

HGI Plan Review: section 32 report for Subdivision

1 Executive summary

This report summarises the evaluation undertaken by the council of the proposed district plan provisions relating to subdivision in terms of section 32 of the Resource Management Act.

The proposed objectives, policies and rules are the most appropriate way to achieve the purposes of the Act as they seek to protect the natural and physical resources, amenity values and the life supporting capacity of ecosystems, whilst also allowing people and communities to provide for their social and economic wellbeing, their health and safety.

The proposed objectives, policies and rules provide for subdivision based upon the physical characteristics of the land and its capacity to integrate development impacts as well as consideration of natural character, visual character and amenity values. Objectives, policies and rules seek to protect, and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headlands, heritage features and outstanding landscape features. Furthermore, any effect generated on the environment from subdivision and associated development must be avoided, remedied and/or mitigated

The proposed objectives, policies and rules also give effect to the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans, the Hauraki Gulf Marine Park Act 2000, Essentially Waiheke and The Rakino Way as they seek to preserve the natural character, landscape values, heritage and amenity values of the islands. The objectives, policies and rules also seek to preserve the natural character of the coastal environment of the islands and provide protection from inappropriate subdivision.

It is considered that the structure and content of the objectives, policies and rules which focus on the physical characteristics of the land and its capacity to integrate development impacts, is the most appropriate means for meeting the purpose of the Resource Management Act, and enables Council to fulfil its functions under s31, 72 and 74(1).

2 Introduction

2.1 Purpose of this report

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

2.2 Background

Plan change 23 was a review of the objectives, policies, rules and strategic direction for subdivision within the gulf islands. The review took into account the changes that had occurred over the last 10 years since the Hauraki Gulf Islands Plan was first notified.

Although Plan Changes 23 and 23A have been effective in providing minimum area standards for sites, prescriptive assessment criteria and a comprehensive set of objectives, policies and rules, the administration of these changes has highlighted several matters where additional amendments have needed to be made.

2.3 Proposed plan provisions

The physical and natural environment in the islands creates major constraints on subdivision. In particular, there is a need to preserve the natural environment, visual character, amenity, and heritage values and to have regard to drainage capability. The proposed Plan provisions recognises the potential for adverse effects that may arise from subdivision within and associated with the coastal environment. Furthermore, the significant ecological and landscape values of the islands, as recognised in regional planning documents, require that subdivision should only occur on sites where there is adequate physical capacity and capability to integrate development impacts. As such, the proposed objectives, policies and rules give particular emphasis to ensuring a proper assessment of such effects when subdivision applications are evaluated.

The Plan recognises the relationship between subdivision and the effects on landscape character from associated land use activities by establishing:

- rules pertaining to minimum area standards for sites;
- rules which seek to protect and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headlands, heritage features and outstanding landscapes;
- rules that provide for land uses that have particular size site requirements, eg network utility services and reserves;
- assessment criteria for considering subdivision proposals, including criteria relating to design, layout, utility services and access.

The opportunities for subdivision of land are limited by:

- the physical and natural environment including natural character and landscape values;
- objectives, policies and rules in the district plan.

Within the subdivision section, there are a number of references to the role of elements, patterns and features in the landscape. Elements are those parts which make up the visual landscape such as open pasture, indigenous vegetation, water systems and rock forms. The patterns of a landscape comprise the arrangement of those elements within the landscape. For example, the pattern of indigenous vegetation within the landscape may be irregular, or have a repetitive form. The features of the landscape are distinctive characteristics which often attract attention such as ridgelines, mountains, rivers and rock outcrops. Each landscape will comprise elements and patterns (and may also have features) that contribute to the landscape character and visual amenity values of each land unit. It is this character and these values which need to be maintained and protected through subdivision.

The following outlines the structure of Part 12 (Subdivision):

12.1 Introduction

12.2	Resource management issues
12.3	Objectives and policies
12.4	Resource management strategy
12.5	Content and structure
12.6	General rules (which apply to all applications for subdivision consent)
12.7	Permitted Activities
12.8	Restricted discretionary activities
12.9	Discretionary activities
12.10	Non-complying activities
12.11	General assessment criteria for discretionary activities
12.12	Specific assessment criteria for discretionary activities
12.13	Esplanade Reserves

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 subdivision.

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

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

Issues identified in Consultation feedback for Subdivision

- Concern about subdivision and effects on Kaitoke wetland on Great Barrier island and the appropriateness of industrial land units in this location.
- Ensure that public walkways are created as result of subdivision.
- When land adjoining Whakanewha Regional Park is subdivided, walkways to and from the park should be retained.
- Support for retaining financial contributions for subdivision development where public infrastructure is required. Should be used for the purpose stated and not go into a consolidated fund.
- With regard to the levying of financial contributions, land instead of money should be taken for subdivision along the coast and on large subdivision, as this provides for public walkways, access routes and parks.
- Consideration must be given to ecology when subdividing.
- Strengthen subdivision rules relating to the protection of significant natural features.
- A mechanism is needed to control cumulative effects of subdivision.
- Clustered subdivision offers better outcomes in terms of character and sustainable transport.
- Controls on subdivision should take account of the potential up-take within existing sites.
- Include prohibited status for subdivision beyond the densities provided for as part of the review.

- Subdivision within areas of outstanding natural character value should generally be avoided.
- Need to analyse subdivision provisions where subdivision is provided for where there is the protection of vegetation. Need to assess the impact of this particularly within coastal areas, as this could lead to man-made structures in the coastal environment which will adversely affect this environment.
- Ensure that 20m esplanade reserve is taken to ensure public access.
- The Hauraki Gulf Islands Development Code should be updated and incorporated in plan as part of the performance controls that need to be met in order to undertake activities. This approach will have to deal with updates of technical publications.
- Assessment criteria for subdivision or redevelopment of old landfills, farm dumps, offal pits, glasshouses & vineyards etc - contamination & remediation needs to be considered.
- Support retention of policy 8.4.1(e) of PC 23 or new policy which protects the natural character within vicinity of Whakanewha Regional Park. Plan should state that “the ARC is an affected party in relation to any discretionary activity subdivision or land use applications in land units adjoining Whakanewha Regional Park”.
- Resist pressure for smaller blocks on Great Barrier Island.
- Allow to subdivide smaller areas for horticulture and viticulture.
- Restrict subdivision to existing settlements e.g. Typhena, Claris.
- Discourage small sites and high user occupation in inappropriate settings such as low-lying estuary edges and the beach front.
- Allow for the creation of small lots for community facilities.
- Allow for the cross lease of commercial buildings.
- Provide no minimum size for Conservation lots.
- Current lot sizes do not meet Great Barrier Island’s need to grow. Reduce rural lot sizes down to 1.5ha.
- Medlands Valley and Typhena should be tagged for development.
- Roding and facilities are under strain. Accordingly, there is no place for further subdivision. An example is Park point.
- Need to think about degradation of watercourses and wetlands therefore, lot sizes need to be viable for septic systems
- Consider the impact of subdivision on erosion. There should be no further subdivision within the eroded areas of LU12 and rural open spaces.
- “Minimum” must mean “minimum”. There should be no subdivision under 2000m² in LU12 or 3.5ha in LU20.

- Remove subjective criteria for reduction in lot sizes.
- Subdivisions in or near sensitive environments on Waiheke (including wetlands or bush) need to be cat and dog free.
- Subdivision chapter is unclear particularly in respect of significant environmental features.
- Assessment of landscape quality is important in relation to subdivision.
- Consider the impact of creating building platforms and driveways when subdivision is approved.
- Consider cluster subdivision with consideration given to obligations under Kyoto protocol.
- Cost of compliance for subdivisions is too high particularly for Great Barrier Island.
- Do not rely on wastewater to determine lot sizes – character should be the major determinant.
- Subdivision design is important.
- Stop subdivision of LU 20 into lifestyle blocks due to issues of reverse sensitivity.
- Preserving the predominantly rural character is important.
- Subdivisions in outstanding natural landscapes should be prohibited or non complying.
- The coastline should have low density.
- Consideration need to be given to the impact of subdivision on natural hazards.
- Consider sea level rise when providing for subdivision.
- Network utilities should be underground in new subdivisions.
- Extensive subdivision not suitable for Rakino.
- Minimum site size for Rakino should be 2 hectares provided 80% of each proposed site is replanted.
- Subdivision controls should be determined by the natural landscape.

3 Resource management issues and objectives

3.1 Issues

The significant resource management issues relating to subdivision which need to be addressed in the Plan are:

1. How to identify:

- the constraints of the natural coastal environment (e.g. wetlands, indigenous vegetation, topography, natural hazards, drainage and access difficulties) and to limit subdivision accordingly.
 - natural landscape character, visual amenity, heritage values and amenity that need to be protected by the subdivision design.
 - whether the natural and physical environment has adequate physical capacity and capability to integrate development impacts associated with subdivision.
2. How to preserve the natural character of the coastal environment, rivers, lakes and their margins from inappropriate subdivision.
 3. How to protect outstanding natural features and landscapes from inappropriate subdivision.
 4. How to ensure that new subdivisions provide for the maintenance and enhancement of public access to and along the coastline, lakes and rivers.
 5. How to ensure that subdivisions secure reserves and protect significant environmental features.
 6. How to provide for subdivision in a manner which is consistent with the objectives, policies and rules for particular islands, land units and settlement areas.
 7. How to avoid or manage the risks associated with subdivision in areas which may be subject to natural hazards.
 8. How to avoid or remedy the risks associated with subdivision in areas which may be subject to contamination.
 9. How to ensure that the subdivision rules are consistent with maintaining and enhancing the village character of the residential areas of Waiheke and Great Barrier.
 10. How to ensure that subdivision occurs in a manner that maintains water quality through adequate wastewater and effluent treatment and disposal, and stormwater disposal and dispersion.
 11. How to ensure that new subdivision provides appropriate public roading and site access that reflect the character of the area.
 12. How to ensure that subdivision provides for safe pedestrian and cycle movement along public roads and linkages to other public places.
 13. How to ensure that subdivision occurs in a manner that avoids or mitigates soil erosion and reduces sediment discharges into water systems.
 14. How to ensure that subdivision does not generate adverse effects on amenity and landscape character from earthworks.

15. How to ensure that subdivision provides for financial contributions that reflect the demands on public services, provide for open space and recreation and mitigate specific adverse effects.
16. How to ensure that utility services required in conjunction with subdivision are located and designed to minimise any adverse effects on the natural environment and visual amenity.
17. How to provide for subdivision in a manner which protects and enhances significant indigenous vegetation and significant habitats of indigenous fauna.
18. How to ensure that subdivision does not lead to adverse effects on landscape character from associated land use activities and development.
19. How to ensure that subdivision provides for ecological restoration and enhancement where appropriate.

3.2 Objectives

12.3.1 Natural character and landscape values

Objective

To preserve natural character, protect outstanding natural features and landscapes, and maintain and enhance the amenity values of the islands by avoiding inappropriate subdivision and associated development.

12.3.2 Protection of Significant Environmental Features

Objective

To provide for subdivision which leads to the protection of areas of high environmental and heritage value.

12.3.3 Public Access to and along the Coastline

Objective

To ensure that subdivisions facilitate access to and along the coastline while not adversely affecting the natural character of the coastal environment.

12.3.4 Access roads and tracks

Objective

To ensure that access provided as part of subdivision is designed and located to avoid adverse effects on natural character, landscape values and amenity values.

12.3.5 Natural Hazards

Objective

To ensure that subdivisions are designed so that the risks generated from natural hazards are avoided, remedied or mitigated, and to minimise danger and damage should those hazards occur.

12.3.6 Contaminated Land

Objective

To ensure that subdivision avoids or mitigates the risk of adverse effects created by the potential use, redevelopment or remediation of contaminated and potentially contaminated land on human health and the environment.

12.3.7 Earthworks

Objective

To ensure that subdivisions are designed in a manner that reduces or minimises earthworks.

12.3.8 Network Utility Services

Objective

To design subdivisions so that network utility services, are installed in a manner that minimises any adverse effects on the environment, including visual amenity, noise, earthworks, dust, spill lighting, electromagnetic field emissions and radiofrequency fields.

12.3.9 Character-Inner Islands

Objective

To ensure that subdivision within island residential 1 and island residential 2 provides for and enhances the character of these areas.

4 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 subdivision are identified below:

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

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of are of particular relevance to subdivision 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 General overview of proposed objectives

Objectives 12.3.1 to 12.3.9 are the most appropriate for achieving the purpose of the Act for the following reasons:

Section 5 (purpose of the Act):

- The objectives provide for subdivision based upon the physical characteristics of the land and its capacity to integrate development impacts as well as consideration of natural character, visual character and amenity values. Moreover, any effect generated on the environment from subdivision and associated development must be avoided, remedied and/or mitigated.
- By recognising the physical capacity and capability of land to integrate development impacts, this will protect the natural and physical resources and the life supporting capacity of ecosystems, whilst also allowing people and communities to provide for their social and economic wellbeing and their health and safety.
- Subdivision can therefore be undertaken in a manner which:
 - sustains the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
 - safeguards the life-supporting capacity of air, water and soil, and ecosystems; and
 - avoids remedies or mitigates any adverse effects of activities on the environment.

Section 6 (matters of national importance):

- The islands and their coastal environments are recognised as having outstanding natural value and as such, the objectives specifically seek to protect, and preserve the natural environment including heritage features and outstanding landscape features. Moreover, the objectives seek to facilitate access to and along the coastline while not adversely affecting the natural character of the coastal environment.
- Objective 12.3.2 recognises that outstanding natural features and landscapes including significant areas of indigenous vegetation and fauna, and sites of archaeological, historical or cultural significance, including waahi tapu, can be protected and enhanced through subdivision.

Section 7 (other matters):

- The objectives give particular emphasis on preserving natural character, landscape values, heritage and amenity values of the islands.
- The objectives recognise the physical capacity and capability of land to integrate development. This will ensure that subdivision provides for the efficient use of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.

Section 8 (Te Tiriti O Waitangi):

- While there is no specific objective which states that the Treaty of Waitangi must be taken into account when assessing any subdivision, the objectives do provide for the protection of areas with heritage value. Furthermore, the preservation and enhancement of heritage features are given specific consideration within the criteria.

