

# **HGI Plan Review: section 32 report for the Rural 3 (Rakino amenity)**

## **1.0 Executive summary**

This report summarises the evaluation undertaken by the council of the rural 3 (Rakino amenity) land unit in terms of section 32 of the Resource Management Act.

The main conclusions are that:

- the objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8
- overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the land unit and consequently are the most appropriate method of achieving the objectives.
- the proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act
- the methods are consistent with the Hauraki Gulf Marine Park Act, statutory national and regional planning documents and non statutory documents.

Therefore, it is appropriate to incorporate these objectives, policies and rules within the reviewed district plan.

## **2.0 Introduction**

### **2.1 Purpose of this report**

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

### **2.2 Proposed plan provisions**

The proposed plan provisions relate to resource management issues, objectives and policies, rules relating to the status of activities, and development control rules within the rural 3 (Rakino amenity) land unit. These provisions replace the operative plan provisions which are summarised in section 2.4 of this report below.

The following activities are provided for in the rural 3 (Rakino amenity) land unit; dairy (discretionary activity), dwelling (one per site) (permitted activity), home occupation (permitted activity), homestay (permitted activity), visitor accommodation for up to 10 people (permitted activity) and visitor accommodation for more than 10 people (discretionary activity).

The land unit introduces an activity rule which requires the construction and relocation of buildings and the alterations and additions to the exterior of existing buildings to undergo a restricted discretionary resource consent process. The relevant assessment criteria relate to the scale, form (design), colour and materials and location of the building to ensure that the proposed building is integrated with the natural landscape.

Rules are imposed which require the planting of front yards and wastewater disposal areas.

## **2.3 Land unit location and character**

Rakino is a small island of approximately 146ha located north-east of Motutapu. The island is 2.4km long and approximately 1.2km wide.

Rakino is characterised by:

- its location, small size and undulating topography
- the small permanent population (approximately 16) and high proportion of holiday homes, (there are approximately 76 dwellings in total on Rakino).
- its two distinctive forms of residential subdivision pattern. The rural 3 (Rakino amenity area) land unit and the island residential 1 (traditional residential) land unit.
- its popular beaches and bays for recreational boaties, residents and holiday homeowners.
- the location of the wharf and mooring areas at Sandy Bay.
- a general private ownership pattern with limited Department of Conservation and Auckland City Council ownership.

This land unit is characterised by:

- sites of generally 4-5ha in size.
- most of the sites have coastal frontage.
- most of the coastline of Rakino being within this land unit.
- limited existing indigenous vegetation with large portions of sites being grass covered, although coastal frontages of sites generally contain remnants of indigenous vegetation, including regenerating and mature pohutukawa trees.
- the high amenity, character and ecological value of the coastline.
- sites which generally contain dwellings and operate as 'lifestyle blocks' with holidays homes or permanent dwellings, although some are vacant.
- undulating topography with a general downwards slope towards the coastline.

Overall, the land unit has a unique coastal character which has high amenity values.

## **2.4 Operative plan provisions**

Under the Operative Hauraki Gulf Islands District Plan 1996 (HGI plan), land unit 20 – landscape protection is applied to the sites which are the subject of the proposed rural 3 (Rakino amenity) land unit in Rakino island. Land unit 20 is also applied to land lying between and adjacent to the main residential areas on Waiheke.

Under this land unit it is a controlled activity to erect, alter or add to any building(s).

In addition, only one dwelling is allowed on any lot and a variety of activities are listed as discretionary activities in the land unit, for example camping facilities, commercial airstrips, forestry, visitor facilities etc.

## **2.5 Consultation**

This section of the report briefly outlines the consultation that the council has undertaken to date and identifies any issues raised of particular relevance to the rural 3 (Rakino amenity) land unit.

### **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
- network utility authorities
- the Ministry for the Environment (MfE).

