the applicant will have to obtain a resource consent for new buildings and that the applicant will have to ensure a high standard of building design.</p>
<p>Protection of the landscape character is achieved by the restricted discretionary consent status for new dwellings and the visitor information centre. This status is effective because it provides the council with the ability to assess and decline consent if the application if it does not protect the landscape character or natural features. Controlled activity status would not have been effective in protecting the natural and landscape character because such activities must be approved by the council, even if there area adverse effects on the landscape or natural character.</p> <p>The restricted discretionary consent status is also an efficient mechanism as it is not subject to public notification (which is a longer process) and as it provides for the consideration of all relevant matters but is not wider issues.</p>	<p>There is also a cost to the landowner in that the development potential of the area has been limited and therefore there is less opportunity to gain a financial return.</p>
<p>Permitted standards are also an efficient mechanism because they provide a clear indication to both the applicant and the public of what is appropriate for the island.</p>	<p>A further cost is that there is uncertainty for the applicant in that the design of the building will be subject to the resource consent process and consequently may be declined.</p>
<p>The permitted standards, particularly those relating to building height and coverage, are also effective in ensuring that buildings protect and enhance the landscape and natural character of the island. This is because such standards limit the size and scale of the proposed building to a point where the council can be sure that there will not be adverse effects on the environment. If these standards were more permissive, there would not be certainty that a good</p>	

environmental outcome would occur and this is not appropriate for a permitted standard.	
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### **Risk of acting or not acting:**

If the policy, rules and assessment criteria relating to the scale, form, colour and location of new buildings were not included in the land unit there would be a high risk that the landscape character and natural character of the island would not be protected.

The risk of not taking this approach is that it limits the design options for the landowner.

### **Policy 3:**

By requiring revegetation to be undertaken concurrently with the construction of residential buildings so that the adverse effects of those buildings are mitigated and the natural character of the island enhanced.

#### **Associated rules and assessment criteria**

- Assessment criteria relating to the extent to which landscaping including revegetation will be undertaken to integrate built development and to enhance the natural landscape character of the island.

<b>Benefits (including efficiency and effectiveness)</b>	<b>Costs</b>
This policy and assessment criteria are effective in that they ensure that the natural character of the island is enhanced. In particular, the policy and assessment criteria ensure that revegetation planting occurs concurrently with the construction of residential buildings and thereby increases the natural character values of the island.	The costs of the policy and assessment criteria are that the applicant will need to undertake the revegetation planting at the time of constructing new buildings.
The policy and assessment criteria are efficient in that they do not require additional resource consents to be sought, rather they use the resource consent process for new buildings.	

### **Risk of acting or not acting:**

The risk of not acting is that if requirements for revegetation are not put in place at the time of the redevelopment of the island there is unlikely to be any further opportunities to ensure that the natural character value of the island is enhanced.

There are no risks associated with including a policy and assessment criteria.

### **Policy 4**

*“By requiring buildings and activities for visitors to be planned and developed in a comprehensive and integrated manner so that the landscape character of the island is protected.”*

#### **Associated rules and assessment criteria**



- A discretionary activity consent is required for integrated visitor development (including the activities and buildings proposed).
- 5m height limit in visitor area A and 8m in visitor area B (max of two storeys)
- 3000m<sup>2</sup> building coverage for the visitor area.
- 40m setback from the MHWS
- 20m setback from other water bodies
- Assessment criteria relating to scale, form, colour, location, access ways and tracks, landscaping and revegetation and removal of existing buildings.

