

# HGI Plan Review: section 32 report for rural 2 (western landscape)

## 1.0 Executive summary

This report summarises the evaluation undertaken by the council of Western Landscape in terms of section 32 of the Resource Management Act.

In the operative District Plan there are two land units which specifically relate to the rural-residential development on Waiheke; land unit 21 – Te Whau which is applied to Te Whau peninsula and land unit 22 – western landscape which is applied to Church Bay, Owahanake and Park Point. The intent of both of the land units is to provide for rural-residential style of living and to protect the natural character of the coastal areas in which the land unit is located.

In the proposed District Plan, the provisions of land units 21 and 22 have been combined into one land unit (rural 2 (western landscape)) which relates to all of these areas and to Thompsons Point. The combining of these land units was considered to be appropriate as both of these land units:

- have rural-residential land use
- have productive aspects that have been dedicated to land uses such as vines, olives or pasture
- have a prominent coastal location
- have an openness combined with productive land uses
- have large areas of native bush as a result of the re-vegetation that occurred at the time of subdivision
- are at capacity in terms of subdivision potential.

The objective of rural 2 (western landscape) is the most appropriate means of achieving the purpose of the Act as it requires the protection of the natural character and landscape values of the land unit.

The policies and rules of rural 2 (western landscape) are the most appropriate means of achieving the objective as they provide a clear and effective set of provisions which put in place specific controls to protect the natural character and landscape values of the rural / coastal environment of the land unit. 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 provisions of rural 2 (western landscape) also give effect to the relevant national and regional planning documents as they ensure the protection of the natural character of the coastal environment and areas of “outstanding natural landscape”. Both of these matters are matters of national importance under section 6 Act.

## 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 Operative plan provisions

In the operative District Plan, there are two land units which address rural-residential style development in the plan. These land units are land unit 21 – Te Whau and land unit 22 – western landscape. A summary of each of these land units is set out below:

#### Land unit 21 – Te Whau:

- A description of Te Whau peninsula to which the land unit has been applied and a description of the low density residential development provided for.
- An objective seeking:

*“to protect, preserve and enhance the special character of the natural environment of Land Unit 21 particularly the coastal environment, whilst providing opportunities for land use activities included residential uses, subject to appropriate control of density, disposition and appearance of buildings”*

- Policies relating to a variety of issues including, ensuring that buildings and access roads are sited so that they do not detract from important visual features, ensuring that the design and appearance of buildings fit into the environment, provision of public access to the coast, protection of native bush, headlands etc, providing only one dwelling per lot and controlling the density of development.
- A permitted activity standard which requires that all permitted activities within the land unit meet the standards and terms contained in Part 6B (permitted standards).
- A requirement for a controlled activity consent for all new buildings or additions and alterations to existing buildings.
- Permitted standards relating to building height (8m), lot coverage (lesser of 2.5% or 500m<sup>2</sup>), front yards (6m), indigenous vegetation clearance (300m<sup>2</sup>) and earthworks.
- Assessment criteria for new buildings relating to the location, design and external appearance, scale and form (including colour), vegetation removal, earthworks and driveways and parking and service areas.
- A requirement for a discretionary activity consent for community facilities and helipads.

#### Land unit 22 – western landscape:

- A description of the land unit including that the land unit is applied to significant rural/coastal landscapes around Matiatia Bay on the western end of Waiheke.
- Objectives seeking:

*“To foster the continued use of the land for rural activities in conjunction with residential uses or visitor facilities in appropriate locations”*

*“To control subdivision and the erection of dwellings and other buildings so that the rural character of the land unit is maintained”*

*“To ensure that development leads to the enhanced land management practices and continued rural use which fosters and enhances landscape and environmental values”*

- A permitted activity standard which requires that all permitted activities within the land unit meet the standards and terms contained in Part 6B (permitted standards).
- A requirement for a controlled activity consent for all new buildings or additions and alterations to existing buildings.
- Permitted standards relating to building height (8m), lot coverage (lesser of 10% or 500m<sup>2</sup>), front yards (6m), indigenous vegetation clearance (300m<sup>2</sup>) and earthworks.
- Assessment criteria for new buildings relating to the location, design and external appearance, scale and form (including colour), vegetation removal, earthworks and driveways, parking and service areas.
- A requirement for a discretionary activity consent for camping facilities, commercial firewood harvesting and comprehensive rural developments.

