

# **HGI Plan Review: section 32 report for strategic management areas**

## **1.0 Executive summary**

This report summarises the evaluation undertaken by the council of strategic management areas in terms of section 32 of the Resource Management Act.

The main conclusions are:

- Strategic management areas are a framework which provide a strategic direction for resource management in the Hauraki Gulf Islands;
- In conjunction with controls on settlement areas and land units they provide a comprehensive and integrated approach to resource management;
- Three strategic management areas are proposed: Great Barrier, Waiheke, and other islands.

## **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 for strategic management areas (SMAs) seek to:

- protect the landscape character, visual amenity and natural feature of the islands;
- assist with the economic growth of Great Barrier and Waiheke;
- provide for conservation and recreation activities on land owned by the Department of Conservation and other agencies;
- provide for growth and development around existing villages and settlements;
- ensure that all development and activities are of an appropriate scale and form for its location;
- provide for essential infrastructure especially on Waiheke and Great Barrier;
- facilitate the use and development of land for conservation, recreation and community purposes
- acknowledge the relationship between Ngati Rehua and Ngati Paoa and water, sites, waahi tapu and other taonga.

### **2.3 Operative plan provisions**

There are 17 strategic management areas for Great Barrier Island, two for Waiheke (eastern and western) and one for other islands in part 5 of the operative plan.

The SMAs for Great Barrier Island are based on water catchments, but the objectives and policies make little mention of water management. Whilst the management of water is an important issue it is not necessarily the most appropriate means of managing land use and subdivision activities. Many of the objectives and policies in the 17 SMAs are general and overlap with each other creating unnecessary duplication.

The objectives and policies for the western Waiheke SMA are different from those for the eastern Waiheke SMA to reflect the different characteristics of these two areas.

## **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 [this topic].

### **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
- 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**

Nine groups/individuals gave feedback on the issues and options paper entitled “strategic management areas and policy areas.” Two giving feedback suggested rationalising the SMAs and two suggested they should be removed. One group/individual supported the status quo, whilst others gave non-specific replies to the possible approaches given by the issues and options paper.

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

### **3.1 Issues**

A. The resource management issues for the Great Barrier strategic management area are:

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

B. The resource management issues for the Waiheke strategic management area are:

1. How to protect the landscape character and natural features of the island.
2. How to assist economic growth, particularly growth in the tourism industry.
3. How to protect the range of living environments available on the island.

4. How to provide for recreation and conservation activities on land in public ownership and other agencies such as the Royal Forest and Bird Protection Society.
5. How to maintain the large scale, rural character of eastern end of the island and the 'village' style of development on the western end of the island.
6. How to recognise the particular character and identity of the community.
7. How to provide for the further development of essential infrastructure on the island.
8. How to ensure that there is sufficient land available for residential use.
9. How to recognise the relationship between Ngati Paoa and their ancestral lands, water, sites, waahi tapu and other taonga.

C. The resource management issues for the other islands' strategic management area are:

1. How to provide for conservation and recreation purposes on land owned by the Department of Conservation and other agencies.
2. How to protect the landscape character, visual amenity and natural features of the other islands.
3. How to provide for the variety of activities that occur on the other islands.
4. How to recognise the particular character and identity the communities living on the other islands.
5. How to recognise the relationship Ngati Rehua and Ngati Paoa have with their ancestral lands, water, sites, waahi tapu and other taonga.

### **3.2 Objectives**

The objective for the Great Barrier SMA is:

To provide for the economic, social and cultural wellbeing of the Great Barrier community while ensuring the protection of the natural landscape character and the natural features of the island.

The objective for the Waiheke SMA is:

To provide for the economic, social and cultural wellbeing of the Waiheke community while ensuring the protection of the landscape character and the natural features of the island.

The objective for other islands' SMA is:

To provide for recreation, conservation and other activities while ensuring the protection of the landscape character and the natural features of the other islands.

## **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 proposed strategic management areas are identified below:

<b>Clause</b>		
(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 proposed strategic management areas are identified below:

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

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

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

The objective for the Great Barrier SMA is:

To provide for the economic, social and cultural wellbeing of the Great Barrier community while ensuring the protection of the natural landscape character and the natural features of the island.

The objective for the Waiheke SMA is:

To provide for the economic, social and cultural wellbeing of the Waiheke community while ensuring the protection of the landscape character and the natural features of the island.