Benefits (including efficiency and effectiveness)	Costs
This policy, rules and assessment criteria are effective as they will ensure that the buildings located in the visitor area do not have an adverse effect on the landscape character of the island, as sought in the objective.	The costs of the policy, rules and assessment criteria are that the applicant will be required to put together one comprehensive proposal for the visitor area, rather than a number of ad hoc proposals over time. A high standard of building design will also be required. These factors may result in added expense.
The primary mechanism for achieving this is the discretionary activity consent status for all buildings and activities. This status is effective because it has provides the council with the ability to decline consent if the proposed buildings and activities do not protect the landscape character. Restricted discretionary consent status has not been used as the potential effects of activities cannot be restricted to the same degree as the can for buildings only. Controlled activity status would not have been effective in protecting the natural and landscape character because controlled activities must be approved by the council, even if there area adverse effects on the landscape or natural character.	There is also a cost to the landowner in that the development potential of the area has been limited and therefore there is less potential to gain a financial return.
A further factor is that the policy and rules require all activities and buildings to be applied for at one time. This allows for a comprehensive and integrated assessment of the proposal and avoids ad hoc development.	A further cost is that there is uncertainty for the applicant in that the design of the building will be subject to the resource consent process and consequently may be declined.
The permitted standards are also effective in controlling the effects of buildings on the landscape character of the island. In particular: <ul style="list-style-type: none"> <li>• the setback from MHWS will retain the openness and low key character of development at Home Bay</li> <li>• the 3000m<sup>2</sup> of building coverage will ensure that the level of built development on the island is not increased (albeit that it may change in layout and form). It will also ensure that the majority of built development will be located in Area B</li> </ul>	

Benefits (including efficiency and effectiveness)	Costs
(which can absorb a higher level of development than Area A) and that buildings are not unnecessarily spread throughout the visitor area. <ul style="list-style-type: none"> <li>the 8m height limit will ensure that the low-key character and visual amenity of Home Bay and the island in general is maintained.</li> </ul>	
The policy and associated rules and assessment criteria are efficient as one single resource consent is required for all activities and buildings in the visitor area.	

### **Risk of acting or not acting:**

If development in the visitor area did not occur in a comprehensive manner through 'integrated visitor development' there would be a risk that ad hoc development would occur over time and that such development may not result in the best and most appropriate built form for the visitor area.

There will be additional costs to the landowner in terms of uncertainty and having to plan the whole development at one time.

### **Policy 5**

*"By ensuring that the nature and intensity of visitor activities will not detract from the amenity or character or natural features of the island."*

#### **Associated rules and assessment criteria**

- A discretionary activity consent is required for integrated visitor development (which means a comprehensive proposal for all buildings and activities associated with a visitor development. It may include one or more of the following; visitor accommodation, restaurants, café and other eating-places, tourist complex, visitor information centre, dairy, management and maintenance facilities and service infrastructure.)
- 50m<sup>2</sup> earthworks on a slope > 1 in 6
- 400m<sup>2</sup> earthworks on a slope < 1 in 6
- 300m<sup>2</sup> indigenous vegetation clearance below 3m
- Noise controls of 50dBA and 40dBA
- Assessment criteria relating to the extent to which the scale and intensity of the proposed activities will detract from the amenity and the landscape and coastal character of the island and can be serviced in terms of water supply and wastewater disposal without adverse effects on the natural features and resources of the island.

Benefits (including efficiency and effectiveness)	Costs
This policy, rules and assessment criteria are effective as they will ensure that the activities located in the visitor area do not have an adverse effect on the amenity, character or natural features of the island as sought by the objective.	The costs of the policy, rules and assessment criteria are that the applicant will be required to put together one comprehensive proposal for the visitor area, rather than a number of ad hoc proposals over time. This may result in added expense.

Benefits (including efficiency and effectiveness)	Costs
<p>The primary mechanism for achieving this is the discretionary activity consent status for all buildings and activities. This status is effective because it has provides the council with the ability to decline consent if the proposed activities do not protect the amenity, character or natural features of the island. Restricted discretionary consent status has not been used as the potential effects of activities cannot be restricted to the same degree as the can for buildings only. Controlled activity status would not have been effective in protecting the amenity, character or natural features of the island because controlled activities must be approved by the council, even if there area adverse effects.</p>	<p>A further cost is that there is uncertainty for the applicant in that the design of the building will be subject to the resource consent process and consequently may be declined.</p>
<p>A further factor is that the policy and rules require all activities and buildings to be applied for at one time. This allows for a comprehensive and integrated assessment of the proposal and avoids ad hoc development.</p>	
<p>The policy, rules and assessment criteria are efficient as one single resource consent is required for all activities and buildings in the visitor area.</p>	

### **Risk of acting or not acting:**

If development in the visitor area did not occur in a comprehensive manner through ‘integrated visitor development’ there would be a risk that ad hoc development would occur over time and that such development may not result in the best and most appropriate built form for the visitor area.

There will be additional costs to the landowner in terms of uncertainty and having to plan the whole development at one time.