## **2.3 Proposed plan provisions**

In the proposed plan, the provisions of land units 21 and 22 have been combined into one land unit (rural 2 (western landscape) which relates to both the peninsulas on the western end of the island (Owhanake, Church Bay and Park Point) to Te Whau Peninsula and Thompsons Point. The combining of these land units was considered to be appropriate as both land units have similarities in terms of the activities undertaken and their landscape character in particular both of these land units:

- have rural-residential land use
- have productive aspects that have been dedicated to land uses such as vines, olives or pasture
- have a prominent coastal location
- have an openness combined with productive land uses
- have large areas of native bush as a result of the re-vegetation that occurred at the time of subdivision
- are at capacity in terms of subdivision potential.

The rationalisation of two land units into one is also in line with community feedback seeking clearer and less complicated provisions within the district plan.

The overall intention of the land unit is to provide for the rural-residential style of living while protecting the landscape character and natural features of the land unit. The proposed land unit also gives effect to the provisions of proposed change 8 to the Auckland Regional Policy Statement which identifies some areas of this land unit (Park Point and Thompsons Point) as “outstanding natural landscape”.

A summary of the key provisions of rural 2 (western landscape) is set out below:

- A description of the characteristics of the land unit including the rural-residential style of living, the coastal location of the land unit, the high natural character and visual amenity values and the small scale rural activities undertaken.
- An objective which states:

*“To provide for and protect the rural-residential style of living while avoiding the adverse effects of activities and buildings on the natural character and landscape values of the land unit”*

- Policies relating to the following:
  1. Providing for rural and residential activities to establish and operate within the land unit.
  2. Limiting the range of non-rural and non-residential activities that can establish within the land unit to avoid adverse effects on the landscape values and the general amenity of the locality.
  3. Requiring new sites to be of a size and nature that ensures that small scale rural activities can occur and which protects the natural character and landscape values of the land unit.
  4. Ensuring that the scale, form, colour and location of new buildings will not have adverse effects on the natural character and landscape values of the land unit.
  5. Providing for comprehensive development to occur at Thompsons Point.
- An activity table which identifies that dwellings, home occupations, homestay, horticulture, pastoral farming and visitor accommodation for up to 10 people is a permitted activity and visitor accommodation for more than 10 people is a discretionary activity.
- Permitted standards which include controls on relating to building height (8m), lot coverage (lesser 500m<sup>2</sup> with a maximum footprint of 250m<sup>2</sup> for any one building), front yards (6m), indigenous vegetation clearance (300m<sup>2</sup>) and earthworks.
- Assessment criteria for new buildings to ensure that they are of an appropriate location, colour, scale and form.

Rural 2 (western landscape) is applied in the same locations as land units 21 – Te Whau and 22 –western landscape except that the proposed land unit (rural 2 (western landscape) is also applied to Thompsons Point. The reasons why Thompsons Point has been included in the land unit are as follows:

- The size of the land and the location of Thompsons Point in western Waiheke means that the land is unlikely to be used as a full scale, functioning farm and as such classification as ‘productive land’ is not appropriate.
- Providing for a rural-residential style of development on Thompsons Point would continue the pattern of development that has occurred on other coastal/rural peninsulas such as Te Whau, Church Bay and Owhanke. This is important for maintaining the character and amenity of the island as whole.
- The comprehensive form of subdivision provided for in western landscape will secure the best outcome in terms of the location and scale of buildings and revegetation as compared to ad hoc subdivision or subdivision without re-vegetation as would occur if Thompsons Point was re-classified rural 1 (rural amenity).

- The revegetation that is required as part of comprehensive subdivision will complement to coastal fringe vegetation and other natural features such as wetland systems.
- The comprehensive subdivision will ensure that proposed change 8 to the Auckland Regional Policy Statement can be taken account of and given effect to.
- A rural-residential style of living in this location is consistent with the provisions in the Auckland Regional Policy Statement relating to metropolitan urban limits (including the limits outlined on Map Series 1) as Thompsons Point is located on the western end of the island and as the level of development provided for reflects environmental constraints.

## **2.4 Consultation**

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to rural 2 (western landscape).