4.1.2.2 Objectives

Objective 12.3.1

To preserve natural character, protect outstanding natural features and landscapes, and maintain and enhance the amenity values of the Islands by avoiding inappropriate subdivision and associated development.

Objective 12.3.1 is the most appropriate way to achieve the purpose of the Act as set out within section 5(2) of the Act, as it seeks to avoid the effects of inappropriate subdivision and associated development in order to protect the natural and physical resources of the islands. The objective also achieves the purpose of sections 6(a), 6(b), 7(b), 7(c), 7(d) and 7(f) as it seeks to preserve and protect the amenity values of the islands, outstanding natural features and landscapes, including the coast, and to ensure that inappropriate subdivision does not adversely affect these landscapes.

Preserving natural character, protecting outstanding natural features and landscapes also recognises the finite characteristics of the natural and physical resources in accordance with section 7(g). Furthermore, maintaining and enhancing the amenity values of the islands will allow people and communities to provide for their social and economic wellbeing and their health and safety.

Objective 12.3.2

To provide for subdivision which leads to the protection of areas of high environmental and heritage value.

Areas of high environmental and heritage value include outstanding natural features and landscapes such as significant areas of indigenous vegetation and fauna, and sites of archaeological, historical or cultural significance, including waahi tapu. Protecting, and where possible, enhancing these areas, is the most appropriate way to achieve the purpose of the Act as set out within sections 6(b), 6(c), 6(e), 6(f), 7(f) and section 8.

Objective 12.3.3

To ensure that subdivisions facilitate access to and along the coastline while not adversely affecting the natural character of the coastal environment.

The above objective is the most appropriate way to achieve the purpose of the Act, in particular, sections 6(a) and 6(d) which state that all persons shall recognise and provide for:

- (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.*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers*

This objective seeks to facilitate access along the coastline (section 6(d)) without adversely affecting the character of the coastal environment (section 6(a)). Providing for access along the coastline will also allow people and communities to provide for their social and economic wellbeing as well as their health and safety.

Objective 12.3.4

To ensure that access provided as part of subdivision is designed and located to avoid adverse effects on natural character, landscape values and amenity values.

Access often involves earthworks and the modification of the landscape. Therefore, the objective is the most appropriate way of achieving the purposes of the Act as it avoids these effects of access and ensures that outstanding natural features, landscapes, significant areas of indigenous flora and fauna, sites of archaeological, historical or cultural significance and amenity values are protected and enhanced. Therefore, the objective is consistent with sections 6(b), 6(c), 6(e), 6(f), 7 (b), 7(c) and 7(f) of the Act.

Seeking to design and locate access to avoid adverse effects on natural character, landscape values and amenity values, is also consistent with the section 5(2) requirement to manage the use, development and protection of natural and physical resources to enable communities to provide for their wellbeing and safety.

Objective 12.3.5

To ensure that subdivisions are designed so that the safety the risks generated from natural hazards are avoided, remedied or mitigated, and to minimise danger and damage should those hazards occur.

Objective 12.3.5 is the most appropriate way of achieving section 5(2) of the Act, as it seeks to avoid the effects of natural hazards on the environments in order to protect natural and physical resources. Avoiding the effects of natural hazards on life, property and infrastructure will also allow people and communities to provide for their social and economic wellbeing and their health and safety.

In addition, avoiding the creation or exacerbation of the risks of natural hazards is also consistent with the requirement of section 5(2) to manage the use, development and protection of natural and physical resources to enable communities to provide for their wellbeing and safety.

Objective 12.3.5 is consistent with Section 6 of the Act because the preservation of the natural character of the coastal environment, wetlands, lakes and rivers and the protection of them from inappropriate subdivision, use and development, will serve to protect natural defences, which will moderate the effects of natural hazards.

Objective 12.3.6

To ensure that subdivision avoids or mitigates the risk of adverse effects created by the potential use, redevelopment or remediation of contaminated and potentially contaminated land on human health and the environment.

Avoiding or mitigating the risks created by the potential use, redevelopment or remediation of contaminated and potentially contaminated land is the most appropriate way of achieving section 5(2) of the Act, as it seeks to protect natural and physical resources. Avoiding the effects of contamination on life, property and infrastructure will also allow people and communities to provide for their social and economic wellbeing and their health and safety.

In assessing the risk presented by contaminated or potentially contaminated sites, the sensitivity of the surrounding environment is taken into account including proximity to people oriented activities, areas of significant indigenous vegetation, significant habitats of indigenous fauna and water features including wetlands, streams etc. This is considered to be appropriate for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development in accordance with section 6(a) of the Act.

Objective 12.3.7

To ensure that subdivisions are designed in a manner that reduces or minimises earthworks.

Objective 12.3.7 is the most appropriate way to achieve the purpose of section 5(2) of the Act, as it seeks to avoid, remedy or mitigate the effects of earthworks on the environments in order to protect natural and physical resources. Avoiding the effects of earthworks will ensure that outstanding natural features, landscapes, significant areas of indigenous flora and fauna, sites of archaeological, historical or cultural significance and amenity values are protected and enhanced, thus meeting sections 6(b), 6(c), 6(e), 6(f), 7(c) and 7(f) of the Act.

Objective 12.3.8

To design subdivisions so that network utility services are installed in a manner that minimises any adverse effects on the environment, including visual amenity, noise, earthworks, dust, spill lighting, electro magnetic field emissions and radio frequency fields (RF).

Objective 12.3.8 is the most appropriate way of achieving the purposes of sections 5(2) and 7(c) of the Act, as it seeks to avoid the adverse effects from network utility services on the environment in order to protect amenity values and natural and physical resources. Providing for network utility services in a manner that minimises adverse effects will also allow people and communities to provide for their social and economic wellbeing as well as their health and safety.

Objective 12.3.9

To ensure that subdivision within island residential 1 and island residential 2 provides for and enhances the character of these areas.

Objective 12.3.9 is consistent with section 5(2) of the Act as it recognises the need to ensure that subdivision within these land units manages the use, development, and the protection of natural and physical resources in a way that secures sustainable land use management.

This objective is the most appropriate way to achieve the purpose of the Act as set out in section 6(b), 7(c) and 7(f) as it seeks to protect these landscape from inappropriate development and to provide for *the maintenance and enhancement of amenity values* as well as the *maintenance and enhancement of the quality of the environment* within these land units.

Summary

The development of these objectives into policies and rules will ensure the efficient use and development of natural and physical resources, will protect the intrinsic values of ecosystems and ensure the maintenance and enhancement of the qualities of the environment and of amenity values. Such protection will also recognise the finite characteristics of natural and physical resources.

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

In determining whether the proposed policies, rules or other methods are the most appropriate for achieving the objectives, the review of the subdivision provisions has been undertaken after considerable landscape analysis from a registered landscape architect. This work helped determine the appropriate minimum site areas for land units and settlement areas, based upon the physical characteristics of the land and its capacity to integrate development impacts, as well as consideration of natural character, visual character and amenity values.

The proposed policies and rules are designed to promote and encourage subdivision applications to meet minimum site sizes so that they are consistent with the objectives and policies for each land unit or settlement area. A more prescriptive approach has been made in writing the rules so that people can understand and determine the status of a subdivision application and the criteria that need to be considered as part of any application.

The proposed objectives, policies and rules focus on the extent to which proposed sites can be adequately serviced, and on the effects upon landscape character and amenity values associated with additional built forms in the environment. Consideration is also given to the protection and enhancement of the natural environment.

The proposed rules are contained within clauses 12.6 to 12.10. The rules clearly identify minimum site areas for all land units and settlement areas as well as specific rules and standards and terms for particular land units and settlement areas. Within these clauses, unit titles, company leases, right of ways and boundary relocations are provided for as restricted discretionary activities as well as subdivisions within landforms 1-7, island residential 1, island residential 2 and rural 1, provided they meet specific standards and terms.

The proposed minimum areas (table 12.1 and 12.3) are based upon the physical characteristics of the land and its capacity to integrate development impacts as well as consideration of natural character, visual character and amenity values. However, minimum site sizes are not applied to subdivision for land uses that have particular site size

requirements, eg network utility services and reserves. These forms of subdivision are considered special purpose sites and are contained in clause 12.9.2.

The proposed rules seek to protect and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headlands, heritage features and outstanding landscape features. Accordingly, clauses 12.9.3 (protection of significant environmental feature(s)) and 12.9.4 (Cluster subdivision associated with the protection of significant environmental features) provide for a reduction to the minimum site sizes within landform 2-7 and rural 1 only, provided there is a significant environmental feature worthy of protection. The reduced site sizes are contained in table 12.2 and the definition of a significant environmental feature is contained in Part 14 (definitions).

The proposed Plan includes general criteria for all discretionary subdivision (clause 12.11) for assessing layout and design and to ensure that elements, patterns and features of the landscape are protected, preserved and where possible enhanced. The criteria also consider whether development resulting from subdivision can adequately dispose of stormwater and onsite wastewater without adversely affecting the natural environment. Further consideration is given to ensuring that the safety of people and property from natural hazards and contaminated land are avoided, remedied or mitigated, and that each proposed site provides for utility services, access and public access to open spaces, the coast, rivers and lakes, where necessary.

The proposed plan also recognises that subdivision associated with certain rules (eg significant environmental feature(s)) and within particular land units and settlement areas, may have a greater impact on landscape amenity given the particular characteristics of the land unit or settlement area, or the land use activities that are permitted within these areas. Accordingly, subdivision within these land units and settlement areas are discretionary activities and may have additional matters of consideration (clause 12.12: specific assessment criteria for discretionary activities) to ensure that subdivision is designed so the effects from built form or land use activities can be mitigated at the subdivision stage. The criteria also ensures that where necessary, the built form is restricted so that the landscape character and surrounding amenity is maintained.

Clause 12.13 (Esplanade Reserves) contained rules where any site of less than 4ha is created, an esplanade reserve 20m in width must be set aside from that site along the mark of mean high water springs of the sea, and along the bank of any river whose bed has an average width of 3m or more, or along the margin of any lake whose bed has an area of 8ha or more. Provision is also made to reduce, waive, cancel or vary an esplanade area as well as increase the width of an esplanade area and/or take esplanade areas for sites of 4ha or more.

It should be noted that, while it appears that certain sections contained within the operative Plan have been removed (eg financial contributions, engineering requirements, utilities and miscellaneous rules), the standards and rules contained within these sections have simply been referenced elsewhere within Part 12 of the proposed Plan, or are specifically assessed within other sections of the proposed Plan. This approach will ensure consistency in the rules within the proposed plan and avoid repetition.

12.3.1 Natural character and landscape values

Policies

1. By setting minimum sizes for new sites in all land units and settlement areas at a level appropriate with the need to maintain elements, features and patterns that contribute to the visual amenity, natural landscape character and amenity value of each land unit or settlement area.
2. By concentrating subdivision and development in either settlement areas or where built form has already modified the natural character and the effect of further development can be mitigated.
3. By avoiding subdivision and development in the coastal environment where it would result in sprawling and/or sporadic development.
4. By limiting subdivision and associated development in areas with outstanding landscape value within the coastal environment so that natural character and landscape values are not adversely affected.
5. By limiting subdivision so that the natural features and character of the landscape are not adversely affected through inappropriate land use activities. This includes but is not limited to ridgelines, headlands, dunes and wetlands.

The above policies are the most appropriate means of achieving the objective because they recognise the physical and natural environment in the islands and the need to preserve the natural character, visual character and amenity values of the coastal environment.

The policies also recognise the potential for adverse effects arising from subdivision within and associated with the coastal environment.

These policies link to the minimum site sizes proposed for each land unit and settlement area (tables 12.1 and 12.3) which are based upon the physical characteristics of the land and its capability to integrate development impacts as well as consideration of natural character, visual character and amenity values of each land unit or settlement area.

On this basis, an application that meets the minimum site size is considered to generally maintain and protect the character and values of the land units and settlement areas. The ensuing assessment criteria (clause 12.11 and 12.12) will then consider the design of the subdivision in terms of protecting natural features, character and amenity and if the site(s) have the capacity to integrate development through disposing of stormwater and onsite wastewater without adversely affecting the natural environment. The criteria also seeks to ensure that the safety of people and property from natural hazards and contaminated land are avoided, remedied or mitigated and that each proposed site provides for utility services, access and public access to open spaces, coasts, rivers and lakes where necessary.

12.3.2 Protection of Significant Environmental Features

Policies

1. By establishing subdivision rules that provide for the creation of sites which protect, and enhance the natural environment including indigenous vegetation, wetlands, headlands, heritage features and other landscape features.

2. By ensuring that the elements, patterns and features that contribute to the significant environmental features are preserved.
3. By ensuring that the creation of sites which protect and enhance the natural environment do not adversely affect landscape character and amenity value of a site and the wider visual catchment.

The above policies directly relate to clauses 12.9.3 (protection of significant environmental features) and 12.9.4 (cluster subdivision associated with the protection of significant environmental features) which reduces the minimum site size (refer to table 12.2) within landform 2-7 and rural 1 only, provided there is a significant environmental feature(s) worthy of protection and where possible, enhancement.

These policies are strengthened by standards and terms and specific assessment criteria in clauses 12.9.3.3, 12.9.4.3, 12.12.1 and 12.12.2 of the Plan. These standards and terms ensure that the features are of a quality and maturity that are worthy of protection while the criteria ensures that the creation of such sites do not adversely affect the landscape character and amenity value of the site and wider visual catchment. Such forms of subdivision must involve specialist reports and include an on-going management programme that details any protection and enhancement for the feature(s) subject to protection.

Therefore, the policies will achieve objective 12.3.2 which seeks to protect areas of high environmental and heritage value whilst, the rules provide thresholds over which features become eligible for protection. The visual effects of reducing site sizes are also addressed specifically within the criteria so that the landscape character of the land unit(s) and amenity value of environment are not adversely affected.