## **3.3 Alternative options**

The following options are the main alternatives which the council has considered as a means of achieving the objective:

1. Providing for visitor, conservation and residential activities to be located anywhere on the island.
2. More restrictive permitted standards
3. More permissive permitted standards

### **3.3.1 Option 1**

Rather than identifying particular areas in which residential, conservation and visitor activities can occur, one alternative option would have been to provide for these activities to occur anywhere on the island.

Benefits	Costs
Freedom of design and location for the applicant	Potential adverse effects on natural features and the landscape character because of development being inappropriately located.
Less cost to the applicant as comprehensive applications would not have to be prepared.	Less amenity for residential activities as they could be intermingled with visitor activities
Increased development options and possible returns for the landowner.	Less convenience for visitors as visitor activities could be scattered over the whole island.
	Less likelihood of achieving the best outcome as cumulative effects could occur and as development will be ad hoc rather than comprehensively planned.

### The risk of acting or not acting

The risk of such an approach is that the landscape character and general amenity of the island may not be protected, particularly as ad hoc development may occur along with the cumulative effects associated with such development.

The risk of not taking this approach is that the design freedom of the landowner will be limited.

### 3.3.2 Option 2

To require more restrictive permitted standards in the residential and visitor areas e.g. less dwellings and less building coverage.

Benefits	Costs
Less overall development on the island.	Lower returns for the landowner.
Less risk of potential effects on the landscape and on natural features.	Lower likelihood of revegetation as revegetation is linked with development.
More area available for public access	Less amenities for visitors
	Lower likelihood of public access as public access is linked with development
	Inefficient use of land as existing development on the island indicates the level of development than can be absorbed without significant adverse effects on landscape character and amenity.

### The risk of acting or not acting

The risk of such an approach is that there is a lower likelihood that revegetation and public access will occur and that it will result in an inefficient use of land given that the island can accommodate more development.

The risk of not acting is that the character and amenity of the island will be protected.

### 3.3.3 Option 3

To put in place more permissive permitted standards e.g. to allow more dwelling and to provide more building coverage.

<b>Benefits</b>	<b>Costs</b>
Greater returns for the landowner as more development could occur.	Increased likelihood of adverse effects on the landscape character and amenity of the island.
More amenities for visitors as more development could be established.	Increased likelihood of adverse effects on natural features such as groundwater.
Increased likelihood of revegetation and public access.	A loss of amenity and enjoyment of the island for visitors because of overdevelopment.

### **The risk of acting or not acting**

The risk of such an approach is that there will be significant adverse effects on the landscape character and natural features of the island, this is not appropriate for the coastal environment and will detract from the enjoyment of the island by visitors.

The risk of not taking such an approach is that there will be less development to service the needs of visitors and residents to the island.

### **3.3.4 Conclusion**

The policies, rules and other methods are the most effective means of achieving the outcomes sought by the objective of the land unit as they provide a framework which balances the need to provide development opportunities with controlling the adverse effects of use and development.

The policies, rules and methods have also been shown to be efficient, necessary and that the benefits of such provisions outweigh the costs.

## **3.4 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**

In addition to achieving the objective of the land unit, the proposed policies and rules also assist the council to carry out its functions under Sections 31, 72 and 74(1) of the Act because:

1. The proposed policies, rules and other methods provide for the integrated management of the effects of use and development as required by section 31 of the Act. In particular they manage the adverse effects of residential and visitor activities on the landscape character and natural features of the island.
2. The proposed policies and rules control the actual or potential effects of visitor and residential activities on the landscape character and natural features of the island.

## 4.0 National planning documents

### 4.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

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

The parts of the NZ coastal policy statement that are relevant to Rotorua are attached as **appendix C**. The key principles of the most relevant parts are outlined below:

The following are matters of national importance:

- “The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and protection of them from inappropriate subdivision, use and development.
- The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers”.

“It is a national priority to preserve the natural character of the coastal environment by:

- a. encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;
- b. taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
- c. Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment”.

The proposed provisions of the land unit give effect to the NZ coastal policy statement because the provisions specifically provide for public access to the coastal marine area and the appropriate use and development of an area where the natural character has already been compromised. The provisions also ensure that the potential adverse effects of that use and development will be avoided and the natural character of the island enhanced through revegetation and other conservation initiatives.