### **2.4.1 Consultation to date**

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

#### **Initial consultation**

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

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

#### **Focus groups**

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

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

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

#### **Telephone survey**

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

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

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

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

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

### **Public notification**

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

## **2.4.2 Issues raised during consultation**

The following matters were key issues raised during the initial consultation, focus groups and consultation with stakeholders:

### **Te Whau, Owhanake and Church Bay:**

- Stop subdivision in the Te Whau area
- Indicate intention for subdivision in the Church Bay area
- Te Whau lodge an excellent example of how to position buildings on ridgelines
- Monitoring of resource consent conditions does not appear to be happening – ie. some planting requirements have not been met
- Review boundaries of site of ecological significance at Te Whau
- Provide boat facility at Owhanake
- Enhance coastal access at Owhanake
- Control use of helicopters and planes to protect amenity values
- Ensure building design and colour are appropriate for the landscape

### **Buildings in the landscape:**

- 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.

### **Tangata Whenua specific:**

- Noted that in most cases consent conditions for subdivision had proven valuable and wondered if they could be incorporated in the plan as rules.
- General comments have been made about protection of wetlands and indigenous vegetation, and the need for provisions for harvesting traditional materials and manukau/kanuka.

### **3.0 Resource management issues**

#### **3.1 Issues**

The significant resource management issues that need to be addressed in rural 2 (western landscape) are:

1. How to provide for small scale rural activities to establish and operate within the land unit.
2. How to protect the amenity of the existing rural-residential activity within the land unit.
3. How to protect the natural character and landscape values of the land unit, including the features and patterns established by the small scale rural activities.
4. How to provide for rural-residential development to occur on Thompsons Point.

These issues have been addressed by the objectives, policies and rules contained in rural 2 (western landscape) and are discussed in section 4.1.2 below.

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

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

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

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

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

Section 72 states as follows:

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

The following provisions of section 76 are also relevant:

- (1) A territorial authority may, for the purpose of –
  - (a) Carrying out its functions under this Act; and

(b) Achieving the objectives and policies of the plan, -  
include rules in a district plan.

...

- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.

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

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

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

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

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

### **4.1.1 The purpose of the Act**

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

- (2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-



- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

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

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

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the rural 2 (western landscape) 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 rural 2 (western landscape) 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 objective of the rural 2 (western landscape) is:

*“To provide for and protect the rural-residential style of living while avoiding the adverse effects of activities and buildings on the natural character and landscape values of the land unit”*

The objective seeks to achieve two outcomes, namely protecting and providing for rural-residential style of living and avoiding adverse effect on the natural character and landscape values of the land unit. The objective and the outcomes sought are the most appropriate for achieving the purpose of the Act for the following reasons:

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

1. The rural-residential activities provided for will contribute to the economic wellbeing of landowners and the economy of Waiheke in general.
2. Protecting the natural character and landscape values of the land unit contributes to the social wellbeing of Waiheke residents as it will protect the character and identity of the island and as it increases the range of lifestyle options available.
3. Provided that appropriate controls are put in place, rural-residential 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.

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

4. The protection of the natural character and landscape values of the land unit is consistent with section 6 as it protects the natural character of the coast from the potential adverse effects of inappropriate subdivision, use and development.
5. Areas of Park Point and Thompsons Point are identified as areas of “outstanding natural landscapes” in proposed change 8 to the Auckland Regional Policy Statement. Consequently the objective is consistent with the section 6 which requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
6. The protection of the natural character of the land unit is consistent with section 6 which requires the protection of significant areas of indigenous vegetation and habitats.

7. The provision for subdivision at Thompsons Point is consistent with section 6 as it provides a means to secure public access to this area of land through the taking of esplanade reserves at the time of subdivision.

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

5. Protecting the landscape values of the land unit will maintain amenity values and the quality of the western Waiheke environment, particularly as the landscape character of the land unit makes a significant contribution to the character and identity of Waiheke.
6. The provision for comprehensive development through subdivision at Thompsons Point will enhance the natural character values of this environment through revegetation.
7. Comprehensive development at Thompsons Point represents an efficient use of a physical resources and this land is not suitable for large scale farming.