12.3.3 Public Access to and along the Coastline

Policies

1. By taking esplanade reserves or esplanade strips at the time of subdivision.
2. By requiring, at the time of subdivision, pedestrian links to and along the coastline from public places.
3. By facilitating, through subdivision, public access to the foreshore except where restrictions are necessary because of safety, security, damage to vegetation and wildlife, conflict with traditional Maori sites, or other exceptional circumstances.
4. By using various measures including esplanade areas or financial contributions, or both, to achieve public access to the coast, rivers and lakes.

The above policies are the most appropriate means of meeting section 6(d) of the RMA and achieving the objective to facilitate access to and along the coastline, including rivers and lakes, while not adversely affecting the natural character of these environments.

The policies clearly state the way in which access can be acquired through financial contributions and through the taking of esplanade reserves and esplanade strips. These measures are contained in Part 6 (financial contributions) and clause 12.13 (Esplanade reserves). The rules contained within these parts outline how financial contributions are levied through subdivision, which include the options of providing open spaces or services instead of cash contributions. These provisions can enable access to and along the coast, rivers and lakes.

Policy 3 also references matters that will be considered if an esplanade reserve and/or esplanade strip is to be reduced, waived, cancelled or varied. This aspect links to rule 12.13.2(1)(b) and assessment criteria 12.13.4 which considers all applications to reduce, waive, cancel or vary esplanade areas as discretionary activities.

Assessment criterion 12.11.5(8) (Site design and layout); 12.11.6(3) (Access to sites) and criteria 12.11.12 (1)-(3) (open space, recreation and financial contributions) provide specific matters to consider when facilitating public access to and along coasts, rivers and lakes. Applicants will therefore need to consider access to these areas as part of any subdivision.

Overall, the policies, rules and assessment criteria will facilitate access to coasts, rivers and lakes where practicable whilst also ensuring that natural hazards are not exacerbated or created, and there are no adverse effects on flora, fauna, landscape amenity or traditional Maori sites.

12.3.4 Access roads and tracks

Policies

1. By requiring access arrangement to integrate with the natural landform wherever possible and minimise adverse ecological and visual effects.
2. By requiring the design and location of access to be defined at the time of subdivision to preserve natural character and landscape values.
3. By restricting vehicle access to buildings to address potential adverse effects of vehicle access on natural character and landscape values.

While vehicle access to sites is required as part of the development controls for all land units and settlement areas, such access often involves earthworks and the modification of the landscape. By locating and where necessary, restricting the location of access to sites, this will ensure that the natural character and landscape values of the environment are not adversely affected.

The above policies directly relate to clause 12.6.1 (bulk, location and access controls for buildings) whereby each site must demonstrate where a building, access and parking can be constructed which complies with specific development controls. The provision for shared access to sites is also provided for (right of ways in clause 12.8.1(5) and special purpose lots in clause 12.9.2 and is even a standard required for cluster subdivision in clause 12.9.4.

Assessment criteria in clauses 12.11.6 (Access to sites) and 12.11.15 (Earthworks and land disturbance) ensure that the access to sites is practical, legal and safe while also ensuring that

that the natural character and landscape values of each land unit and settlement area are not adversely affected through the modification of the environment.

Where vehicle access to sites cannot be provided for without adversely affecting natural character and landscape values, policy 3 and criterion 12.11.6(2) consider alternative measures such as legal foot access or access by sea. Consideration of these matters will enable sites that are capable of accommodating additional land use development to be subdivided without having to modify the landscape.

Therefore, the policies and rules will achieve objective 12.3.4 which seeks to provide access, whether vehicular, pedestrian or by sea, that is designed and located to avoid adverse effects on natural character, landscape and amenity values.

12.3.5 Natural Hazards

Policies

1. By avoiding subdivision in areas subject to natural hazards unless appropriate steps are taken to adequately avoid, remedy or mitigate any risks. This includes, but is not limited to appropriate location of building platforms to avoid unstable land, flood plains, overland flow paths and other natural hazards.
2. By ensuring that activities arising from subdivision in the coastal environment avoid interfering with natural coastal processes and using hard engineering structures such as sea walls as coastal hazard protection measures.
3. By ensuring that subdivision does not compromise or adversely affect any existing natural defences to the hazard. Natural defences may include riparian vegetation or vegetation on coastal cliffs and slopes, sand dunes and mangroves in coastal areas.

The proposed policies relate to clause 12.6.1 (bulk, location and access controls for buildings) whereby each site must demonstrate where a building, access and parking can be constructed which complies with specific development controls, including part 8 (Natural hazards).

The policies and assessment criteria in clause 12.11.16 (Natural hazards) consider the extent to which subdivision increases the risk of hazards and considers ways in which the effects on hazard prone areas are avoided, remedied or mitigated. The policies and criteria also promote the protection of natural defences and discourages using hard engineering structures such as sea walls as coastal hazard protection measures. Coastal erosion is also specifically assessed in terms of identifying building platforms and considering coastal protection works and methods.

By requiring the effects of natural hazards to be assessed at the time of subdivision, this will prevent development and activities in high risk natural hazard areas where the effects of the hazard cannot be adequately avoided or mitigated, as well as protecting hazard prone areas from activities which will accelerate erosion, inundation and other natural hazards.

12.3.6 Contaminated Land

Policies

1. By minimising and controlling the adverse effects arising from contaminated land.
2. By ensuring remediation of contaminated land is carried out to a level that is appropriate for the likely future use of the land.

The proposed policies relate to clause 12.6.1 (bulk, location and access controls for buildings) whereby each site must demonstrate where a building, access and parking can be constructed which complies with specific development controls, including part 9 (Hazardous facilities and contaminated land).

The policies and assessment criteria in clause 12.11.17 (Contaminated land) consider the extent to which land is suitable for its intended use and whether contaminated or potentially contaminated land can be treated and disposed of. Remediation measures and methodologies are also assessed in terms of how they avoid, remedy or mitigate any adverse effects on human health, water quality and the downstream environment.

Rather than require an applicant to remediate contaminated or potentially contaminated land prior to the issuing of the titles, criterion 12.11.17(4) considers whether protective instruments can be applied to titles so that remediation occurs at the time of development. However, a note is included within clause 12.11.17, stating that a land use consent pursuant to clauses 12.6.1(2) and 9.6.3(1) may be required to remediate the site(s) prior to the issuing of the titles.

By requiring the effects of contaminated or potentially contaminated sites to be assessed at the time of subdivision, this will prevent development and activities in contaminated areas where the effects on human health and the wider environment from contamination cannot be adequately avoided or remedied.

12.3.7 Earthworks

Policies

1. By encouraging low impact design in accordance with accepted practices.
2. By requiring appropriate measures to remedy or mitigate adverse effects on receiving environments from soil erosion and the generation of sediments.
3. By avoiding earthworks where the effect on instability, amenity or other landscape qualities cannot be remedied or mitigated.

While earthworks rules are primarily land use considerations, the proposed Plan recognises the relationship between subdivision and the effect on landscape character from associated land use activities. Accordingly, the construction of buildings and access often involves earthworks which can adversely modify the landscape and therefore affect the natural landscape character and amenity of the environment. As stated within the policies for natural

character and landscape values, landscape character and amenity value of each land unit and settlement area need to be maintained and protected through subdivision. Earthworks also create soil erosion and generates sediments which can affect the natural environment.

The above policies relate to clause 12.6.1 (bulk, location and access controls for buildings) whereby each site must demonstrate where a building, access and parking can be constructed which complies with specific development controls, including earthworks. Where a subdivision cannot provide for buildings without infringing the earthwork controls, particular consideration is then given in clause 12.11.15 (Earthworks and land disturbance) to the effects from soil erosion and sedimentation on receiving environments, and the adverse effects on visual or other landscape qualities.

Criteria 12.11.5(5)-(6) (Site design and layout) also considers the location of buildings and accessways in order to minimise potential visual impacts. By locating and where necessary, restricting the location of buildings and access to sites, this will ensure that the natural character and landscape values of the environment are not adversely affected by earthworks.

12.3.8 Network Utility Services

Policies

1. By requiring at the time of subdivision that electricity and telecommunication services are placed underground.
2. By preventing the installation of utility services which may be sought in conjunction with subdivision where the effect on landscape and amenity values cannot be adequately remedied or mitigated.

The proposed policies relate to clause 12.6.1 (bulk, location and access controls for buildings) whereby each site must demonstrate where a building, access and parking can be constructed which complies with specific development controls, including part 5 (Network utilities).

As stated above, the Plan recognises the relationship between subdivision and the effect on landscape character from associated land use activities. Accordingly, electricity and telecommunication services are invariably required to service any activity on a site. Such services can take the form of tall power/telecommunication poles with overhead cabling, which can adversely affect the landscape character and amenity value of an area. Applicants will therefore need to consider the provision of utility services as part of any subdivision.

The policies and assessment criteria in clause 12.11.11 (Network utility services) consider the design of subdivision within all land units and settlement areas and how each can be serviced by network utilities without adversely affecting the natural landscape and amenity qualities of the environment. Matters to consider include shared services (easements) and the extent to which services can be placed underground.

Criterion 12.11.11(4) also considers whether the provision of network utility services are appropriate given the potential uses and particular characteristics of an area. For example, rural sites may not be able to connect to network utility services due an absence of these services in the area or because providing such services may adversely affect the landscape character of the area. As such, alternative measures can be considered such as generators.

Consideration of these matters will enable sites that are capable of accommodating additional land use development, to be subdivided without having to modify the landscape.

Therefore, the policies will achieve objective 12.3.7, which seeks to design subdivision so that network utility services are installed in a manner that minimises any adverse effects on the environment.

12.3.9 Character-Inner Islands

Policies

1. By setting minimum site sizes of 2000m² for subdivision which is consistent with achieving low residential densities that preserve spaciousness, the natural landscape and amenity.
2. By ensuring subdivision recognises the open character as the desired pattern, irrespective of existing site sizes and landscape patterns.
3. By requiring building areas and vehicle accessways on new sites to be located in a manner which maintains visual amenity.

The above policies focus on the residential land units (island residential 1 and island residential 2) and take in account that past subdivision rules within these areas resulted in small site sizes that were appropriate to a village scale. However, this historic pattern of subdivision did not relate to specific natural characteristics of the land and the need to accommodate on-site effluent disposal systems. Accordingly, historical subdivision patterns on the islands (and on Waiheke, Rakino and Great Barrier in particular), are not necessarily consistent with the objectives of securing appropriate management of resources, or consistent with achieving sustainable land use development.

As such, the above policies and ensuing rules relating to minimum site size (table 12.1) within these areas seek to provide for subdivision with low residential densities that preserve spaciousness, the natural landscape and amenity. The policies also emphasise that open character is the desired pattern, irrespective of existing site sizes and landscape patterns that were created in the past.

Therefore, the policies and ensuing rules will achieve objective 12.3.8, which seeks to provide for subdivision in island residential 1 and island residential 2 that provides for and enhances the character of these areas.

The following outlines alternative options for achieving the objectives and the costs/benefits and risks associated with each option:

4.1.4 Variation to minimum site size within landforms 1-7, island residential 1 and 2 and rural 1.

Any application which meets the minimum lot size **or** variation to the minimum site size is assessed against the general assessment criteria within the Plan.

4.1.4.1 Option 1:

Retain variation to minimum lot size provisions

Benefits	Costs
<u>Environmental</u> None	<u>Environmental</u> There is no incentive to meet the minimum lot size when a variation to these sizes is assessed on the same basis as a subdivision which meets minimum lot size. This has resulted in a perception by the public that if you meet the variation to the lot sizes, then consent is likely to be granted. This undermines the purpose of having minimum lot sizes, which seek to preserve the natural character of the land units settlement areas and relate minimum areas based on their physical and natural character, use and potential.
	Meeting the variation to minimum site size does not result in a greater environmental outcome or better management of resources.
	Smaller lot sizes can adversely affect the character, spaciousness and amenity of the environment.
	Reduces protection of the natural character and visual prominence of the coastal cliffs and slopes by modifying the environment, through additional built forms, earthworks and vegetation removal. This is not consistent with the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans, the Hauraki Gulf Marine Park Act 2000 and Essentially Waiheke.
	Increases the modification of the environment, through additional built forms, earthworks and vegetation removal. This can lead to adverse amenity effects which detract from the character of the environment and undermine the resource management strategy and objectives and policies for the land unit.
	While land units 1-10 and 20 (now landforms 1-7 and rural 1) have a specified variation to the minimum site size, land units 11 and 12 (island residential 1 (traditional residential) and island residential 2 (bush residential)) have no quantified variation and must be assessed in accordance with criteria relating to wastewater and amenity value.

Benefits	Costs
	<p>The subjective nature of the criteria results in difficulties in interpreting and applying the subdivision rules.</p> <p>The objectives and policies for these land units seek to provide for open and natural landscapes with minimal disturbance to the existing landforms, while also ensuring compatibility with the surrounding landscape. The variation to the minimum site sizes does not reflect the objectives for these areas.</p>
	Environmental features will not be protected by these methods, which would lead to an overall reduction in environmental quality and diversity.
<u>Social and Economic</u>	<u>Social and Economic</u>
Variation to minimum lot sizes provides for a flexible approach to subdivision which will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	Public uncertainty about the extent to which the subdivision can be undertaken within the environment.
Smaller lots sizes will potentially create additional lots which will enable additional population to be accommodated.	

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 or undertaking option 1 is that the environmental, social and economic costs will eventuate. These costs outweigh any benefits which may result.

The variation to the minimum lot areas has resulted in difficulties in interpreting and applying the subdivision rules. An example of the difficulties in applying the rule is reflected in a recent environment court decision to decline a propose subdivision within land unit 12 (creating sites of 1097m² and 1260m²). The court noted that, such a subdivision within the area would undermine the integrity of the Plan and precedent. Council was also encouraged to look at the subdivision provisions for discretionary and non-complying activities to ensure the policy intent and the ensuing rules are clear and workable (copy of the decision is attached as appendix A: 9 Empire Avenue).

Minimum lot sizes should therefore be set which reflects the objectives outlined for these land units and makes the Plan clear and workable.

Therefore, option 1 is not the most effective or efficient means of achieving the objectives.