## **Public notification**

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

### **2.4.2 Issues raised during consultation**

There were a wide range of issues raised during consultation on the review of the plan which related to the operative land unit 20 provisions. Most of this consultation related to the land unit 20 areas on Waiheke. A separate section 32 assessment will look into these issues. The issues raised which related specifically to Rakino included:

- support separate land unit 20 for Rakino island
- restrict type of activities which can operate within the land unit

- introduce controls to prevent development dominating the coastline and unmodified bays and landscape on Rakino island
- introduce design controls to match natural landscape
- allow appropriate visitor facilities
- encourage revegetation

Council has considered all this feedback and has responded in the proposed plan by:

- creating a custom made rural 3 (Rakino amenity) land unit which replaces the land unit 20 areas.
- controlling building development within the land unit through a restricted discretionary resource consent requirement to ensure that the proposed building is integrated with the natural landscape.
- restricting the type of activity that can be undertaken within the land unit.
- imposing rules which require the planting of sites for amenity and wastewater disposal and ecological enhancement purposes.

### **3.0 Resource management issues and objectives**

#### **3.1 Issues**

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

1. *How to provide for residential 'lifestyle' activity on larger blocks of land on Rakino in a manner which protects the character and coastal amenity of the island.*
2. *How to ensure the protection of existing indigenous vegetation and encourage the replanting of indigenous vegetation on sites in order to enhance the ecological and visual amenity values of the island and allow for effective stormwater and wastewater disposal.*
3. *How to acknowledge that certain non-residential activities like small-scale visitor accommodation may be appropriate.*

#### **3.2 Objectives**

The objectives relevant to this land unit are:

*To provide for residential buildings and small scale visitor accommodation in a manner which protects the unique coastal character and amenity of the land unit.*

*To encourage the replanting of indigenous vegetation on sites in order to enhance the ecological and visual amenity values of the island and allow for effective wastewater disposal.*

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

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

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

Section 72 states as follows:

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

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

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

The following provisions of section 76 are also relevant:

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

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

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

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

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

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

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

### 4.1.1 The purpose of the Act

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

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

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

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

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. The matters of particular relevance to the rural 3 (Rakino amenity) land unit, are identified below:

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

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of particular relevance to the rural 3 (Rakino amenity) land unit, are identified below:

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

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

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

### **4.1.2.1 Objective 10a.21.3.1**

*To provide for residential buildings and small scale visitor accommodation in a manner which protects the unique coastal character and amenity of the land unit.*

This objective is the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social and cultural wellbeing by providing a land unit where residential ‘lifestyle’ activity on larger blocks of land on Rakino can operate, while protecting the character and coastal amenity of the island.

It meets clause (a) of Section 6 ‘Matters of national importance’ of the Act “*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*, and clause (c) “*the maintenance and enhancement of amenity values*” and clause (f) “*maintenance and enhancement of the quality of the environment*” of Section 7 ‘Other Matters’ of the Act, by:

- recognising that significant portions of the coastline is within the boundaries of this land unit and that buildings established within the land unit can have negative impacts on the high character and amenity value of the coastal environment of Rakino if they are not specifically controlled.
- recognising that the small size of the island and the consequently relatively large coastline is the major factor which contributes to the high amenity value and environmental quality of the land unit.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

#### **4.1.2.2 Objective 10a.21.3.2**

*To encourage the replanting of indigenous vegetation on sites in order to enhance the ecological and visual amenity values of the island and allow for effective wastewater disposal.*

This objective is the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.

Specifically in regards to section 5 it enables people and communities to provide for their social and cultural wellbeing by providing a land unit where residential ‘lifestyle’ activity on larger blocks of land on Rakino can operate, while improving the character and coastal amenity of the island through required planting.