The objective for other islands’ SMA is:

To provide for recreation, conservation and other activities while ensuring the protection of the landscape character and the natural features of the other islands.

The objectives are consistent with sections 5(2) of the Act because they promote the sustainable management of natural resources whilst enabling communities to provide for their economic, social and cultural wellbeing. The objectives are consistent with section 6 because they seek to protect natural character, outstanding natural features and landscapes, and to protect significant indigenous vegetation and habitats of indigenous fauna. They are

consistent with the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the quality of the environment.

The objectives are in keeping with sections 31, 72 and 74(1) of the Act because they seek to achieve integrated management of the effects of the use, development and protection of land and associated resources of the Hauraki Gulf Islands.

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

### **Policies for the Great Barrier SMA objective are:**

1. By providing for growth and development to occur within, and in some instances around, existing settlements.
2. By limiting the level of development that can occur outside of the settlement areas so that the natural landscape and natural features of the island are protected.
3. By ensuring that all development is of an appropriate scale and form for its location.
4. By protecting the natural landscape character of the island, particularly with respect to its unbroken, expansive and dominating nature.
5. By protecting natural features, such as wetland systems, native vegetation and wild life habitats from the adverse effects of use and development.
6. By facilitating the use and development of land for conservation, recreation and community purposes.
7. By providing for the appropriate development of essential infrastructure such as airports, roads, wharves and quarries.
8. By providing for the use of ancestral lands by Ngati Rehua and acknowledging the relationship between Ngati Rehua and water, sites, waahi tapu and other taonga.

The proposed policies are the most appropriate means of achieving the objective because they provide for development in and around existing settlement areas and limit development outside settlement areas whilst ensuring that development is appropriate for its location. The policies seek to protect the natural character of the island, protect natural features, waahi tapu and other taonga, and facilitate the use of land for conservation, recreation and community services. The provision of essential infrastructure including wharves and airfields will also contribute to the economic and social wellbeing of the Great Barrier community.

The objectives and policies will be achieved by



1. Settlement plans which promote growth and development in and around the settlement areas on Great Barrier. Concentrating growth and development in these areas will have the following benefits:
  - a. they will identify areas for commercial and retail activities to establish and obtain the benefits of being located near other similar activities.
  - b. they will protect the surrounding landscape and natural features from inappropriate development.
  - c. they will encourage the use of existing infrastructure and maximise the possibilities for shared infrastructure development due to the concentration of residents, visitors and activities.
  - d. they will ensure that farming and horticulture activities can continue to contribute to the lifestyle and economy of the island.
  - e. they will provide for the appropriate use and development of the ancestral lands of Ngati Rehua.
  - f. they will address the social needs of the community by providing places for people to meet and socialise.
2. Development controls which will ensure that development inside and outside of settlement areas does not have an adverse effect on the natural character of the landscape and the natural features of the island.
3. Landform based land units, which will ensure that development occurring outside of the settlement areas takes account of the natural environment in which it is located. In particular, these land unit provisions will ensure that activities and buildings are of an intensity, scale, form and location which will protect the natural landscape and natural features of the area.
4. Activity based land units, which will provide for conservation, recreation and community activities. This approach recognises that these activities benefits for the community and the identity and economy of the island.
5. Council designations to protect essential infrastructure such as Claris and Okiwi airports and Claris landfill. These designations will recognise that this infrastructure is important for both economic and social reasons and consequently needs to be protected and developed appropriately.

**Polices for the Waiheke SMA objective are:**

1. By providing for ‘village’ style activities and development to occur in western Waiheke, while ensuring that the existing pattern of development and the visual amenity of the area is maintained.
2. By providing for large scale, rural activities to occur in eastern Waiheke, while ensuring that such development does not detract from the natural landscape and natural features of the island.

3. By ensuring that ‘village’ style activities and development on western Waiheke do not spread into or occur within eastern Waiheke so that the distinct character of each end of the island is maintained.
4. By protecting the landscape character of the island, particularly the rural landscapes and landscapes with regenerating bush.
5. By protecting natural features, such as wetland systems, native vegetation and wild life habitats.
6. By facilitating the use and development of land for conservation, recreation and community purposes.
7. By providing for the appropriate development of essential infrastructure.
8. By providing for the relationship between Ngati Paoa and water, sites, waahi tapu and other taonga.