4.1.4.2 Option 2:

Retain minimum site sizes and add additional assessment criteria which results in greater environmental benefits.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u> – in order to avoid repetition, the costs as outline in option 1 above apply also to option 2.
Environmental features will be protected by these methods, which would lead to protection and maintenance to environmental quality and diversity.	Protecting elements and features is provided for within clause 12.9.3 (Protection of significant environmental feature(s)) and clause 12.9.4 (Cluster subdivision associated with the protection of significant environmental features) of the proposed Plan. These clauses provide for a decrease in minimum site size provided there is a significant environmental feature worthy of protection. Providing two methods of reducing lot sizes in order to achieve positive environmental outcomes could lead to confusion in the administration of the rules by processing officers e.g. to what extent do environmental features have to be protected by each rule?
Environmental features that are protected by these methods would aid in mitigating the effect of additional built forms within the landscape.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Variation to minimum lot sizes will provide for additional sites, each with the potential to undertake development each site. This will encourage growth and development, which generates social and economic benefits to individuals and the community.	Increase in monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.

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 or undertaking option 2 is that the environmental, social and economic costs will eventuate and that these costs will outweigh any benefits. Providing two methods of reducing lot sizes in order to achieve positive environmental outcomes could lead to confusion in the interpretation and application of the rules.

Therefore, option 2 is not the most effective or efficient of achieving the objectives.

4.1.4.3 Option 3:

Removing variation to minimum site size.

Benefits	Costs
<u>Environmental</u> Minimum site size is set at a level that is consistent with the objectives and policies for the land units, which seek to maintain elements, features and patterns that contribute to the visual amenity, natural landscape character and amenity value of each land unit. Setting rules which reflect the objectives, will ensure that proposed Plan is clear and workable.	None
Removing the variation to site size will reduce current difficulties of interpreting and applying the subdivision rules.	
Subdivision will recognise and protect the relatively spacious residential character of the island residential 1 and 2 land units, and will be consistent with the objectives which seek to achieve low residential densities that preserve spaciousness, the natural landscape and amenity.	
Greater protection of the natural character and visual prominence of the coastal cliffs and slopes from the potential adverse effects of activities and buildings. This is consistent with the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans, the Hauraki Gulf Marine Park Act 2000 and Essentially Waiheke.	
Environmental features can still be protected through other rules which preserve and enhance environmental quality and diversity.	
<u>Social and Economic</u> Increased public certainty over the extent to which the subdivision can be undertaken within the environment.	<u>Social and Economic</u> Continual management and maintenance of larger sites may prove costly.
	Reduction in subdivision potential of land may lead to perceptions that the proposed Plan discourages “growth” and development within areas.

The risk of acting or not acting

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

Overall, option 3 has environmental, social and economic benefits that outweigh the social and economic cost. Removing the variation to minimum site size may lead to perceptions that the proposed Plan discourages growth and development however, the significant environmental benefits of undertaking this option outweigh any costs to individuals which may result.

The above analysis of options 1 and 2 has concluded that the costs of undertaking these options outweighs any benefits. Therefore, these options are not the most effective or efficient method of addressing the issues associated with subdivision within the Gulf and consequently are not the most appropriate method of achieving the objectives.

Therefore, option 3 is the most effective and efficient method of addressing the subdivision within the islands as it provides rules which reflect the objectives of each land unit and ensures that the proposed Plan is clear and workable.

4.1.5 Landforms 1-7, island residential 1 and 2 and rural 1 (status of fee simple subdivision applications)

4.1.5.1 Option 1:

Any subdivision within the above land units, which meets the minimum site size and general rules, requires consent for a discretionary activity. In the event the general rules are not met, the application becoming a non-complying activity.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The extensive assessment criteria for discretionary activities will ensure that subdivision is of a standard that will avoid, remedy and/or mitigate any adverse effect.	<p>A subdivision that meets minimum lot size within landform 5 and requires earthworks in order to provide for access and building platforms, will be a non-complying activity however, infringing the earthwork controls at a land use stage requires only restricted discretionary activity consent.</p> <p>Such an interpretation can be seen as poor planning practice when a discretionary activity for the subdivision can adequately assess the actual and potential effects of the proposal.</p>

Benefits	Costs
	<p>Given the process in which subdivision applications can become non-complying activities, applicants may elect to increase their potential economic return by applying for subdivisions which do not meet minimum lot size as this also results in a non-complying activity.</p> <p>Environmental features may not be protected by these methods, which would lead to an overall reduction in environmental quality (e.g. water quality) and diversity.</p>
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Discretionary and non-complying applications generally take more time to process which invariably increase processing cost to applicants.
	Reduction in public certainty about the extent to which the subdivision can be undertaken within the environment as many applications can be non-complying activities.
	There is a preconception that all discretionary and non-complying activities will be notified and require third party input.

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 or undertaking option 1 is that the environmental, social and economic costs identified above will eventuate. These costs outweigh any benefits which may result.

Based on this approach, a discretionary subdivision application would require the parent site to be generally flat, relatively devoid of vegetation and which meets the minimum site size. In reality, the islands within the gulf have varying topographies and comprise various landscapes, each with elements, features and patterns that make up the particular land unit. On this basis, many subdivision applications “default” to being non-complying as a result of the very elements that comprise these land units. For example, the bush, which is an element (and in circumstances, a feature) of the bush residential and forest and bush land units, can be the reason why a subdivision which meets minimum site size within these land units becomes non-complying, as any form of development will require some form of bush removal. Such an infringement (indigenous vegetation removal) is a discretionary activity in a land use consent but if assessed in conjunction with a subdivision consent, results in the application being non-complying. An overall discretionary activity for the proposal will still adequately assess the actual and potential effects of the proposal and enable council to decline an application if the effects are more than minor.

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

4.1.5.2 Option 2:

Any subdivision within the land units landforms 1-7, island residential 1 and 2 and rural 1, which meets the minimum site size and general rules, requires consent for a restricted discretionary activity. In the event the general rules are not met, the application becomes discretionary.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The restricted discretionary status should encourage people to actively meet minimum site size.	None
<p>The matters of discretion for restricted discretionary activities will ensure that subdivision is of a standard that will avoid, remedy and/or mitigate any adverse effect, this includes restricting the bulk and location of buildings if the associated visual effects of a development warrants such a restriction.</p> <p>The consideration of specific matters by council, and the opportunity for council to refuse applications where necessary, will be sufficient to ensure that elements, features and patterns that contribute to the visual amenity, natural landscape character and amenity value of each land unit are maintained while also ensuring that the proposed sites can adequately service development associated with subdivision.</p>	
Discretionary activities will ensure that subdivisions could be declined or are of a standard that will avoid, remedy and/or mitigate any adverse effect.	
<p>Where any subdivision proposal does not meet the rule which specifies that a site must demonstrate where a building can meet specific permitted standards for bulk, location and access, the council may, in accordance with section 91 of the RMA, defer considering the subdivision application and request the applicant to lodge a land use consent.</p> <p>This approach, in conjunction with a discretionary activity application, will provide a better understanding of the nature of the proposal, achieve integrated resource</p>	

Benefits	Costs
management outcomes and effectively assess the actual and potential effects of the proposed development without the application having to be assessed as a non-complying activity.	
<u>Social and Economic</u>	<u>Social and Economic</u>
<p>Requiring subdivision that meets minimum site size and the general rules to be controlled by a restricted discretionary consent allows such development to generally proceed on a non-notified basis unless certain circumstances exist that warrant notification. The time taken to process an application is likely to be reduced as there are fewer assessment criteria in which to assess an application.</p> <p>There will be more certainty for the applicant as there will generally be less involvement from third parties.</p>	The public may perceive that all restricted discretionary subdivisions will automatically be granted consent.
Increased public certainty about the extent to which the subdivision can be undertaken within the environment.	People may consider that applications that would have been non-complying based on the operative rules but which are now discretionary activities, may be automatically granted consent.

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 or undertaking option 2 is that the social and economic costs described above will eventuate. However, it is considered that the environmental, social and economic benefits outweigh any costs which may result.

The matters of discretion for restricted discretionary activities will ensure that subdivision is of a standard that will avoid, remedy and/or mitigate any adverse effects. The consideration of specific matters by council, and the opportunity for council to refuse applications where necessary, will be sufficient to ensure that elements, features and patterns that contribute to the visual amenity, natural landscape character and amenity value of these land units are maintained while also ensuring that the proposed sites can adequately service development associated with subdivision.

It should also be noted that, landforms 1-7, island residential 1 and 2, and rural 1 generally have permitted activities which are less intensive than the other permitted activities associated with different land units (eg commercial 1-5). Consequently, subdivision within landforms 1-7, island residential 1 and 2, and rural 1 should not require additional standards and terms and criteria so the effects from built form or land use activities can be mitigated at the subdivision stage.

Therefore option 2 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.

4.1.6 Commercial 1-5, Recreation 1-3, conservation, rural 2, 3, Pakatoa, Matiatia, settlement Areas (status of fee simple subdivision applications).

4.1.6.1 Option 1

Subdivision within the above land units which meets the minimum site size and general rules requires consent for a discretionary activity. In the event the general rules are not met, the application becoming a non-complying activity.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
<p>Unlike landforms 1-7, island residential 1 and 2 and rural 1, the majority of the above land units and settlement areas comprise the following:</p> <ul style="list-style-type: none"> permitted uses (such as visitor accommodation, industrial activities, community facilities) which can potentially generate greater adverse effects on the surrounding environment; and/or specific landscape values within these land units that require further assessment to ensure that the effects on the landscape from subdivision can be mitigated. <p>Consequently, the proposed rules for subdivision within these land units are assessed against the general assessment criteria for discretionary applications. These land units also have either additional standards and/or additional assessment criteria to ensure that subdivision is designed so the potential effects from built form and/or land use activities can be mitigated at the subdivision stage. The criteria also ensure that where necessary, the built form is restricted so that the landscape character and surrounding amenity is maintained.</p> <p>These additional standards and matters of discretion will ensure that subdivision is of a standard that will avoid, remedy and/or mitigate any adverse effect within these land units.</p>	<p>Such an interpretation can be seen as poor planning practice when a subdivision within these land units, meeting the minimum site size, can be a non-complying activity when it does not meet certain standards and terms. A discretionary activity for the subdivision may adequately assess the actual and potential effects of the proposal despite an application not meeting all of the standards.</p>
The standards and terms are not too onerous	Such an interpretation is inconsistent with

Benefits	Costs
so that subdivisions within these land units which meet minimum site size are unable to meet the standards and terms.	other rules within the proposed Plan as landforms 1-7, island residential 1 and 2 and rural 1 are be restricted discretionary activities provided they meet minimum site size and the general rules.
	Given the process in which subdivision applications can become non-complying activities, applicants may elect to increase their potential economic return by applying for subdivisions which do not meet minimum lot size as this also results in a non-complying activity. Environmental features and landscape amenity may not be protected by these methods and may lead to an overall reduction in environmental quality (e.g. water quality) and diversity.
Achieves integrated resource management outcomes and effectively assesses the actual and potential effects of the proposed development.	
Ensure that measures can be implemented prior to the development of the land so that adverse effects associated with the use of the land or additional built forms can be mitigated.	
Despite such a “conservative” approach to subdivisions within these land units, applications which meet minimum site size but cannot meet a certain standard, can still be granted approval provided there is adequate mitigation.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Discretionary and non-complying applications generally take more time to process which invariably increase processing cost to applicants.
	There is a preconception that all discretionary and non-complying activities will be notified and require third party input.

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 or undertaking option 1 is that the environmental, social and economic costs outlined above will eventuate. However, it is considered that the environmental, social and economic benefits outweigh these costs.

Subdivisions within commercial 1-5, recreation 1-3, conservation, rural 2, 3, Pakatoa, Matiatia and the settlement areas, require additional assessment at the subdivision stage to

ensure that any adverse effect associated with the permitted uses of these sites can be implemented prior to development itself. Furthermore, additional standards and terms and/or specific criteria are required to ensure that the unique landscape characteristics associated within these land units are not adversely affected. It is therefore considered that, subdivision within these land units, which meets the minimum site size and the specific standards and terms, are better assessed as discretionary activities. This approach will achieve integrated resource management and ensure that the actual and potential effects of a proposed subdivision are adequately assessed.

Therefore option 1 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.

4.1.6.2 Option 2

Any subdivision within commercial 1-5, recreation 1-3, conservation, rural 2, 3, Pakatoa, Matiatia and the settlement areas which meets the minimum site size, general rules, standards and terms, then consent is required for a restricted discretionary activity. Additional matters of discretion will be required depending on the land unit. In the event the general rules, standards and terms are not met, then the application becomes a discretionary activity and is assessed against general and specific assessment criteria.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
This approach should encourage applicants to meet minimum site size and the standards and terms.	<p>A restricted discretionary consent allows such development to proceed on a non-notified basis unless circumstances exist that warrant notification.</p> <p>Such an approach does not recognise that subdivision associated within these particular land units and settlements areas may have a greater impact on landscape amenity given the particular characteristics of the land unit, or the land use activities that are permitted within these areas.</p>
Discretionary activities will ensure that subdivisions could be declined or are of a standard that will avoid, remedy and/or mitigate any adverse effect.	<p>Subdivision within these land units and settlement areas may not be designed so the potential effects from built form and/or land use activities can be mitigated at the subdivision stage.</p> <p>Restricted discretionary activities may not provide council with the enough discretion to mitigate adverse effects associated with subdivision within these land units and settlement areas.</p>
	Does not achieve integrated resource management outcomes that effectively assess the actual and potential effects of the proposed development.
	Introducing additional standards and terms and matters of discretion depending on the land unit or settlement area could result in

Benefits	Costs
	difficulties in the application and interpretation of these rules particularly, as the standards and matters of discretion are extensive.
	The standards and criteria for each land unit are more extensive and subjective and therefore more suited to discretionary applications.
<u>Social and Economic</u>	<u>Social and Economic</u>
<p>Requiring subdivision that meets minimum site size and the general rules to be controlled by a restricted discretionary consent allows such development to proceed on a non-notified basis circumstances exists. The time taken to process an application is likely to be reduced as there are fewer assessment criteria in which to assess an application.</p> <p>There will be more certainty for the applicant as there will generally be less involvement from third parties.</p>	<p>Given the extensive matters of discretion, the time taken to process restricted discretionary applications within these land units is unlikely to be reduced.</p>

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 or undertaking option 2 is that the environmental, social and economic costs identified above will eventuate. It is considered that these costs outweigh any benefits which may result.