**Section 8 (Treaty of Waitangi) reasons:**

6. The objectives take account of the principles of the Treaty of Waitangi as it recognises the need to use and protect natural and physical resources in a manner which benefits both Maori and Europeans and as it particularly recognises the value of coastal areas to Maori.

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:

- The objective identifies the need to control the adverse effects of activities and buildings on the coastal environment, particularly with respect to the natural character and landscape values of the land unit.

## **4.2 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 rural 2 (western landscape).

**Policy 1:**

*“By providing for rural and residential activities to establish and operate within the land unit”*

The rules associated with this policy are:

Providing for dwellings, home occupations, homestay, horticulture, pastoral farming and visitor accommodation for up to 10 people is a permitted activity.

Benefits (including efficiency and effectiveness)	Costs
The policy and rules provide for the activities that are necessary to maintain the rural character and landscape values of the land unit.	The land cannot be used for other activities such as intensive residential or commercial activities.
Provision for these activities increases the lifestyle options available on the western end of the island.	
The permitted activity status for these activities is efficient and effective as it provides for these activities to occur 'as of right' and as such avoids unnecessary resource consents.	
Provisions for these activities allow landowners to achieve a return from their land.	

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

The risk of taking this approach is that landowners will not be able to establish a wide range of activities.

The risk of not taking this approach is that the activities which give the land unit its landscape character will not establish and be able to operate.

### **Policy 2:**

*“By limiting the range of non-rural and non-residential activities that can establish within the land unit to avoid adverse effects on the landscape values and the general amenity of the locality”.*

The rules associated with this policy are:

Providing for dwellings, home occupations, homestay, horticulture, pastoral farming and visitor accommodation for up to 10 people is a permitted activity. Visitor accommodation over 10 people requires a discretionary activity consent.

Benefits (including efficiency and effectiveness)	Costs
Not providing for a wide range of activities means that the landscape character and the amenity of the land unit will be maintained.	Limiting the range of activities reduces the options for landowners to achieve a return from their land.
Protection of the landscape character and amenity of the land unit will protect one of the lifestyle options available on the western end of the island.	The discretionary and non-complying status of non rural-residential activities means that resource consents will have to be obtained for these activities to establish. This will result in additional costs in time and money.
The discretionary activity status for visitor accommodation over 10 persons is an effective tool as the potential adverse effects of such activities are wide ranging and as such 'discretion should not be limited' and notification a potential option.	
The non-complying status of other non rural-residential activities is effective as it provides a clear indication that the council does not anticipate these activities as being appropriate for this area.	

**Risk of acting or not acting:**

The risk of taking this approach is that limiting the range of non rural-residential activities that can establish means that landowners have limited options for using their land.

The risk of not taking this approach is the landscape character and amenity of the land unit may not be maintained. This would mean that the provisions of section 6 that relate to protection of the landscape character and “outstanding natural features” would not be met.

**Policy 3:**

*“By requiring new sites to be of a size and nature that ensures that small scale rural activities can occur and which protects the natural character and landscape values of the land unit”.*

The rules associated with this policy are:

25 ha site size and provision for comprehensive rural development in the Thompsons Point area of the land unit (comprehensive rural development at Thompsons Point is addressed under Policy 5 below).

Benefits (including efficiency and effectiveness)	Costs
The 25ha site size will ensure that the landscape character and amenity of the land unit will be maintained. In particular it will ensure that landowners cannot subdivide their sites further than what was originally contemplated when these original subdivisions at Te Whau, Church Bay and Owhanake were approved.	Landowners will not be able to further subdivide their sites and gain an economic return from the subdivision.
The 25ha site size will give effect to the provisions of proposed change 8 to the ARPS as it will ensure that subdivision is “appropriate” as it will protect the landscape character of the land unit.	

**Risk of acting or not acting:**

The risk of taking this approach is that further subdivision will not be able to occur in the already subdivided areas of the land unit such as Te Whau, Owhanake and Church Bay.

The risk of not taking this approach is that character and amenity of these areas would be compromised and as such would also compromise the overall character of western Waiheke.

**Policy 4:**

*“By ensuring that the scale, form, colour and location of new buildings will not have adverse effects on the natural character and landscape values of the land unit”.*

The rules associated with this policy are:

Restricted discretionary activity status for new buildings and additions and alterations to existing buildings, assessment criteria relating to the scale, form, colour and location of buildings and permitted standards relating to height (8m), building coverage (500m<sup>2</sup> with a max footprint of 250m<sup>2</sup> limit on any one building) and vegetation clearance controls.