The proposed policies are the most appropriate means of achieving the objective because they provide for the village style development in western Waiheke, whilst providing for large-scale rural activities to occur in eastern Waiheke. The policies seek to protect the landscape character of Waiheke, natural features such as wetlands, native vegetation and wildlife habitats and waahi tapu and other taonga. The policies also seek to regulate the use and development of land for conservation, recreation and community services and to allow the development of essential infrastructure. The objective and policies will be achieved by having:

1. Area based land units apply in locations such as Oneroa, Ostend, Matiatia and Rangihoua Park. These areas require a specific and comprehensive approach to provide for development and to ensure that such development is of an appropriate nature, scale and form;
2. Landform based land units apply in eastern Waiheke to ensure that the large scale rural activities continue to occur in this end of the island and to ensure activities and buildings are of an intensity, scale, form and location which will protect the natural landscape and natural features of the area;
3. Activity based land units apply in western Waiheke to facilitate a range of activities including retail, industrial, visitor facilities and recreation and community purposes;
4. Development controls which ensure that development does not have an adverse effect on the character and visual amenity of the landscape and the natural features of the island.
5. Council designations which protect essential infrastructure such as the Owhanake Treatment Plant. These designations would recognise that this infrastructure is important for both economic and social reasons and consequently needs to be protected and developed appropriately.

**Policies for the other islands SMA objective are:**

1. By protecting the landscape character and natural features, such as wetland systems, native vegetation and wild life habitats of the other islands.
2. By providing for the use and development of land for conservation and recreation activities.
3. By providing for a range of activities to occur where these activities are of an appropriate nature, scale, form and location.
4. By acknowledging the relationship between Ngati Rehua and Ngati Paoa and water, sites, waahi tapu and other taonga.

The proposed policies are the most appropriate means of achieving the objective because they seek to protect the landscape character and natural features of islands such as Rangitoto, Browns, Motutapu, Rotoroa, Motuihe, Ponui, Rakino, Pakatoa, Pakihi, Karamuramu, the Noises and the Mokohinau group as well as other small islands, whilst allowing recreation and conservation activities where appropriate. This will be achieved by dividing the other islands into two major categories:

- islands used for conservation or recreation activities or both
- islands that have been developed and used for particular activities.

In terms of these two categories, the following strategy is proposed:

1. To have a conservation and recreation based land unit (conservation). This land unit would acknowledge that these activities make a significant contribution to the character and identity of the islands, and as such, specifically seeks to provide for these activities.
2. To have island based land units applying to Rotoroa, Pakatoa and the larger properties on Rakino. These land units provide a specific and comprehensive approach for the particular activities occurring on these islands while ensuring that the landscape character and the natural features of these islands are protected.
3. To have landform based land units apply to Ponui to provide for productive activities while ensuring that such activities and the associated buildings are of an intensity, scale, form and location that will protect the landscape character and natural features of the island.
4. to have an activity based land unit (commercial 6 (quarry)) for Karamuramu in recognition that quarrying is a well-established activity on this island that needs to be provided for.

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

#### 4.2.1 Option 1

Have no strategic management areas

Benefits	Costs
Simplifies the district plan – less layers of complexity in administering the plan.	Lack of a vision or coherent strategy for development of major areas of the Hauraki Gulf Islands.
	Would fail to recognise the specific differences between Waiheke and Great Barrier and other islands.
	There would be no overall strategy for the location and form of development on Waiheke, Great Barrier and other islands.

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

The risk of acting on this option would be a failure to have a coherent strategy for development, which recognised the essential differences between Great Barrier, Waiheke and other islands. The risk of not acting on this option would be minor but will increase the complexity in administering the district plan.

#### 4.2.2 Option 2

Maintain the existing strategic management areas (SMAs) in the operative plan

Benefits	Costs
Existing SMAs are familiar and sit over land units and policy areas and are an effective way of providing a framework for integrated resource management.	Existing SMAs on GBI are based on 17 water catchments and are not the most effective mean of managing land use and development. They split the island into a number of parts, instead of integrating those parts and creating a strategic vision. Many of the objectives and policies are very similar and create unnecessary duplication.
The two SMAs based on east and west Waiheke are well understood and send a clear message as to the strategic vision for the island.	Unnecessary duplication -the difference between east and west Waiheke can be accommodated within one strategic management area.

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

The risk of acting on this option is an inefficient and ineffective duplication in strategic management areas which fragments the overall vision for Waiheke, Great Barrier and other islands. The risk of not acting on this option are minor.