It is acknowledged that providing for restricted discretionary activities may encourage applicants to comply with the minimum site size, and standards and terms. However, the administration of a restricted discretionary application in relation to these sites is not considered robust enough to provide an effective planning assessment of the actual and potential effects associated with the subdivision of these land units. Moreover, the standards and terms for each land unit and matters of discretion would be too extensive and are better suited to discretionary applications.

Therefore, option 2 is not the most effective and efficient method of addressing the issues within these land units and settlement areas and consequently is not the most appropriate method of achieving the objectives.

4.1.7 Landform 1 (coastal cliffs and slopes) and landform 2 (dune systems and sand flats)

Landform 1 is applied to steep coastal cliffs, exposed coastal slopes and offshore islets and stacks. Overall, coastal cliffs and slopes have high natural character values and a rugged, visually prominent landscape that makes a significant contribution to the coastal environment of the islands. Minimum lot size in the operative Plan is 25 hectares.

Landform 2 is applied to open dune systems and to sand flats which may be covered in pasture or other vegetation. Overall, the land unit has a dynamic and variable natural environment, which makes a significant contribution to the natural character and the ecological and visual amenity value of the islands. Minimum lot size in the operative Plan is currently 25 hectares.

In the proposed Plan, landform 2 is divided into two areas:

- dune systems – the location of these are identified on the planning maps
- sand flats – the location of these are identified on the planning maps

While it is acknowledged that buildings and activities are not permitted within landform 1 and the dune systems of landform 2, a review of these land units on the planning maps shows that sites are unlikely to comprise entirely of landform 1 or just the dune systems of landform 2. In most cases, sites have other rural land units (landforms 3, 5, 6 and 7) which provide for buildings and activities. Therefore, the proposed site sizes for these land units are based around this principle that there are dual land units on a site with provision to develop on other land units.

4.1.7.1 Option 1

Reduce lot sizes below 25 hectares

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	<p>The natural character and visual prominence of the coastal cliffs and slopes and the ecological and visual amenity value of the dune systems will be adversely affected through increased modification of these landscapes.</p> <p>Accordingly, this is inconsistent with the objectives and policies of the land units as well as sections 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the regional policy statement and plans and the Hauraki Gulf Marine Park Act 2000.</p>
	Reducing site sizes will adversely affect the quality and diversity of the natural environment, particularly the migratory dune processes associated with landform 2.
	Reducing site sizes can lead to the creation or exacerbation of natural hazards by human activities. For example, sand dunes can protect coastal land from storm tides and the effects of tsunamis.
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Given that buildings and activities are not permitted within landform 1 and the dune systems of landform 2, reduced site sizes will not encourage growth and development, which may generate social and economic costs.

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 or undertaking option 1 is that the environmental, social and economic costs described above will eventuate without any benefits. Smaller site sizes will compromise the natural character and the visual prominence of these land units as well as create or exacerbate natural hazards and defences associated within these land units.

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

4.1.7.2 Option 2

Increase site sizes above 25 hectares

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Such a restriction will help protect the quality and diversity of the natural environment and further protect natural hazards and the character associated within these land units.	None
Increasing site sizes will protect the quality and diversity of the natural environment, particularly the migratory dune processes associated with landform 2.	
Increasing site sizes will avoid the creation and exacerbation of natural hazards by human activities.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Increasing minimum site size will not encourage growth and development within areas, thus generating social and economic costs.

The risk of acting or not acting

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

While larger site sizes are consistent with the objectives and policies of these land units, the risk of acting or undertaking option 2 is that the social and economic cost described above will eventuate. As outlined in option 3, the same environmental benefits can be adequately achieved through 25 hectare site sizes, while also providing greater opportunities for individuals and the community to subdivide. Therefore, another method can be utilised which will have greater environmental, social and economic benefits for the community of the gulf.

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

4.1.7.3 Option 3

Retain minimum site size of 25 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The minimum site size is consistent with the objectives and policies which seek to protect the natural character and visual prominence of the coastal cliffs and slopes and the ecological and visual amenity value of the dune systems and sand flats from the potential adverse effects of activities and buildings.	None
The current implementation of these site sizes has already demonstrated that the high natural character and visual amenity value of these land units are effectively retained and protected.	
25 hectare site sizes is consistent with the sections 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000, which seek to avoid subdivision and development in the coastal environment where it would result in sprawling and/or sporadic development and where natural character and landscape values are adversely affected.	
25 hectare site sizes will promote the protection of vegetation in coastal hazard prone areas and the protection of natural defences, such as dune systems, which prevent or minimise natural hazard events.	
25 hectare site sizes will protect the quality and diversity of the natural environment, particularly the migratory dune processes associated with landform 2.	
<u>Social and Environmental</u>	<u>Social and Environmental</u>
None	Given that buildings and activities are not permitted within landform 1 and the dune systems of landform 2, reduced site sizes will not encourage growth and development, which may generate social and economic costs.

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 or undertaking option 3 is that the social and economic cost described above will eventuate. However, it is considered that the environmental benefits outweigh any costs which may result. 25 hectares site sizes are considered consistent with the objectives of these land units. Accordingly, 25 hectare site sizes will ensure that the natural character, ecological and visual amenity values of these land units are maintained.

Therefore option 3 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.

4.1.8 Landform 3 (alluvial Flats)

This land unit is applied to low-lying pasture land that is often located near dune systems and sand flats and wetland systems. Overall, alluvial flats is a rural landscape, which contributes to the lifestyle, economy and identity of the islands. Minimum lots size as contained in the operative Plan is 3.5 hectares.

4.1.8.1 Option 1

Reduce lot sizes below 3.5 hectares

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	While reducing site sizes below 3.5 hectares will provide for smaller scale productive uses and a limited range of non-productive land uses, the site sizes will detract from the rural character of the landscape and the general amenity of the locality. Accordingly, this is inconsistent with the objectives and policies of the land unit.
	Reducing site sizes will adversely affect the quality and diversity of the natural environment, particularly the high water tables and various small water bodies such as streams and wetlands associated with landform 3.
	Reducing site sizes can lead to the creation or exacerbation of natural flood hazards associated with high water tables.
<u>Social and Economic</u>	<u>Social and Economic</u>
Reduced site sizes below the minimum site size will potentially provide for additional sites, each with the potential to undertake development each site. This will encourage growth and development, which generates social and economic benefits to individuals and the community.	None

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 or undertaking option 1 is that the environmental costs described above will eventuate. Smaller site sizes will detract from the rural character of the landscape or the general amenity of the locality as well as create or exacerbate natural flood hazards associated within the land unit.

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

4.1.8.2 Option 2

Increase site sizes above 3.5 hectares

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Increasing site size will increase the amount of open space proportional to the number of buildings and activities in the environment. This will help protect the visual amenity of the landscape and protect the quality and diversity of the natural environment.	None
Increasing site size will help protect natural hazards and the character associated within the land unit.	
Increasing site sizes will protect the quality and diversity of the natural environment, particularly the high water tables and various small water bodies such as streams and wetlands associated with landform 3.	
Increasing site sizes will avoid the creation exacerbation of natural hazards by human activities.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Increasing minimum site size will reduce the number of sites that are able to undertake development. This will not encourage growth and development within these areas, which may incur social and economic costs.
	Larger site sizes do not recognise the need to diversify into a wider range of productive activities that do not require large sites.

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 or undertaking option 2 is that the social and economic costs described above will eventuate. However, while larger site sizes will protect the quality and diversity of the natural environment, as noted in option 3 below, the same environmental benefits can be adequately achieved through 3.5 hectare site sizes, while also providing greater opportunities for individuals and the community to subdivide. Another method can therefore be utilised which will have greater environmental benefits for the community of the gulf.

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

4.1.8.3 Option 3

Retain minimum site size of 3.5 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
3.5 hectare site sizes will provide for smaller scale productive activities and a limited range of non-productive activities where they do not detract from the rural character of the landscape or the general amenity of the locality. Accordingly, this is consistent with the objectives and policies of the land unit.	None
The continued implementation of 3.5 hectare sites will retain and protect the rural character and general amenity value of the land unit.	
3.5 hectare site sizes will protect the quality and diversity of the natural environment, particularly the high water tables and various small water bodies such as streams and wetlands associated with landform 3.	
3.5 hectare site sizes will avoid the creation or exacerbation of natural hazards by human activities.	
<u>Social and Environmental</u>	<u>Social and Environmental</u>
3.5 hectare sites is sufficient for productive activities, such as pastoral farming and horticulture. Accordingly, these activities can continue to contribute to the economy, the lifestyle options and the identity of the islands.	None
3.5 hectares sites recognise the need to diversify into a wider range of productive activities that do not require large sites.	

The risk of acting or not acting

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

There are no risks of acting or undertaking option 3 as the environmental, social and economic benefits described above will eventuate. 3.5 hectare sites are considered consistent with the objectives of this land unit, which places particular emphasis on providing for smaller scale productive activities and a limited range of non-productive activities where they do not detract from the rural character of the landscape or the general amenity of the locality.

Therefore option 3 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.

4.1.9 Landform 4 (wetland systems)

This land unit is applied to fresh water wetlands that drain to rivers, streams or estuaries and to areas of land that support a prevalence of vegetation typically adapted for life in saturated soil conditions. Overall, wetland systems are an important natural environment, which makes a significant contribution to the natural character, ecological and hydrological values of the islands.

While it is acknowledged that buildings and activities are not permitted within landform 4, a review of these land units on the planning maps shows that sites are unlikely to comprise entirely of landform 4. In most cases, sites have other rural land units (landforms 3, 5, 6 and 7) which provide for buildings and activities. Therefore, the proposed site size for this land unit is based around this principle that there are dual land units on a site with provision to develop on other land units.

4.1.9.1 Option 1

Retain minimum site size of 15 hectares

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	15 hectares does not reflect the natural character, ecological and hydrological values of the land unit nor is it consistent with the resource management strategy, which seeks to not provide for activities or buildings and to require a large minimum site size for subdivision within the land unit.
	Reduced protection of wetland systems which make a significant contribution to the natural character, ecological and hydrological values of the islands.
<u>Social and Economical</u>	<u>Social and Economical</u>
None	Given that buildings and activities are not permitted within landform 4, 15 hectare site sizes will not encourage growth and development, which may generate social and economic costs.

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 or undertaking option 1 is that the costs identified above will eventuate which is not specific to the envisaged outcomes for the land unit which seek to not provide for activities or buildings and to require a large minimum site size for subdivision within the land unit.

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

4.1.9.2 Option 2

Increase minimum site size to 25 hectares

Benefits	Costs
<u>Environmental</u>	
25 hectares reflects the natural character, ecological and hydrological values of this land unit and is consistent with the resource management strategy, which seeks to not provide for activities or buildings and to require a large minimum site size for subdivision within the land unit.	None
Further protection of wetland systems which make a significant contribution to the natural character, ecological and hydrological values of the islands.	
25 hectare site sizes may more effectively protect the high hydrological importance within the water catchment system, particularly in terms of flood mitigation and sediment control.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Continual management and maintenance of larger sites may prove costly.
	Increasing the minimum site size reduces the subdivision potential of these land units which therefore reduces potential economic return for people wishing to subdivide.

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 or undertaking option 2 is that the social and economic costs outlined above will eventuate. However, it is considered that the environmental benefits outweigh any costs which may result.

The environmental benefits achieved through increasing the minimum site size is the most appropriate way to achieve the purpose of the Act, as set out in sections 5, 6, 7 and 8. The minimum site size is also consistent with the resource management strategy, objectives and policies of the land unit. This approach promotes effective planning practice and ensures that the Plan is clear and workable.

Therefore option 2 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.

4.1.10 Landform 5 (Productive Land), Landform 6 (Regenerating Slopes), and Landform 7 (Forest and Bush).

Landform 5 applies to land with pasture cover as the main vegetation type. Overall, productive land is an expansive rural landscape that contributes to the lifestyle, economy and identity of the islands.

Landform 6 applies to extensive areas of regenerating bush where kanuka and manuka are the predominant vegetation. Overall, regenerating slopes makes a significant contribution to the natural character, ecological and the visual amenity value of the islands.

Landform 7 includes extensive podocarp and broadleaf forest areas, areas of secondary regenerating forest and some isolated areas of manuka and kanuka. Overall, forest and bush areas make a significant contribution to the natural character, conservation, ecological and visual amenity value of the islands.

4.1.10.1 Option 1

Reduce lot sizes below 25 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	<p>While reducing site sizes below 25 hectares will provide for smaller scale productive uses, such site sizes will detract from the natural character, ecological and visual amenity value of these land units. Of particular importance is the need to provide for productive activities, such as pastoral farming and horticulture, to establish and operate within landform 5 and the need to retain the expansive quality of landform 6 as well as protecting the diversity of podocarp and broadleaf species and wildlife habitats.</p> <p>The conservation values associated with landform 7 and protecting the extensive podocarp and broadleaf forest areas, areas of secondary regenerating forest and some isolated areas of manuka and kanuka within this land unit is of significant importance.</p> <p>Accordingly, providing smaller lot sizes within these land units is inconsistent with their objectives and policies.</p>
	<p>Increases the modification of the environment, through additional built forms, earthworks and vegetation removal. This can lead to adverse amenity effects which detract from the character of the environment and undermine the resource management strategy and objectives and policies for the</p>

Benefits	Costs
	land units. Reducing site sizes will adversely affect the quality and diversity of the natural environment.
	Reducing lot sizes could exacerbate the erosion problem in steeper areas of landform 6, with isolated outbreaks of severe erosion occurring on some north facing slopes.
	Site sizes can already be markedly reduced within these land units provided there is a significant feature or features worthy of protection. Therefore, reducing minimum site size while also providing for additional methods of reducing site size, could lead to adverse cumulative effects within these land units through the proliferation of built forms and modification of the ecological values, particularly within landform 7.
<u>Social and Economic</u>	<u>Social and Economic</u>
Site sizes below 25 hectares will potentially provide for additional lots, each with the potential to undertake development each site. This will encourage growth and development, which generates social and economic benefits to individuals and the community.	None

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 or undertaking option 1 is that the environmental costs described above will eventuate. These costs outweigh any benefits which may result. Accordingly, smaller site sizes will detract from the natural character, ecological and visual amenity value of these land units as well as create or exacerbate hazards associated within these land units.