Benefits (including efficiency and effectiveness)	Costs
The restricted discretionary activity status for new buildings is an efficient and effective tool as provides the Council with the ability to decline the application if it does not meet the assessment criteria. It is also efficient as it will be processed on a non-notified basis which will avoid unnecessary costs and delays.	Landowners will need to obtain resource consent for each new buildings and addition and alteration to the building.
The height and building coverage permitted standards provide a clear indication to all parties of the building form expected and will maintain the landscape values and natural character of the land unit.	The controls on the scale, form, colour and location of buildings will limit the design freedom of landowners.
Both singularly and cumulatively the controls will ensure that the landscape values and natural character of the land unit is maintained.	
The provisions which control building location, scale, form and colour give effect to the provisions of proposed change 8 to the ARPS as they ensure that buildings within the landscape are appropriate.	

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

The risk of taking this approach is that the landowner will have to cover the additional costs which result from the resource consent process.

The risk of not taking this approach is that the landscape values and natural character of the land unit will not be protected from the adverse effects of buildings. This is significant as it will mean that the provisions of the land unit will not be consistent with section 6 of the Act as the natural character of the coast and of “outstanding natural landscape” will not be protected.

### **Policy 5:**

*“By providing for comprehensive rural development to occur at Thompsons Point”.*

The rules associated with this policy are:

Provision for comprehensive rural development to occur at Thompsons Point in the subdivision provisions.

Benefits (including efficiency and effectiveness)	Costs
Comprehensive development will ensure that development of Thompsons Point does not occur in an ad hoc manner.	The landowner will need to prepare and commit to a comprehensive development for the site rather than simply preparing small one off applications.

Comprehensive development is a means of achieving re-vegetation which will not only mitigate the built form of development but will enhance the natural character of the land unit.	The re-vegetation required as part of the comprehensive development may be costly.
As the site is no longer suitable for large scale farming the redevelopment of the site for rural-residential use represents an efficient use of land.	The re-vegetation may remove the rolling pasture which characterises the landscape of the site.
Comprehensive development is efficient as it only requires one overall application rather than a number of smaller applications.	The land will not be able to be used for more intensive residential activities.
Comprehensive development will ensure that the landscape values and the natural character of the land unit are protected and a consistent pattern of development on the island is achieved.	
Comprehensive development will give effect to the provision of proposed change 8 to the ARPS as it will ensure that the landscape values of the land unit are protected.	
Comprehensive development is consistent with the provisions of the ARPS relating to metropolitan urban limits as it will continue the pattern of rural-residential development adjoining the metropolitan urban limits on the western end of Waiheke. Pages 15 – 17 of Chapter 2 of the Regional Policy Statement discuss the issue of growth in rural and rural residential areas.	

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

The risk of taking this approach is that there will be additional costs to the landowner in preparing the application for comprehensive development and from the fact that the land cannot be used for more intensive activities such as residential.

The risk of not taking this approach is that the landscape values and natural character of the land unit will not be protected from the adverse effects of buildings. This is significant as it will mean that the provisions of the land unit will not be consistent with section 6 of the Act as the natural character of the coast and of “outstanding natural landscape” will not be protected.

## **4.3 Alternative options**

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

- Providing for a wider range of activities within the land unit
- Less restrictive controls on the location, scale, colour and form of buildings

### **4.3.1 Option 1**

Providing for a wider range of activities within the land unit.

Benefits	Costs
Landowners would be able to establish non rural-residential activities which will contribute to the economy of the island.	It is unlikely that the amenity of the land unit would be maintained as the non rural-residential uses would generate adverse effects in terms of visual amenity and general amenity.
More tourist type activities such as restaurants and cafes would better provide for the needs of tourists.	The visual amenity of western Waiheke may be adversely affected which may have adverse effects on character, social wellbeing and tourist economy of the island.

### The risk of acting or not acting

The risk of taking this approach is that the character and amenity of the land unit may be eroded and that the overall character of western Waiheke may not be maintained.

The risk on not taking this approach is that fewer non rural-residential activities may establish and as such fewer businesses will contribute to the economy of the island.