### 4.2.3 Option 3

Use of the proposed objectives and policies to have 3 SMAs only, one for Great Barrier, one for Waiheke and one for other islands

Benefits	Costs
Having only 3 SMAs ensures less layers of complexity in understanding and administering the plan.	Still some complexity in administering strategic management areas and settlement areas or land units.
SMAs will recognise specific differences between Great Barrier and Waiheke (east and west) and other islands whilst providing a vision and coherent strategy for development of these areas of the Hauraki Gulf Islands	Having only 3 SMAs may result in some key differences being overlooked.

### The risk of acting or not acting

The risk of not acting on this option would be the failure to recognise and protect specific differences between Waiheke, Great Barrier and other islands and a failure to provide a focused vision and strategy suitable for each of these areas. The risks of acting on this option are that the SMAs will not recognise completely the differences between western and eastern Waiheke, between different parts of Great Barrier or between various islands in the 'other islands' group. However, it is considered that the benefits of the proposed objectives and policies significantly outweigh the costs of this option.

### 4.2.4 Conclusion

Option 3 which supports the use of the proposed objectives and rules, is considered in combination with the use of land units and settlement areas to be the best option to provide a comprehensive and integrated approach to development in the Hauraki Gulf.

## 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

There are no proposed rules for the strategic management areas. The objectives and policies for strategic management areas predominantly will be given effect to by objectives, policies and development control rules for land units and settlement areas that are consistent with the objectives and policies for the strategic management areas.

## 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
  - ...

## 5.2 The New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 1994 (NZCPS) states that regard should be had to general principles including:

- Some uses and developments which depend on the use of natural and physical resource in the coastal environment are important to the social, economic and cultural well being of people and communities. Functionally, certain activities can only be located on the coast or in the coastal marine area.
- The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places.
- It is important to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of New Zealand's indigenous coastal flora and fauna.

Chapter 1 states the national priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development. Chapter 2 outlines the protection of the characteristics of the coastal environment of special value to the Tangata Whenua including waahi tapu, tauranga waka, mahinga maataitai and taonga raranga. Chapter 3 contains policies for activities involving the subdivision, use or development of areas of the coastal environment.

Chapters 1, 2 and 3 are attached in **appendix B**.

The proposed objectives and policies for the strategic management areas are consistent with the general principles of the NZCPS and policies within chapters 1, 2 and 3.

## 5.3 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 proposed objectives and policies for the strategic management areas recognise the national significance of the Hauraki Gulf Islands and its catchments and will give effect to section 7 of the Hauraki Gulf Maritime Park Act 2000. The objectives and policies area also consistent with the management of the Hauraki Gulf as outline in section 8 of the Hauraki Gulf Maritime Park Act 2000.

## 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.

## **Auckland Regional Policy Statement**

The Auckland Regional Policy Statement (ARPS) sets out the broad resource management issues, objectives and policies for the Auckland region to achieve the integrated management of natural and physical resources. There are 18 chapters in the ARPS, the matters of particular relevance to the strategic management areas are chapter 6- heritage and chapter 7 coastal environment. It is also noted that change 8 to the Regional Policy Statement, which among other things identifies areas of outstanding natural landscape (ONL) has been notified. Significant parts of the Gulf have been identified as ONL, including much of eastern Waiheke and Great Barrier island (excluding settled areas), many DOC islands and parts of islands in private ownership. While the change has been notified, it is yet to be heard.

Chapter 6 deals with the natural heritage of the Auckland Region, including indigenous flora and fauna, terrestrial, marine and freshwater ecosystems and habitats, landforms, geological features, soils and the natural character of the coastline. Some of the relevant policies and methods are:

Policy 6.4.1 which states that “the subdivision of land, and use and development of natural and physical resources shall be controlled in a manner that:

- (i) the values of heritage resources of international, national, or regional significance are preserved or protected from significant adverse effects.”

Adverse effects are defined as including “the destruction of the state and physical integrity of significant heritage resources or of a significant physical or biological process to the level where the maintenance of that process cannot be assured.”

Method 6.4.2 which states that “in preparing regional, district and annual plans the following mechanisms for the preservation and protection of heritage resources should be considered:

- (iv) discretionary controls to facilitate protection;
- (v) regulatory controls;
- (viii) the provision of esplanade reserves and marginal strips”

Policy 6.4.4(2) which states that “public access to heritage resources shall be maintained and enhanced where practicable and appropriate.”