It meets clause (c) “*the maintenance and enhancement of amenity values*” and clause (f) “*maintenance and enhancement of the quality of the environment*” of Section 7 ‘Other Matters’ of the Act by:

- recognising that, with the exception of some pockets of pohutakawa etc which adjoin the coastline, most of the original indigenous vegetation within the land unit has been removed and large parts of the land unit is grass covered.
- recognising that requiring a certain minimum level of indigenous planting of the land unit will improve the character and amenity, the ecological value and the quality of the environment of the land unit.

The principles of the Treaty of Waitangi (Te Tiriti O Waitangi) have been taken into account in the formulation of this objective and the objective is consistent with these principles.

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

The policies for the land unit are:

*By controlling the intensity, scale and location of buildings to ensure that they are visually compatible with, and do not dominate, the coastal environment.*

*By assessing the design and appearance of buildings to ensure that they are complimentary to the coastal environment.*

*By restricting the type and size of visitor accommodation within the land unit.*

*By requiring the planting of sites for amenity and wastewater disposal and ecological enhancement purposes.*

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

- require all new buildings and alterations to existing buildings (with the exception of minor alterations and additions) to undergo a restricted discretionary resource consent. Relevant assessment criteria will ensure that any such building is integrated with the natural coastal landscape of Rakino island. This will ensure that the high character and amenity value of the coastal environment of Rakino will be protected.
- restrict visitor accommodation as a permitted activity to a maximum of 10 people to ensure that the scale of effects of this activity are similar to a dwelling / bach, and therefore will not compromise the character and amenity of the land unit. Visitor accommodation for more than 10 people are provided for as a discretionary activity.



- require that not less than 60 percent of the 6m front yard of the land unit must be planted with indigenous vegetation to improve the character and amenity of the land unit.
- require the planting of wastewater disposal fields in order to aid evapo-transpiration and therefore the breakdown of waste on site.

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

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

#### **4.2.1 Option 1**

Option 1 is:

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

##### **General comment**

Section 73(1) of the RMA states:

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

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

##### **Comment on bylaws**

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

This section states:

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

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

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

### **General comment on covenants, voluntary agreements, education and advocacy**

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

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

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

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

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

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

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

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

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

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

## **4.2.2 Option 2**

Option 2 is:

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

<b>Benefits</b>	<b>Costs</b>
<u>Environmental</u>	<u>Environmental</u>
Protection of the character and amenity of the land unit by requiring buildings to undergo a controlled activity resource consent process.	Potential for some developments to be granted which may have adverse effects on this character. This is because controlled activity resource consents have to be granted by council, although conditions can be placed on these applications. Such applications would be refused if the activity status allowed it.
<u>Social and Economic</u>	<u>Social and Economic</u>
Development controls which are readily understood by the community and ensure the maintenance of the character. Benefit to community generally.	Monetary and time costs to people undertaking building work as controlled activity resource consent required.
	Expectation by the community that the character of the land unit can be adequately controlled through the operative provisions. This is not necessarily the case because controlled activity consents have to be granted by council. Therefore there is potential for a dwelling to be established within the land unit which has adverse effects on the character and amenity of the land unit and the coastal environment. Cost to the community generally.
	Objectives, policies and rules which do not relate specifically to this land unit and instead reflect more of a Waiheke character which is not applicable to Rakino. Cost to the community generally.
	Operative provisions list a large number of discretionary activities within the land unit which although they may be appropriate in Waiheke are not considered as appropriate in Rakino island. These include camping facilities, entertainment facilities, commercial airstrips, forestry, visitor facilities etc.