### 4.3.2 Option 2

Providing less restrictive controls on the location, scale, colour and form of buildings, for example controlled activity consents could have been required for new buildings and/or more permissive permitted standards could have been put in place.

Benefits	Costs
Controlled activity consents cannot be declined, as such, there would be more certainty for landowners.	As a resource consent would still be required for a controlled activity there would still be compliance costs for landowners.
More design freedom for landowners if more permissive permitted standards were put in place.	The natural character and landscape values of the land unit may be compromised with less control on buildings.
	Less control on buildings may mean that the overall character and amenity of the western end of the island may be compromised. This may have adverse effects on the social and economic wellbeing of the community (particularly in terms of the tourist economy).
	Less control on buildings may mean that the provisions of section 6 and the ARPS may not be given effect to as the landscape character of the coast and “outstanding natural landscapes” may not be protected.

### The risk of acting or not acting

The risk of taking this approach is that the landscape character and amenity of the land unit may not be protected. This may have roll on effects to the social and economic wellbeing of the island.

The risk of not taking this approach is that there will be less design freedom and certainty for landowners.



### 4.3.3 Conclusion

Having analysed the policies and rules of rural 2 (western landscape) and considered the alternatives, it is concluded that the provisions of rural 2 (western landscape) are the most appropriate means of achieving the objective as the policies provide a balance between providing for rural-residential activities while protecting the natural character and landscape values of the land unit. In addition, these 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.

### 4.4 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

The proposed policies and rules assist council to carry out its functions under Sections 31, 72 and 74(1) of the Act because:

1. The policies and associated rules provide a framework for the integrated management of the effects of the use and development as required by section 31 of the Act. In particular, the policies and associated rules manage the adverse effects of rural-residential activities on the landscape values and natural character of the adjoining coastal environment.
2. The policies and associated rules provide a framework for the control of any actual or potential effects of the use or development of land as set out in section 31 of the Act. In particular, the proposed policies and rules ensure that activities and buildings are of a size and scale, which will not have which will not have adverse effects on the character of the surrounding coastal environment.

## 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 parts of the NZ coastal policy statement that are relevant to rural 2 (western landscape) are attached as **appendix B**. 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”.

- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

“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”.

“It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

.....

- (c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins: .....

The provisions of rural 2 (western landscape) give effect to the New Zealand Coastal Policy statement by:

- Limiting the activities that can occur within the land unit to those which will not detract from the natural character of the coastal environment.
- Ensuring that buildings and subdivision are of a nature, scale, form, colour and location which protect the landscape values and natural character of the land unit.
- Protecting the significant vegetation within the land unit and ensuring re-vegetation occurs concurrently with subdivision.

## 5.2 Hauraki Gulf Marine Park Act 2000

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

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

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

The provisions of rural 2 (western landscape) recognise the national significance of the Hauraki Gulf (section 7 of the HGMPA) by:

- Recognising the interrelationship between development in rural-residential areas and the adjoining coastal environment.
- Providing for the economic and social wellbeing of people and communities in the Gulf and New Zealand by providing for rural-residential activities which contribute to the economy (particularly the tourist economy) and overall character of the island.

The provisions of rural 2 (western landscape) give effect to the management direction for the Hauraki Gulf (section 8 of the HGMPA) by:

- Maintaining the economic wellbeing of people and communities by providing for rural-residential activities which contribute to the economy of the island.
- Protecting the landscape values and natural character of the coastal environment.

## 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 parts of the regional policy statement that are relevant to rural 2 (western landscape) are attached as an **appendix B**. The principles of key relevance 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 coastal marine area.
- to protect the landscape values and character of rural areas from the regionally significant effects of inappropriate subdivision, use and 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.

In addition to the provisions identified above, proposed change 8 to the Auckland Regional Policy Statement identifies parts of rural 2 (western landscape) as areas of “outstanding natural landscape”.

The provisions of rural 2 (western landscape) give effect to the regional policy statement by ensuring that the activities and buildings undertaken in the land unit are of an appropriate location, scale, form and colour so that the natural character and landscape values of the rural / coastal character of the land unit is protected.