Chapter 7 deals with the coastal environment.

The objectives of this chapter include:

1. to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.
2. to protect outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and significant historic and cultural places and areas in the coastal environment.
3. to enable appropriate subdivision, use and development to be undertaken in the coastal environment.
7. to enable an appropriate range of recreational opportunities to be undertaken in the coastal environment.

Some of the relevant policies for strategic management areas are:

Policy 7.4.4 which states that the natural character of the coastal environment shall be preserved, and protected from inappropriate use and development by amongst other things, avoiding adverse effects on the physical integrity of coastal landforms and geological features and associated processes; and features, elements and patterns which contribute to landscape value and scenic and visual value.

Policy 7.4.7 deals with policies for areas of special value, whilst 7.4.10 deals with subdivision use and development.

Policy 7.4.13 promotes public access to public land in the coastal environment where areas are of high amenity or recreational value. Policy 7.4.16(1) notes that recreational activities shall be provided for in appropriate locations and forms, have regards to the provisions of policy 7.4.10 (subdivision, use and development) and ensuring that the adverse effects on the environment are avoided, remedied or mitigated.

The relevant provisions of chapters 6 and 7 are included as appendix C. The objectives and policies proposed for the strategic management areas are consistent with the ARPS.

## **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).

### **Auckland Regional Plan: Coastal**

The Auckland Regional Plan: Coastal (ARPC) has 43 chapters. The chapters of particular relevance to strategic management areas are in part III – values, chapters 3-9 and chapter 12 structures.

#### **Chapter 3: Natural Character**

Policy 3.4.1 states that:

The natural character of the coastal environment shall be preserved and protected from inappropriate subdivision, use and development by avoiding where practicable, remedying or mitigating the adverse effects of subdivision, use and development on the qualities, elements and features which contribute to the natural character of the coastal environment, including those area characterised by modification and development.

Policy 3.4.2 states:

In assessing the actual or potential effects of subdivision, use and development on natural character particular regard shall be had to:

- a. preserving the natural character of the coastal marine area in Coastal Protection Areas 1 and 2;
- b. preserving the natural character of the coastal marine area in Outstanding and Regionally Significant Landscape Areas, where these areas are predominantly natural;



- c. avoiding, where practicable, adverse effects on natural character values in other areas of the coastal marine area which are predominantly in their natural state and which have high natural character;
- d. protecting appropriate remaining elements of natural character in those areas characterised by modification and development.

#### **Chapter 4: Landscape**

Objective 4.3.2 seeks “to maintain and enhance the diversity, integrity and landscape quality of the coastal environment.”

#### **Chapter 5: Natural Features and Ecosystems**

Issue 5.2.3 recognises that “inappropriate subdivision, use and development which occurs above mean high water springs can have adverse effects on the natural features and ecosystems below mean high water springs.”

Objective 5.3.2 seeks to:

Protect the integrity, functioning and resilience of ecosystems within the coastal environment.

Policy 5.4.5 notes when assessing the effects, including cumulative effects, of subdivision, use and development on natural features and ecosystems throughout the coastal marine area regard shall be had to amongst other things:

Protecting the identified educational, scientific, amenity, cultural or heritage values of the natural feature and its contribution to the natural character and landscape values of the coastal environment

#### **Chapter 6: Nga Take Takutai Tuturu Mo Tangata Whenua (matters of significance to Tangata Whenua)**

The objectives stated in chapter 6 are:

- To recognise that the coastal marine area has characteristics of special spiritual, historical, and cultural significance to Tangata Whenua;
- To sustain the mauri of natural and physical resources of the coastal environment, and to enable provision for the social, economic and cultural wellbeing of Maori.

#### **Chapter 7: Public Access**

Section 7.4.1 states that subdivision, use, development and protection should ensure that public access to, along and within the coastal marine area is maintained or enhanced, except where it is necessary to restrict access for a number of reasons. These reasons include protecting areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural features, and areas identified by Tangata Whenua as being of special spiritual, cultural or historic significance.

#### **Chapter 8: Cultural Heritage**

The objectives stated in chapter 8 are:

To preserve and protect significant maritime cultural heritage sites, buildings, places or areas in the coastal environment.

To retain a diverse and representative range of maritime cultural heritage resources in the coastal environment.