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

4.1.10.2 Option 2

Increase site sizes above 25 hectares

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Increasing the minimum site size will reduce the number of buildings in the environment. Such a restriction will help protect the	None

Benefits	Costs
quality and diversity of the natural environment and the visual character associated within these land units. This is consistent with the objectives and policies for these land units.	
Increasing site sizes will protect the quality and diversity of the natural environment, particularly the erosion problem in steeper areas of landform 6, with isolated outbreaks of severe erosion occurring on some north facing slopes.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Larger site sizes recognise the need to diversify into a wider range of productive uses.	Increasing minimum site size will reduce the number of sites that are able to undertake development. This will not encourage growth and development within areas, thus incurring social and economic costs.
	Continual management and maintenance of larger sites may prove costly.
	Reduction in subdivision potential of land may lead to perceptions that the proposed Plan discourages “growth” and development.

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 or undertaking option 2 is that the environmental, social and economic costs described above will eventuate. However, while larger site sizes will protect the quality and diversity of the natural environment and the character associated within these land units, as outlined in option 3 below, the same environmental benefits can be achieved through 25 hectare site sizes, while also providing for greater opportunities for subdivision. Another method can therefore be utilised which will have greater environmental, social and economic benefits for the community of the gulf.

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

4.1.10.3 Option 3

Retain minimum site size of 25 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
25 hectare site sizes will not detract from the natural character, ecological and visual amenity value of these land units as described in option 1 above. Accordingly, 25 hectare lot sizes is consistent with the objectives and policies for the land units.	None
25 hectare site sizes will not adversely affect	

the quality and diversity of the natural environment.	
The continued implementation of 25 hectare site sizes will retain and protect the natural character and general amenity value of the land units.	
Such site sizes will avoid the erosion problems in steeper areas of landform 6.	
<u>Social and Economic</u>	<u>Social and Environmental</u>
25 hectare site sizes recognise the need to provide for productive activities that require large site sizes particularly, within landform 5 which seeks to provide and encourage pastoral farming and horticulture.	Retaining minimum site sizes in accordance with the operative Plan may lead to perceptions that the proposed Plan discourages “growth” and development.

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 or undertaking option 3 is that the social and economic cost described above will eventuate. However, it is considered that the environmental, social and economic benefits outweigh any costs which may result. 25 hectares site sizes are consistent with the objectives of these land units, which places particular emphasis on protecting the natural character, ecological and visual amenity value of these land units, as well as providing for larger scale productive land uses.

Therefore option 3 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.

4.1.11 Land unit – Island residential 1 (traditional residential) and Land unit – Island residential 2 (bush residential).

Island residential 1 is located in western Waiheke adjoining or close to the commercial centre of villages and on four distinct areas in Rakino. It contains the most intensive form of residential development within the islands. The land unit also includes coastal terraces adjacent to the more accessible and heavily used beaches on Waiheke. Overall, the land unit is important as a residential area with an open and spacious character. The minimum lot size in the operative Plan is 2000m².

Island residential 2 is located in western Waiheke and generally adjoins the island residential 1 land unit. The land unit is an important residential area with a character which is strongly influenced by indigenous vegetation. Most dwellings blend into the dominant natural character of the indigenous vegetation. The minimum lot size in the operative Plan is 2000m².

In the past, subdivision rules resulted in small site sizes within these land units that were appropriate to a village scale however, the historic pattern of subdivision that occurred in the Islands did not relate to specific natural characteristics of the land and the need to accommodate on-site effluent disposal systems. Accordingly, historical subdivision patterns on the Islands (and on Waiheke, Rakino and Great Barrier in particular), are not necessarily

consistent with the objectives of securing appropriate management of resources, or consistent with achieving sustainable land use development.

4.1.11.1 Option 1

Reduce minimum site size below 2000m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	While reducing minimum site size below 2000m ² is consistent with the historic pattern of subdivision within these land units, this site size is inconsistent with the objectives and policies which seek to provide for low intensity residential development which provides for and protects the open and natural landscapes.
	Reducing site sizes will adversely affect the quality and diversity of the natural environment, particularly the indigenous vegetation associated within island residential 2.
	Given that the existing pattern of development within these landscapes are as small as 809m ² , reducing the lot size below 2000m ² will result in adverse cumulative effects through the proliferation of built forms and the modification of the environment through earthworks and vegetation removal. This detracts from the character and amenity of these areas and is not consistent with the objectives for the land units.
	Reduced sites sizes do not always provide for effective on-site wastewater while also ensuring that impervious surfaces and car parking requirements can be met.
<u>Social and Economic</u>	<u>Social and Economic</u>
Reduced site sizes will potentially provide for additional lots, each with the potential to undertake development each site. This will encourage growth and development, which generates social and economic benefits to individuals and the community.	Reduced public certainty over the extent to which subdivision can be undertaken within these land units.

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 or undertaking option 1 is that the environmental, social and economic costs described above will eventuate. Smaller site sizes detract from the natural character and visual amenity value of the land units and are not consistent with the the land units.

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

4.1.11.2 Option 2

Increase minimum size above 2000m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Increasing minimum site size will increase the amount of open space around built forms. Such a size will protect the open and spacious landscape associated with island residential 1 and natural landscape character associated with island residential 2. This is consistent with the objectives and policies for the land units.	None
Increasing site sizes will protect the quality and diversity of the natural environment, particularly the indigenous vegetation associated within Island residential 2.	
Larger site sizes will provide for adequate treatment of stormwater and wastewater generated from sites.	
Avoids cumulative effects associated with additional built forms and the modification of the natural environment.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Increasing minimum site size will reduce the number of sites that are able to undertake development. This will not encourage growth and development within areas, thus incurring social and economic costs.

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 or undertaking option 2 is that the social and economic cost described above will eventuate. However, while larger site sizes will provide for an open and spacious landscape associated with island residential 1 and a natural landscape character associated with island residential 2, the same environmental benefit can be achieved through the use of 2000m² site sizes. Another method can therefore be utilised which will have greater environmental benefits for the community of the gulf.

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

4.1.11.3 Option 3:

Retain minimum site size of 2000m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Retaining 2000m ² site sizes will provide for an open and spacious landscape associated with island residential 1 and natural landscape character associated with island residential 2. This is consistent with the objectives and policies for the land units.	None
Protect the quality and diversity of the natural environment, particularly the indigenous vegetation associated within island residential 2.	
2000m ² site sizes will provide for adequate treatment of stormwater and wastewater generated from sites.	
Avoids cumulative effects associated with additional built forms and the modification of the natural environment.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Retaining minimum site sizes within these land units may lead to perceptions that the proposed Plan discourages “growth” and development.

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 or undertaking option 3 is that the social and economic cost outlined may eventuate. However, it is considered that the environmental benefits outweigh any costs which may result. The environmental benefits achieved through retaining 2000m² lot sizes is the most appropriate way to achieve the purpose of the Act and is also consistent with the objective and policies of these land units.

This approach recognises that the historic pattern of subdivision within these land units has already resulted in the modification of these landscapes to the extent that the natural landscape and spaciousness of these land units have been compromised.

Therefore option 3 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.

4.1.12 Significant Environmental Features (SEFs) and Cluster Subdivision for Land forms 2-7 and rural 1.

4.1.12.1 Option 1

Retain operative rules, standards and criteria.

Within Landforms 2-7 and rural 1 only, the council may consent to the subdivision of land to create lots which will protect any significant environmental feature or features (or a combination of features) from development and any potential adverse effects of land use activities. Site sizes for cluster(s) must be between 2000m²-3000m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Continue to provide for smaller sites when features of ecological, heritage and/or landscape value are protected, maintained and enhanced in perpetuity. Such protection leads to preservation and enhancement in environmental quality and diversity.	The site sizes for cluster subdivision do not provide adequate open space so that buildings can be located without resulting in linear or repetitive forms.
Features which have not been identified as having outstanding ecological, heritage and/or landscape value will be protected and enhance where previously, they may have resulted in the modification and degradation of the feature or features.	<p>The format of the provisions results in difficulties in interpreting the status of an application. For example, there is no direction given to the status of an application when an application does not meet a specific standard. Therefore, if an applicant proposes a cluster subdivision which does not meet the minimum and maximum areas as stated within the criteria, it is not clear if the application becomes non-complying or remains discretionary.</p> <p>Certain criteria such as 8.5.6.5(d), 8.6.2(f) read as standards which results in confusion when assessing applications against these matters.</p>
	There are no specific criteria relating to SEF subdivisions which are not clustered. Such applications are assessed against the general criteria for discretionary subdivisions even though the marked reduction in site size can result in adverse amenity effects which detract from the character of the environment and undermine the resource management strategy, objectives and policies for the land unit.
<u>Social and Economic</u>	
This form of subdivision will continue to provide flexibility in subdivision while ensuring that there is a net environmental benefit as a result of this form of subdivision.	The matters of discretion are very subjective. This results in difficulties in interpreting and applying the rules. For example, the assessment criteria for cluster subdivision assess the extent to which the cluster of sites generates adverse visual effects on the site, both individually and cumulatively.

	<p>While the criteria provide a means in which to assess visual effects, they are written in such a way so that cumulative effects have more weighting. Discussions with a landscape architect noted that clustering housing development will inevitably result in some form of cumulative effect, at least within the site itself.</p> <p>The criteria does not give clear directions as to what a landscape architect must specifically address e.g. location of buildings within the landscape, low impact design and the extent of the visual catchment (is it within the site itself or the wider visual catchment).</p>
Sites that can be subdivided for the purposes of protecting significant environmental features will increase densities and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	<p>Currently, any area to be covenanted that is already scheduled in the Plan as a site of Ecological Significance (SES) or a Sensitive Area (SA) does not require any certification from an expert that the site is of a quality and that warrants a marked reduction in minimum site size.</p> <p>There is also a reliance on the processing planner to assess the thresholds over which values becomes eligible for protection. This can result in subdivisions being granted consent based on features that do not contribute significantly to the environment, or the effects from additional built forms are not adequately mitigated. Conversely, subdivision may be declined when the feature or features could have significant environmental benefits.</p>
	<p>Proposed Change 8 to the Auckland Regional Statement: Volcanic Features and Landscape, identifies areas within the gulf that are noted as Outstanding Natural Landscapes (ONLs).</p> <p>The plan change identifies two types of ONL: “wild nature” and “cultured nature”. Wild nature is where there is little or no evidence of human presence or modification and indigenous vegetation patterns dominate. Those areas identified on Great Barrier Island and parts of the areas identified on Waiheke as ONL’s would fall into this category. Cultured nature is where the land cover may be modified from bush into pasture, or there is a picturesque mix of bush and pastoral land and there is an absence of or minimal presence of human artifacts or buildings.</p>

	While some ONLs will meet the definition of a significant environmental feature, cultured nature ONLs may not meet the definition. The operative rules do not recognise the different characteristics of these ONLs which could result in subdivisions being granted consent based on features that do not contribute significantly to the environment nor do they mitigate the effects from additional built forms.
	<u>Social and Economic</u>
	There is a perception by the community that any SES, SA or ONL located on land will automatically result in the approval of a subdivision for the purposes of protecting significant environmental features.
	Reduction in public certainty over the extent to which the subdivision for the purposes of significant environmental features can be undertaken within the environment.
	Increase in monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.

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 or undertaking option 1 is that the costs identified above will eventuate. These costs outweigh any benefits which may result. Accordingly, there will be continued difficulty in interpreting and applying the rules particularly, when the criteria are very subjective and do not provide a clear guide as to how to assess the potential effects on landscape character and amenity.

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

4.1.12.2 Option 2:

This section has been restructured and written in a more prescriptive manner. There are specific standards and terms and assessment criteria pertaining to both forms of SEF subdivision (not clustered in clause 12.9.3 and clustered in clause 12.9.4). In addition, the site sizes associated with cluster subdivision have also been increased so that they must be between 3000m² and 5000m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Will provide for smaller sites where features of ecological, heritage and/or landscape	None

value are protected, maintained and enhanced in perpetuity. Such protection leads to preservation and enhancement in environmental quality and diversity.	
<p>Increasing the site sizes for cluster subdivision will increase the amount of open space throughout the cluster(s) and therefore, reduce the adverse visual effects associated with clustering buildings and infrastructure.</p> <p>Increasing the site sizes will provide additional space to locate dwellings so that linear forms or repetitive patterns of buildings and infrastructure are reduced.</p>	
Results in fewer difficulties in interpreting the status of an application. Therefore, if a standard and term is not met, the application becomes a non-complying activity.	
Features which have not been identified as having outstanding ecological, heritage and/or landscape value will be protected and enhanced where previously, they may have resulted in the modification and degradation of the feature or features.	
<p>Council has the discretion to require certification from an expert that an SES, SA and/or ONL is of a quality that warrants a marked reduction in minimum site size and mitigates adverse effects associated with development.</p> <p>This will remove any reliance on processing planners to assess the thresholds over which values become eligible for protection and will result in a better understanding of the nature of the proposal and the actual and potential effects of associated development.</p>	
There are specific criteria relating to SEF subdivisions which are not clustered. This will ensure such applications specifically address the effects in reducing site size and the associated effects from additional built forms, earthworks and vegetation removal.	
The matters of discretion are more prescriptive so that there is less confusion over interpreting the intent/direction of the criteria. For example, landscape architects must specifically address how buildings can be integrated into the landscape and have regard to the location of buildings within the landscape, low impact design and the effects on the wider visual catchment.	