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

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

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

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

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

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

### **4.2.3 Option 3**

Option 3 is:

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

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

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

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

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

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

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

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

## **4.2.4 Option 4**

Option 4 is:

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

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

### **General comment on Benefits and Costs**

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

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

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

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

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

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

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

## **4.2.5 Option 5**

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

<b>Benefits</b>	<b>Costs</b>
<u>Environmental</u>	<u>Environmental</u>
Requiring new buildings and alterations and additions to existing buildings within the land unit to be controlled by a restricted discretionary resource consent recognises the sensitive nature of the coastal environment and the necessity to have additional control within these locations in order to protect this character. This will have benefits to the coastal environment of the land unit generally.	
Imposing the 'planting of wastewater disposal areas' rule will require the planting of wastewater disposal fields in order to aid evapo-transpiration and therefore the breakdown of waste on site. This will have an environmental benefit.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Requiring new buildings and alterations and additions to existing buildings within the land unit to be controlled by a restricted discretionary resource consent will ensure that proposed buildings will be integrated with coastal environment. Council has restricted its discretion to matters related to the scale, form (design), colour and location of buildings. The opportunity for applications to be refused will give additional impetus for applicants undertaking developments to ensure a positive design outcome is achieved.	Requiring new buildings and alterations and additions to existing buildings within the land unit to be controlled by a restricted discretionary resource consent will place a monetary and time cost on people to comply. Cost to all people undertaking development within the land unit.

Benefits	Costs
This will have a social benefit for the community generally.	
<p>‘Minor alterations and additions to a building’ are exempt from assessment as a restricted discretionary activity. These are defined in the Plan as:</p> <ul style="list-style-type: none"> <li>• <i>the construction of uncovered decks complying with the permitted standards for the land unit (e.g. colour/reflectivity, building coverage etc.)</i></li> <li>• <i>changing or putting in windows or doors in an existing building.</i></li> <li>• <i>changing materials or cladding with other materials or cladding that comply with the permitted standards for the land unit.</i></li> </ul> <p>This will allow certain alterations and additions to be under taken ‘as of right’ while not affecting the character and amenity of the land unit. This is a monetary and time benefit to people undertaking such work as they will not be required to go through a resource consent assessment.</p>	<p>Providing for dairy and visitor accommodation for more than 10 people as discretionary activities within the land unit will place a monetary cost on people to comply.</p> <p>Cost to all people undertaking such development.</p>
<p>Providing for dwellings (one per site), home occupation, homestay and visitor accommodation for up to 10 people as permitted activities recognises that the scale of effects of these activities are likely to be appropriate to the character of the land unit. It will allow certain activities to be established ‘as of right’ which is an economic benefit to people undertaking such activities as they would not need to undertake a resource consent process.</p>	<p>Applying the ‘planting of wastewater disposal areas’ and ‘planting of front yard’ rules will place a monetary and time cost on people to comply.</p> <p>Cost to all people within the land unit.</p>
<p>Providing for dairy and visitor accommodation for more than 10 people as discretionary activities within the land unit recognises that these activities can be appropriate within the land unit, although their effects need to be considered to ensure that they are consistent with the character and amenity of the land unit.</p>	
<p>The creation of an activity table which outlines what activity is considered as appropriate within the land unit and under what activity status increases public certainty about what activity could be undertaken within the land unit. Benefit borne by the community generally.</p>	
<p>Imposing the ‘planting of wastewater disposal areas’ rule will require the planting of wastewater disposal fields.</p> <p>This will improve the character and amenity of the land unit.</p>	
Imposing the ‘planting of front yard’ rule	

<b>Benefits</b>	<b>Costs</b>
will require that not less than 60 percent of the 6m front yard of the land unit must be planted with indigenous vegetation. This will improve the character and amenity of the land unit.	
Development controls in table 10c.4 of the proposed plan which are easily understood and generally consistent with those within the operative land unit 20 classification. Benefit borne by the community generally.	
Feedback as part of the consultation on the review of the plan requested a separate land unit for Rakino which better reflects the character of the area. This will be achieved by this land unit. Benefit to community.	

### **General comment on Benefits and Costs**

This option will require all new buildings and additions and alterations to existing buildings (with the exception of minor works) within the land unit to be assessed by council by way of a restricted discretionary resource consent to ensure that they are integrated with the character and amenity of the natural coastal environment.