## 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 parts of the Auckland Regional Plan: Coastal that are relevant to rural 2 (western landscape) are attached as **appendix B**. The provisions that are of key relevance to rural 2 (western landscape) are set out below:

- To preserve the natural character of the coastal environment by protecting 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 protect the integrity, functioning and resilience of ecosystems within the coastal environment.

The provisions of rural 2 (western landscape) gives effect to the Regional Plan: coastal by putting in place objectives and policies which ensure that the natural character of the coastal environment is protected from the adverse effects of activities and buildings.

## 7.0 Other documents

Essentially Waiheke is a village and rural communities' strategy which establishes a community approved framework for Waiheke's development. The strategy contains a number of principles relating to environmental protection, economic development and employment, strong communities, character and the location of development.

The principles of environmental protection that are relevant to rural 2 (western landscape) are:

Aim:

*“Development will be restricted where there are identified environmental and amenity constraints in order to protect essential and valued resources and to maintain public health and safety”.*

Central principles:

- “1. The island's features of high environmental quality are identified, protected and enhanced.*
- 2. Waiheke's coastal environment (including the coastal marine area) is protected and enhanced.*
- 3. High standards of air and water quality are achieved and maintained.*
- 4. Regeneration of native forest is encouraged, as is the enhancement of natural habitats for native bird species present on the island.*
- 5. Pests and noxious weeds that are harmful to the island's ecology are managed to safeguard ecosystems.*

6. *Retention of native species biodiversity is encouraged.*
7. *The principles of the Treaty of Waitangi are taken into account when managing the use, development and protection of the natural and physical resources of the island.”*

The provisions of rural 2 (western landscape) are consistent with the above aims and principles as the provisions of the land unit recognise environmental constraints by putting appropriate controls in place to ensure that the range of non rural-residential activities is limited so that the amenity of the land unit is protected and as controls have been put in place to ensure that the character of the coastal environment is protected.

In addition to the principles of environmental protection, the principles to protect and enhance Waiheke’s character are also relevant to rural 2 (western landscape). These aims and principles are:

Aim:

*To maintain the existing land use pattern of discrete villages surrounded by areas of rural land, and to maintain a clear distinction between rural and village environments.*

*The central principles:*

1. *Areas of rural land between and around existing residential villages is maintained.*
2. *The green, bush clad character of the Island is maintained and enhanced.*
3. *The unique identity of each village is fostered by concentrating shops and community facilities to create village centres and places for residents to meet and interact.*
4. *A wide range of activities in keeping with the character of each centre is encouraged.*
5. *An active, attractive, accessible and safe pedestrian environment is maintained and enhanced.*
6. *Significant archaeological and heritage features (including significant ridges and geological feature) and waahi tapu sites are identified and protected from inappropriate development, where preservation can be ensured and disclosure will not put the items at risk.*
7. *Indigenous vegetation on Waiheke is protected and enhanced through the District Plan provisions, particularly the remaining semi-mature and mature indigenous vegetation in western Waiheke which contributes to the physical and visual separation of villages. Establishment of trees in the village landscape is encouraged through education and promotion.*
8. *Coastal waters, bridle trails and walkways, access to beaches and the coastline are protected.*
9. *Land is maintained for productive rural uses.*

The provisions of rural 2 (western landscape) are consistent with the principles to protect and enhance Waiheke’s character as rural land is maintained for productive rural purposes and as the coastline is protected.

## **8.0 Procedures for monitoring**

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

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions
- monitoring complaints and enforcement actions
- undertaking surveys e.g. user satisfaction surveys, land use surveys, ecological surveys

## **9.0 Conclusions**

The analysis undertaken in this report has demonstrated that the proposed land unit provisions are a comprehensive set of objectives, policies and rules that provide for rural-residential activities and the protection of the landscape values and natural character of the land unit.

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 rural-residential activities) while ensuring the protection of the environment (namely the landscape values and natural character of the land unit).

The policies and associated rules are the most appropriate means of achieving the objective as they provide a balance between providing for rural-residential activities to occur and the protection of the 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 land unit provisions also gives effect to the relevant national and regional planning documents as the provisions provide for the appropriate use and development of area while protecting the landscape values and natural character of the land unit.

## **Appendix A**

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

Section 7 states as follows:

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

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

Section 8 states as follows:

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

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

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

## **Appendix B**

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