This will provide a better understanding of the nature of the proposal, achieve integrated resource management outcomes and effectively assess the actual and potential effects of the proposed development.	
<u>Social and Economic</u>	<u>Social and Economic</u>
This form of subdivision will continue to provide flexibility in subdivision while ensuring that there is a net environmental benefit as a result of this form of subdivision.	The more prescriptive approach to this form of subdivision may reduce confidence for some people who previously considered that they could easily subdivide their land for the purposes of protecting an environmental feature or features.
Increased public certainty over the extent to which the subdivision for the purposes of significant environmental features can be undertaken within the environment.	Increase in monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.
Sites that can be subdivided for the purposes of protecting significant environmental features will increase densities and encourage growth and development within areas, thus generating significant social and economic benefits to individuals and the community.	

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 or undertaking option 2 is that the social and economic costs described above may eventuate. However, it is considered that the environmental, social and economic benefits outweigh any costs which may result. In particular, the amended rules will provide a better understanding of the nature of a proposal, achieve integrated resource management outcomes and effectively assess the actual and potential effects of a proposed subdivision.

The risk of not acting with option 2 and applying option 1, is that there will be continued difficulties in the interpretation and application of the rules which does not always result in an effective assessment of the actual and potential effects of a development.

Therefore option 2 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.

Landform 1 (removal from SEF subdivision)

The operative plan provides for land unit 1 (coastal cliffs) to be subdivided to a minimum of 4 hectares with an average of 7.5 hectares provided there is a significant environmental feature worthy of protection.

4.1.12.3 Option 1:

Retain operative provision.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	Compromises the protection of the natural character and visual prominence of the coastal cliffs and slopes from the potential adverse effects of activities and buildings.
	While this has economic and social benefits, providing a marked reduction in site size does not reflect the objectives and policies of the Plan for coastal areas which seek to preserve the high natural character value of the land unit. The objectives also seek to not provide for activities or buildings at all and to require a large minimum site size for subdivision within the land unit.
	Reducing site size is not consistent with sections 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000, which seek to avoid subdivision and development in the coastal environment where it would result in sprawling and/or sporadic development and where natural character and landscape values are adversely affected.
<u>Social and Economical</u>	<u>Social and Economical</u>
Maintaining the operative rules will provide for a flexible approach to subdivision which will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	Monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.

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 or undertaking option 1 is that the environmental, social and economic costs will eventuate and that these costs outweigh any benefit which may result. This approach is not consistent with the specific envisaged outcomes for the land unit itself and in New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000.

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

4.1.12.4 Option 2

Remove landform 1 from the provision of subdividing for the purposes of protecting significant environmental features.

Benefits	Costs
<u>Environmental</u>	
This will ensure that the natural character and visual prominence of the coastal cliffs and slopes are protected from the potential adverse effects of activities and buildings.	None
Providing only a minimum site size of 25 hectare site sizes will reflect the objectives and policies of the Plan for coastal areas which seek preserve the high natural character value of the land unit. The objectives also seek to not provide for activities or buildings at all and to require a large minimum site size for subdivision within the land unit.	
25 hectare site sizes is consistent with the Section 6(a) and 6(b) of the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000, which seek to avoid subdivision and development in the coastal environment where it would result in sprawling and/or sporadic development and where natural character and landscape values are adversely affected.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Reducing the subdivision potential of landform 1 may lead to perceptions that the proposed Plan discourages “growth” and development.

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 or undertaking option 2 is that the social and economic cost described above may eventuate. However, it is considered that the environmental benefits outweigh any cost which may result.

The environmental benefits achieved through removing land unit 1 from the provision of subdividing for the purposes of protecting significant environmental features, is the most appropriate way to achieve the purpose of the Act as well as the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000. The minimum site size is also consistent with the objectives and policies of the

land unit. This approach promotes effective planning practice and ensures that the Plan is clear and workable.

Therefore option 2 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.

4.1.13 Rural 1

This land unit is applied to pockets of small scale, rural land located between the village areas of western Waiheke.

The area of the land unit adjoining Onetangi Road differs from the other areas of rural amenity land in that it contains activities that may be considered ‘non-rural’ in their character, such as wineries and tourist complexes. The scale of this area of the land is sufficiently large to accept these activities, while still maintaining a rural landscape with an open pattern.

Overall, the land unit has high visual amenity value, largely due to the contrast of its rural landscape with the village style development that occurs throughout western Waiheke.

4.1.13.1 Option 1:

Retain minimum of 3.5 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	3.5 hectare site size may not protect the general amenity of the land unit.
	3.5 hectare site sizes is not consistent with the objective and policies which seek to provide for small-scale rural activities while also maintaining the rural character and visual amenity of the landscape.
	Given the a wider range of non-productive activities that are provided for along Onetangi Road, 3.5 hectares will not be an appropriate size that will accommodate activities of a more intensive nature and larger scale. Such activities require additional open space in which to mitigate the effects associated with this form of development.
<u>Social and Economical</u>	<u>Social and Economical</u>
Maintaining the minimum site sizes may result in smaller site sizes and additional lots. Accordingly, this will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	None

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 or undertaking option 1 is that the environmental costs outlined above will eventuate. These costs outweigh any benefits which may result. In particular, 3.5 hectare sites will not maintain the rural character and visual amenity of the landscape nor will this site size be an appropriate size that will accommodate activities of a more intensive nature and larger scale.

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

4.1.13.2 Option 2:

Increase minimum site size to 5 hectares

Benefits	Costs
<u>Environmental</u>	
5 hectares will ensure that the natural character and amenity of the land unit are protected from the potential adverse effects of activities and buildings.	None
5 hectare site sizes is consistent with the objective and policies which seek to ensure smaller scale rural activities while also maintaining the rural character and visual amenity of the landscape.	
Given the a wider range of non-productive activities that are provided for along Onetangi Road, 5 hectares sites will accommodate activities of a more intensive nature and larger scale. Such activities require additional open space mitigate the effects associated with this form of development.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Increasing the site size to 5 hectares reduces the subdivision potential of these land units which therefore reduces potential economic return for people wishing to subdivide.

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 or undertaking option 2 is that the social and economic cost outlined above will eventuate. However, it is considered that the environmental benefits outweigh any costs which may result. In particular, the environmental benefits achieved through increasing the minimum site size to 5 hectares will ensure that the natural character and amenity value of the land unit is protected.

Larger site sizes along Onetangi Road will also provide additional open space that will help to mitigate the effects associated with more intensive development.

Therefore option 2 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.

Rural 2 (Western Landscape)

This land unit comprises distinct areas on Waiheke; land at Owhanake, Church Bay and Park Point and land at Te Whau peninsula. Thompson's Point is located on an eastern headland between Palm Beach and Onetangi Beach. The headland with surrounding ridges is now classified as western landscape and has not been extensively subdivided although land use consents have been approved for four dwellings.

4.1.13.3 Option 1

Provide a minimum site size of 25 hectares and include the provision for subdivision for protecting significant environmental features (SEF), therefore reducing site size to 4 hectares with an average of 7.5 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
<u>25 hectares: Owhanake, Church Bay, Park Point and Te Whau peninsula</u>	<u>25 hectares: Owhanake, Church Bay, Park Point and Te Whau peninsula</u>
Owhanake, Church Bay, Park Point and Te Whau peninsula have generally reached saturation with regard to their subdivision potential through historical comprehensive rural development.	None
While this density does not reflect the existing development pattern within these areas, 25 hectare site sizes will best reflect the objectives and policies which seek to provide for the continued operation of existing rural-residential activities while maintaining the natural character and landscape values of the land unit.	<u>25 hectares: Thompsons Point</u>
Providing a large minimum site size does not provide for any further subdivision based on the current site patterns. This will ensure that the existing values and activities will be maintained.	While this site size will protect the natural landscape values of the Point, 25 hectare site sizes is not consistent with the objectives and policies for rural 2 which seek to provide for new sites to be of a size and nature that ensures that small scale rural activities can occur, and which protects the natural character and landscape values of the land unit.
<u>25 hectares: Thompsons Point</u>	
One of the key landscape values of Thompson's Point is its coastal environment and wide visual catchment particularly, from the coast and from properties along View Road, Crescent Road East Extension and	

Benefits	Costs
<p>Matapana Road. 25 hectare site sizes will retain the expansive rural landscape that currently exists on the point.</p> <p>Such an approach is also consistent with Section 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000.</p>	
<p><u>SEF Subdivision: Owhanake, Church Bay, Park Point and Te Whau peninsula</u></p> <p>None</p> <p><u>Thompsons Point</u></p> <p>These densities are consistent with the objectives and policies of the land unit which provide for new sites to be of a size and nature that ensures that small-scale rural activities can occur while also protecting the natural character and landscape values of the land unit.</p> <p>SEF subdivisions will continue to provide flexibility in subdivision while ensuring that there is a net environmental benefit as a result of this form of subdivision.</p> <p><u>Social and Economic</u></p> <p>Sites that can be subdivided for the purposes of protecting significant environmental features will increase densities and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.</p>	<p><u>SEF Subdivision: Owhanake, Church Bay, Park Point and Te Whau peninsula</u></p> <p>Given that Owhanake, Church Bay, Park Point and land at Te Whau peninsula are largely developed to capacity, it is considered that these densities do not reflect the existing development pattern within these areas and will not provide for additional forms of subdivision.</p> <p><u>Thompsons Point</u></p> <p>While this density is considered appropriate for this landscape, the criteria relating to SEF subdivision do not consider the particular elements, features and patterns which form the high landscape values of this area.</p> <p><u>Social and Economic</u></p> <p>SEF subdivision focus primarily on the protection and enhancement of features with little or no focus on promoting small-scale rural activities that is encouraged within the land unit.</p> <p>Monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.</p>

The risk of acting or not acting

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

Owhanake, Church Bay, Park Point and Te Whau peninsula

While 25 hectare sites are considered appropriate for Owhanake, Church Bay, Park Point and Te Whau peninsula, the densities associated with SEF subdivision are not considered appropriate, given that these provisions will serve no additional purpose for subdivision within these areas. However, for reasons outline below (Thompsons Point) it is considered that another method can be utilised which reflects the objectives and policies for all areas classified as rural 2.

Thompsons Point

In terms of Thompsons Point, the minimum site size of 25 hectares is considered appropriate as it will retain the expansive rural landscape that currently exists on the point. However, this density does not reflect the objectives and policies which seek to provide for small-scale rural activities.

While the site sizes associated with SEF subdivision are considered to be of a density that is compatible with small-scale rural activities, the environmental benefits gained through such subdivision does not reflect the objectives of the land unit which promotes productive uses.

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

4.1.13.4 Option 2

Use the operative rules for either land unit 21 and/or land unit 22

The operative rules for land unit 21 (Te Whau) provide for a median site size of 3 hectares with 10% of the sites ranging between 1.0-1.5 hectares. Sites are limited to a total of 35 however, bonus density provisions allow for 55 sites where additional open space can be provided for.

Within land unit 22 (western landscape), sites can either meet a minimum site size of 25 hectares or apply for a comprehensive rural development plan which provides for a ratio of 1 lot per 5 hectares with a minimum site size of 1.5 hectares. As within land unit 21, there are bonus density provisions which provide for a ratio of 1 lot per 3.5 hectares where additional open space can be provided for.

Option 2 assesses the benefits and costs associated with using the operative rules from either land unit 21 or the comprehensive rural development rules associated with land unit 22.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
<u>Owhanake, Church Bay, Park Point and Te Whau peninsula</u>	<u>Owhanake, Church Bay, Park Point and Te Whau peninsula</u>
None	Owhanake, Church Bay, Park Point and land at Te Whau peninsula have generally

Benefits	Costs
	reached saturation with regard to their subdivision potential. Implementing the above rules does not reflect the existing development pattern within these areas and will not provide for additional forms of subdivision. These rules have effectively become redundant.
<p><u>Thompsons Point</u></p> <p>A comprehensive rural development plan with specific assessment criteria will restrict building platforms and legally protect areas to help mitigate the effects associated with increasing density.</p>	<p><u>Thompsons Point</u></p> <p>Utilising the operative rules from either land unit 21 or the comprehensive rural development rules associated with land unit 22 for Thompson's Point, will result in densities that are not consistent with protecting the natural character and landscape values of the headland and surrounding ridges.</p>
<p>Bonus density provisions ensure that public open space, reserves, protected areas or significant environmental features are protected in perpetuity.</p>	<p>One of the key landscape values of Thompson's Point is its coastal environment and wide visual catchment particularly, from the coast and from properties along View Road, Crescent Road East Extension and Matapana Road. Providing greater densities from 1.0 hectares could result in sprawling development along the coast and compromise the existing landscape values of the Point.</p> <p>Such an approach is inconsistent with Section 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000.</p>
	<p>It is considered that the "bonus" received by increasing density provisions can be achieved through other mechanisms such as financial contributions and esplanade strips and/or reserves.</p> <p>Therefore, increasing density and associated development within this area does not provide effective management of resources especially when other mechanisms can achieve the same outcome without modifying the environment further.</p>
<p><u>Social and Economic</u></p>	<p><u>Social and Economic</u></p>
<p>The above densities for Thompson's Point will result in smaller site sizes and additional sites. This will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.</p>	<p>None</p>

Benefits	Costs
	<p>Despite resource consents being approved for up to four dwellings on the headland, only two dwellings have been granted building consent. Consequently, the headland and surrounding landscape appears relatively undeveloped from the wider visual catchment.</p> <p>Utilising the operative rules from either land units 21 or 22 for Thompson's Point will result in smaller site sizes and additional sites that will alter the character of the area. This change in character may not be anticipated by the community.</p>
	<p>Monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.</p>

The risk of acting or not acting

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

Owhanake, Church Bay, Park Point and land at Te Whau peninsula

The risk of acting or undertaking option 2 is that the environmental, social and economic costs described above will eventuate. Given that Owhanake, Church Bay, Park Point and land at Te Whau peninsula are largely developed to capacity, these rules have become redundant.

Thompsons Point

With regard to Thompson's Point, such densities are not consistent with protecting the natural character and landscape values of this headland and surrounding ridges, nor do these densities provide for productive land uses.

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

4.1.13.5 Option 3

The following method is proposed for subdivisions within these areas.

1. Subdivisions must meet the standards for minimum areas specified in table 12.1: Minimum site areas for land units; or
2. Comprehensive Development at Thompsons Point
 - a. The subdivision must provide for sites at an average of one site per 7.5ha of gross site area;

- b. All sites created must have a minimum area of 4.0ha, other than those sites created for the purposes of reserves, public accessway or jointly owned sites; and
- c. The application must detail revegetation on each proposed site. This must include an ongoing management programme that specifies any protection and enhancement.