### 4.2 Hauraki Gulf Marine Park Act 2000

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

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

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be

treated as a New Zealand coastal policy statement under the RMA. Sections 7 and 8 are attached as **appendix D**.

The proposed provisions of the land unit recognise the national significance of the Hauraki Gulf (section 7 of the HGMPA) by:

- Protecting the life supporting capacity of the environment of the Hauraki Gulf from the adverse effects of use and development on the island by putting in place appropriate development controls.
- Providing for people and communities in the Gulf and New Zealand to use the resources of the island for social, economic and recreational activities while protecting soil, air, water and ecosystems of the island from the adverse effects of development.

The proposed provisions of the land unit give effect to the management direction for the Hauraki Gulf (section 8 of the HGMPA) by:

- Protecting the life supporting capacity of the natural features on the island from the adverse effects of use and development.
- Protecting the cultural and historic relationship of communities with the island by providing for public access to the island.
- Enhancing the economic wellbeing of people and communities by providing for activities which can secure a return on investment
- Enhancing the natural environment of the island through revegetation and conservation activities
- Providing for recreation activities to occur and therefore providing for the social wellbeing and enjoyment of the Hauraki Gulf by people and communities.

The proposed provisions of the land unit give effect to the HGMPA by providing for public access and recreation activities which enhance the economic and social wellbeing of the people and communities of the Gulf and by protecting the life supporting capacity of the of the natural features of the island.

## **5.0 Regional planning documents**

### **5.1 Regional policy statement**

Section 75(3) of the RMA states:

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

The parts of the regional policy statement that are relevant to Rotorua area attached as an **appendix C**. The principles of key relevance to Rotorua are:

- That Auckland's coastal environment is a fundamental part of its heritage and is sensitive to the adverse effects of subdivision, use and development.
- Subdivision, use and development in the coastal environment need to be in an appropriate location, and of an appropriate form, which meets the purpose of the Act.

- Subdivision, use and development in the coastal environment have the potential to enhance or inhibit public access to and along the CMA.
- To protect the landscape values and character of rural areas from the regionally significant effects of inappropriate subdivision, use or development.
- To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.
- To enable appropriate subdivision use and development to be undertaken in the coastal environment.

Overall, the proposed plan provisions give effect to the regional policy statement as the provisions provide for use and development to occur in coastal/rural environment and as controls have been put in place to ensure that the landscape character and natural features of the island are protected.

## 5.2 Regional plan

Section 75 (4) of the RMA states:

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

The parts of the Auckland Regional Plan: Coastal that are relevant to Rotorua are attached as **appendix C**. The provisions that are of key relevance to Rotorua are set out below:

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

The proposed provisions of the land unit give effect to the Auckland regional plan: coastal because the provisions specifically provide for public access to the coastal marine area and the appropriate use and development of an area where the natural character has already been compromised. The provisions also ensure that the potential adverse effects of that use and development will be avoided and the natural character of the island enhanced through revegetation and other conservation initiatives.

## 6.0 Procedures for monitoring

The council will monitor the effectiveness of the proposed provisions as a means of achieving the objectives and policies by monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions.

## 7.0 Conclusions

The analysis undertaken above has demonstrated that the proposed land unit provisions are a comprehensive set of objectives, policies and rules which provide for the redevelopment of



the island for conservation, residential and visitor activities and which ensure that the natural features and the landscape character of the island are protected and enhanced.

The objective is the most appropriate means of achieving the purpose of the Act because it provides for the social and economic wellbeing of the community through the provision of public access and visitor and residential activities while ensuring the protection of the environment.

The policies and associated rules are the most appropriate means of achieving the objective as the policies and rules provide a balance between providing for the visitor and residential development to occur and the protection of the adjoining environment. In addition, the policies and rules have been shown to have benefits that outweigh the costs and to be necessary in terms of avoiding risks to the environment.

The proposed plan provisions give effect to the relevant national and regional planning documents, primarily because the provisions provide for appropriate use and development of visitor and residential activities and because the provisions protect and enhance the landscape character of the island.

## **Appendix A**

### **Feedback from Salvation Army**

## **Appendix B**

### **Proposed District Plan Provisions (Boffa Miskell / Salvation Army)**

## **Appendix C**

### **Relevant provisions from national and regional planning documents**

## **Appendix D**

### **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.