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

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

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

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

### **4.2.6 Conclusion**

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

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

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



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

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

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

## **5.0 National planning documents**

### **5.1 National and NZ coastal policy statements**

Section 75(3) of the RMA states:

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

...

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

- requiring development to be of a scale, intensity and location which is consistent with the character of the coastal environment.
- requiring planting of sites in order to enhance the character, amenity and ecological value of the coastal environment and in order to enhance the potential of sites to dispose of their wastewater on site.

### **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 B**.

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

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

- provide for the social and economic wellbeing of the community by allowing for certain non residential activities i.e. visitor accommodation, dairy etc where appropriate.

## 6.0 Regional planning documents

### 6.1 Regional policy statement

Section 75(3) of the RMA states:

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

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

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

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

Proposed change 8 ‘landscape and volcanic cones’ to the regional policy statement was notified on 26 September 2005. This applied an outstanding natural landscapes classification to parts of Rakino island. The landform 1 (coastal cliffs and slopes) and conservation land units of the proposed plan have been applied to the two areas which have the outstanding natural landscapes classification on Rakino island.

The rural 3 (Rakino amenity) land unit is therefore not affected by the outstanding natural landscapes classification of proposed change 8 to the regional policy statement.

### 6.2 Regional plan

Section 75 (4) of the RMA states:

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

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

- the coastal environment will be protected from inappropriate use and development by requiring building development within the land unit to be assessed as part of a restricted discretionary resource consent process.
- the land unit is already modified with only scattered remnants of indigenous coastal vegetation. This is recognised in the land unit through the imposition of planting controls which will improve the character and amenity of Rakino.

These relevant sections are attached as **appendix D**. These methods are also consistent with all other provisions of the Auckland Regional Plan: Coastal.

## **7.0 Other documents**

### **7.1 The Rakino Way**

The Rakino Way – An island community’s strategy was adopted by council in 2003. It is a non statutory document for managing future growth and development on the island.

The three central principles of the Rakino Way are:

- environmental protection
- development and maintenance of strong communities
- protection and enhancement of Rakino’s natural coastal character

The objectives, policies and rules of the land unit are consistent with these three central principles and the underlying aims, strategies and actions within the document for the reasons identified in section 5.1 and section 6.1 above and because:

- under the principle of “*protection and enhancement of Rakino’s natural coastal character*” council has stated that they will “*promote a new district plan land unit customised for Rakino island, and replacing the existing land unit 20.*”

The rural 3 (Rakino amenity) land unit fulfils this principle.

## **8.0 Procedures for monitoring**

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

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions
- monitoring complaints and enforcement actions
- undertaking surveys e.g. Waiheke residential landuse survey,
- monitoring trends through analysing statistics (e.g. census, accident statistics, building consents).

## **9.0 Conclusions**

Council has carefully considered all consultation received related to this land unit and has incorporated alterations to the plan where it was considered necessary. Assessment of the objectives, policies and rules within the land unit against the statutory requirements of Section 32 of the Act has established that:

- the objectives are the most appropriate way to achieve the purpose of the Act as set out in section 5, 6, 7 and 8.
- overall, the environmental, social and economic benefits of having the proposed objectives, policies and rules within the plan outweighs any costs which may result. Therefore these methods are the most effective and efficient method of addressing the issues within the land unit and consequently are the most appropriate method of achieving the objectives.
- the proposed objectives, policies and rules will allow council to carry out its functions under section 31, 72 and 74(1) of the act.

- the methods are consistent with the statutory national and regional planning documents and non statutory documents and other acts including:
  - New Zealand Coastal policy Statement
  - Hauraki Gulf Marine Park Act 2000
  - Auckland Regional Policy Statement
  - The Rakino Way – an island communities strategy
- the methods are consistent with all regional planning documents.

## **Appendix A**

### **New Zealand Coastal Policy Statement (1994)**

## **Appendix B**

### **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 C**

### **Regional Policy Statement**

**Appendix D**

**Regional Plan**