## **Chapter 9: Subdivision, Use and Development**

The objectives of chapter 9 are:

To enable appropriate subdivision, use and development in the coastal marine area, recognising that the coastal marine area is a finite resource.

To recognise the national and regional importance of activities which depend upon the use of natural and physical resources of the coastal environment, such as maritime and air transport services, regional infrastructure and other water based industrial, commercial and recreational activities.

## **Chapter 12: Structures.**

The stated objective of chapter 12 is to provide for appropriate structures in the coastal marine area, while avoiding, remedying or mitigating adverse effects on the environment.

The proposed objectives and policies proposed for the strategic management areas are consistent with objectives and policies of the ARPC stated above.

## **7.0 Other documents**

### **Essentially Waiheke**

Essentially Waiheke – A Village and Rural Communities Strategy is a non-statutory strategic document, which sets out a community approved framework for Waiheke's development. It was adopted by Council in 2000, after extensive consultation with the Waiheke community.

The five central principles of Essentially Waiheke are:

#### **1. Principles of environmental protection**

The environmental protection principles identify areas of Waiheke which are in inappropriate for development because of environmental or amenity constraints.

#### **2. Principles of economic development and employment**

The principles of economic development and employment recognise the need to provide for local employment and business opportunities that are complementary to the character and lifestyle opportunities the Island provides.

#### **3. Principles for strong communities**

The principles of strong communities identify opportunities to create a sense of place, a sense of belonging and a community that supports innovation, creativity and productivity.

#### **4. Principles to protect and enhance Waiheke's character**

The principles to protect and enhance Waiheke's character recognise the importance of maintaining the unique character of the island, particularly but protecting the open character of rural areas of the island.

#### **5. Principles of location**

The principles of location guide the location and form of future growth-related development.

The proposed objectives and policies for the strategic management areas are consistent with and give effect to the 5 central principles of Essentially Waiheke.

### **The Rakino Way**

The Rakino Way is the community's strategy for Rakino Island. It establishes a community approved framework for Rakino's development and to signpost the direction towards a sustainable future, where opportunities for development are facilitated and the Island's community values and outstanding natural environment are respected and nurtured. The strategy provides a framework for managing the effects of future development. The objective and policies of the SMA for other islands are consistent with a key community issue noted in the Rakino Way, which seek the protection and enhancement of the island's natural character and environment.

### **Recreation Waiheke (Waiheke's Open Space Strategy 2005)**

The Strategy is in two parts. Part I describes the background, history and issues of open space on Waiheke Island, and the guiding principles for setting in motion a vision for the future. Part II details how the vision will be implemented in a practical sense. Part I will remain a static document for the next 20 years, but Part II will be updated on a regular basis as the strategy is implemented through the Annual Plan process.

The Strategy sets guiding principle objectives including:

To develop structures and facilities catering for a range of recreational activities to a standard appropriate to the use, environment and locality.

To achieve 14% of the total land area of the island in reserve land within a 10-year time frame through purchase or reserve contribution in subdivision. This objective recognises that reserves are needed for a spectrum of uses including playgrounds, sports fields, indoor facilities; a public domain; access to the coastline, streams and wetlands; access to historic sites; protection of ecological, archaeological, scientific and other features.

The proposed objectives and policies are consistent with the guiding principles of Recreation Waiheke.

## **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 trends through analysing statistics (eg census, resource and building consents)

## **9.0 Conclusions**

Strategic management areas are a framework which provide a strategic direction for resource management in the Hauraki Gulf Islands and in conjunction with controls on settlement areas and land units they provide a comprehensive and integrated approach to resource management. Three strategic management areas are proposed: Great Barrier, Waiheke, and other islands. The proposed plan provisions for strategic management areas (SMAs) seek to:

- protect the landscape character, visual amenity and natural feature of the islands;
- assist with the economic growth of Great Barrier and Waiheke;
- provide for conservation and recreation activities on land owned by the Department of Conservation and other agencies;

- provide for growth and development around existing villages and settlements;
- ensure that all development and activities are of an appropriate scale and form for its location;
- provide for essential infrastructure especially on Waiheke and Great Barrier;
- facilitate the use and development of land for conservation, recreation and community purposes
- acknowledge the relationship between Ngati Rehua and Ngati Paoa and water, sites, waahi tapu and other taonga.

## **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: New Zealand Coastal Policy Statement (Chapters 1-3)**

## **Appendix C: Auckland Regional Policy Statement (Chapters 6 and 7)**