Benefits	Costs
<p><u>Owhanake, Church Bay, Park Point and Te Whau peninsula</u></p> <p>The minimum site size of 25 hectares for these areas reflects the fact that these areas have reached their capacity in terms of subdivision potential. This is further reflected within the objectives and policies which seek to provide for the continued operation of existing rural-residential activities while maintaining the natural character and landscape values of the land unit.</p>	<p><u>Owhanake, Church Bay, Park Point and Te Whau peninsula</u></p> <p>None</p>
<p><u>Thompsons Point</u></p> <p>25 hectare site sizes will retain the expansive rural landscape that currently exists on the point.</p> <p>Such an approach is consistent with Section 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000 which seek to avoid sprawling and/or sporadic development along the coast.</p> <p>Additional subdivision rules have been devised for Thompsons Point to reflect the landscape analysis undertaken and the objectives and policies of the land unit.</p> <p>A comprehensive development for Thompson's Point, which provides a minimum site size of 4 hectares with an average of 7.5 hectares, is considered consistent with the objectives and policies of the land unit. Accordingly, these objectives and policies provide for new sites to be of a size and nature that ensures that small-scale rural activities can occur, while also protecting the natural character and landscape values of the area.</p>	<p><u>Thompsons Point</u></p> <p>None</p>

Benefits	Costs
<p>Given the high visual prominence of the headland from a wide visual catchment, a comprehensive development will provide a better understanding of the nature of a proposal, achieve integrated resource management outcomes and effectively assess the actual and potential effects of the proposed development.</p> <p>Revegetation will also help mitigate the effects of built forms within the landscape.</p> <p>In addition, a comprehensive development can protect features of outstanding value.</p>	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	<p>Despite resource consents being approved for up to four multiple dwellings on the headland, only two dwellings have been granted building consent. Consequently, the headland and surrounding landscape appears relatively undeveloped from the wider visual catchment.</p> <p>The ability to have comprehensive development for Thompson's Point will alter the existing undeveloped character of the area.</p>
	Monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.

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 or undertaking option 3 is that social and economic costs outlined above may eventuate. However, it is considered that the environmental benefits outweigh any costs which may result.

Option 3 utilises the densities assessed within option 1, but also recognises the need for promoting small-scale productive uses on Thompsons Point and providing for revegetation of the landscape.

A comprehensive development for Thompsons Point addresses the elements which make up the character and landscape values of the land unit. Moreover, specific assessment criteria will ensure that development associated with subdivision is located in a manner which does not adversely affect the landscape character of Thompson's Point. Such an approach will provide a better understanding of the nature of a proposal, achieve integrated resource management outcomes and effectively assess the actual and potential effects of the proposed development.

Therefore option 3 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.

4.1.14 Rural 3 (Rakino Amenity)

This land unit was previously classified as land unit 20 (Landscape Protection) and is located on Rakino Island only. The land unit represents sites with undulating topography descending towards the coastline. The land unit also comprises limited existing indigenous vegetation with large portions of sites (ranging from 4-5 hectares) being grass covered, although coastal frontages of sites generally contain remnants of indigenous vegetation, including regenerating and mature pohutukawa trees.

4.1.14.1 Option 1

Retain the operative rules with a minimum site size of 3.5 hectares. This land unit is also able to be subdivided for the purposes of protecting significant environmental features (SEF), thereby reducing minimum site size to 1.5 hectares with an average of 2.0 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The minimum site size of 3.5 hectares will provide for a residential 'lifestyle' activity on larger blocks of land in a manner which protects the character and coastal amenity of the island. Accordingly, this site size is consistent with one of the objectives for the land unit.	<p>The proposed resource management strategy for the land unit is 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.</p> <p>While the minimum site size is considered adequate for the land unit, the site sizes created as a result of protecting significant environmental features do not recognise the coastal environment of the land unit and the high amenity, character and ecological value of the coastline.</p> <p>Providing greater densities could therefore result in sprawling development along the coast and compromise the existing landscape values of Rakino.</p> <p>Such an approach is inconsistent with objective and policies of the land unit and Section 6(a) and 6(b) of the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000 as well as The Rakino Way strategy.</p>
<u>Social and Economic</u>	<u>Social and Economic</u>

Sites that can be subdivided for the purposes of protecting significant environmental features will increase densities and encourage growth and development within areas, thus generating social and economic benefits.	Monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.
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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 or undertaking option 1 is that the environmental, social and economic costs described above will eventuate. These costs outweigh any benefits which may result.

While 3.5 hectares is considered consistent with the objectives which seek to protect the character and coastal amenity of the island, the densities associated with subdividing for the purposes of protecting significant environmental features (SEF subdivision) do not recognise the coastal environment of this land unit and the high amenity, character and ecological value of the coastline. Another method can therefore be utilised which will have greater environmental, social and economic benefits for the community of the gulf.

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

4.1.14.2 Option 2

Minimum site sizes of 2 hectares but with re-vegetation of 80% of each proposed site is required as a standard and assessed as part of all applications.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Providing for re-vegetation as a standard is consistent with the resource management strategy for the land unit which seeks to protect 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.	A minimum site size of 2 hectares may at least double the existing number of sites on the island. This approach is not considered to provide for a residential 'lifestyle' in a manner which protects the character and coastal amenity of the island. Accordingly, this site size is inconsistent with one of the objectives for the land unit.
Re-vegetation will improve the amenity and ecological value of the island.	<p>Providing greater densities could result in sprawling development along the coast and compromise the existing landscape values of Rakino.</p> <p>Such an approach is inconsistent with Section 6(a) and 6(b) of the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000 as well as The</p>

	Rakino Way strategy.
<u>Social and Economic</u>	<u>Social and Economic</u>
Increasing densities will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	Increase in monetary cost associated with compliance with consent conditions including bonds, covenants and consent notices.
	Requiring re-vegetation of additional sites will alter the existing landscape character of the island that may not be anticipated or desired by all of the community.

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 or undertaking option 2 is that the environmental, social and economic costs described above will eventuate. These costs will outweigh any benefits which may result.

While revegetation of sites through subdivision will be consistent with the resource management strategy, objectives and policies which seek to encourage the replanting of indigenous vegetation, a minimum site size of 2 hectares is not considered consistent with the objectives which seeks to protect the character and coastal amenity of the island and the high amenity, character and ecological value of the coastline.

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

4.1.14.3 Option 3

Minimum site size is reduce to 3.0 hectares but re-vegetation of 80% of each proposed site is required as a standard and assessed as part of all applications.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The minimum site size of 3.0 hectares will provide for a residential 'lifestyle' activity on larger blocks of land in a manner which protects the character and coastal amenity of the island. Accordingly, this site size is consistent with the objectives for the land unit.	None
Re-vegetating 80% of each proposed site is consistent with the objective which encourages 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.	

Re-vegetation will also mitigate the effects associated with reduced minimum site size and the additional modification of the environment as a result of built forms, and earthworks.	
3.0 hectare site sizes will ensure that subdivision will not result in sprawling development along the coast. Such an approach is consistent with Section 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans, the Hauraki Gulf Marine Park Act 2000 as well as the Rakino Way strategy.	
Re-vegetation will improve the amenity and ecological value of the island.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Reduced site sizes coupled with improved amenity will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	It is recognised that the existing site sizes on Rakino generally range from 4 hectare to 5 hectare sites. Therefore, owners of sites will have to rely on amalgamating with neighbours in order to achieve sites which meet the minimum site size.
	There will be an increase in monetary cost associated with re-vegetation and compliance with consent conditions including bonds, covenants and consent notices.
	Requiring re-vegetation of additional sites will alter the existing landscape character of the island that may not be anticipated or desired by all of the community.

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 or undertaking option 3 is that the social and economic costs outlined above may eventuate. However, option 3 reflects the objectives and policies for the land unit by recognising the need to protect the character and coastal amenity of the island and providing for the re-vegetation of the land unit. Such an approach makes the Plan clear and workable.

Therefore option 3 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.

4.1.15 Commercial 1 (Oneroa Village), 2 (Ostend Village), 3 (Local Shops), 4 (Visitor Facilities), and 5 (Industrial).

- Commercial 1 applies to the retail and commercial area of Oneroa village on Waiheke. Minimum site size is 1500m².
- Commercial 2 is an existing commercial centre centrally located on Waiheke. It is bounded by Waitai, Wharf, Putiki, Ostend and Whakarite Roads. Minimum site size is 1500m².
- Commercial 3 applies to the small scale neighbourhood shops on Waiheke at Surfdale, Onetangi, Rocky Bay, Palm Beach, Little Oneroa and Ostend. Land at Beatty Parade which is currently used for a range of semi-industrial uses has been classified as commercial 3 to provide for a more appropriate character of uses in an area surrounded by residential activity. Minimum site size is 1500m².
- Commercial 4 applies to specific properties in Onetangi, Palm Beach, and Orapiu in Waiheke. The character of the land unit is varied although it is generally located close to the coast and residential areas. Minimum site size is 1500m².
- Commercial 5 applies to areas of existing industrial activity in western Waiheke and is found in Tahī and Erua Roads in Ostend, and Totara Road in Onetangi. The Tahī and Erua Road industrial area is the largest on the island and contains the majority of the industrial area. Minimum site size is 1500m².

4.1.15.1 Option 1

Retain minimum site size of 1500m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
1500m ² site sizes for these land units is consistent with the objectives and policies which seek to provide for low-medium intensity development within these areas without compromising the character and amenity of the surrounding landscapes, particularly residential and recreational areas.	Although the effects associated with the development of the land should be assessed as part of any land use application, subdivision patterns can be designed so that the effects from traffic and noise on abutting residential areas can be mitigated. However, this option does not provide additional standards and/or criteria which assess whether the subdivision pattern itself can reduce the effects that arise through the development of these sites.
1500m ² site sizes will provide for intensive development while ensuring that wastewater can be adequately disposed of on-site, where necessary.	
<u>Social and Environmental</u>	<u>Social and Environmental</u>
1500m ² site sizes will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	None

The risk of acting or not acting

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

While 1500m² site sizes is considered consistent with the objectives of these land units, the risk of acting or undertaking option 1 is that environmental cost outlined above will eventuate. Accordingly, this option does not provide additional standards and/or criteria to assess whether the subdivision pattern itself can reduce the effects that arise through the development of these sites.

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

4.1.15.2 Option 2

Reduce site sizes

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	The visual effects associated with intensive development on smaller sites will adversely affect the character and amenity of surrounding residential and recreational areas.
	Reduced sites sizes will not provide for effective on-site wastewater while also ensuring that impervious surfaces and car parking requirements can be met.
<u>Social and Economic</u>	<u>Social and Economic</u>
Reduced site sizes coupled with improved amenity will encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	None

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 or undertaking option 2 is that the environmental costs described above will eventuate. These costs outweigh any benefits which may result. In particular, smaller densities are not consistent with protecting the character and amenity of the surrounding residential and recreational areas, nor will smaller densities provide for effective on-site wastewater.

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

4.1.15.3 Option 3

Increase site sizes

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Increasing site size will limit the subdivision potential of land and reduce the number of more intensive developments in the environment. Such a restriction will help the quality and diversity of the natural environment.	Increasing site sizes for these land units is not consistent with the objectives and policies which seek to provide for up to medium intensity development within these areas.
	Increasing minimum site size will limit the extent of subdivision within these land units. This lack of subdivision potential could result in people applying for intensive activities within other land units.
	Increasing minimum site sizes will not necessarily improve the amenity of the surrounding area as the permitted site coverage and impervious surfaces on larger sites will simply increase proportionately to the site size.
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Increased site sizes will not encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.

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 or undertaking option 3 is that the environmental, social and economic costs described above will eventuate. These costs outweigh any benefits which may result.

Larger minimum site sizes are not consistent with the objectives and policies of these land units, which provide for medium intensity development within specific locations on the islands. Increasing minimum site size will limit the extent of subdivision within these areas, which could result in people applying for intensive activities within other land units.

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

4.1.15.4 Option 4

Retain site sizes (1500m²) but include additional standards, terms, and criteria which assess how a subdivision can be designed so that the effects from traffic and noise can be mitigated.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
1500m ² site sizes for these land units is consistent with the objectives and policies which seek to provide for low-medium intensity development within these areas without compromising the character and amenity of the surrounding landscapes, particularly residential and recreational areas.	None
1500m ² site sizes will provide for intensive development while ensuring that wastewater can be adequately disposed of on-site, where necessary.	
Subdivision patterns can be designed so that the effects from traffic and even noise on abutting residential areas can be mitigated.	
<u>Social and Environmental</u>	<u>Social and Environmental</u>
1500m ² site sizes will improved amenity and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	None

The risk of acting or not acting

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

There are no risks of acting or undertaking option 4 as the environmental, social and economic benefits described above will eventuate. 1500m² hectares coupled with specific criteria for such forms of subdivision is considered consistent with the objectives of these land units and will continue to encourage growth and development for the community. This will ensure that the rules will have an even greater environmental, social and economic benefit on the community of the gulf.

Therefore option 4 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.

4.1.16 Commercial 6 (Quarry) and Commercial 7 (Wharf)

Commercial 6 is applied to a quarry on Waiheke and to Karamuramu Island.

The Waiheke quarry is situated on a hill overlooking the intersection of Onetangi, Ostend and O'Brien Roads. This quarry produces base course crushed rock material for use in road construction and the building industry in Waiheke.

Karamuramu Island is a 7.5ha island located to the south of Ponui Island. Karamuramu Island is a regionally significant producer of a red hard greywacke rock known as jasper, which is used in the road construction and building industry.

The land unit provides for the continuation of quarrying and associated uses in these two areas.

Commercial 7 is applied to the paved areas of land behind the wharf structures at Orapiu and Kennedy's Point on Waiheke, at Sandy Bay on Rakino and to the wharves at Tryphena, Okupu, Whangaparapara and Port Fitzroy on Great Barrier.

Overall, the wharf land unit plays a crucial role in facilitating the movement of freight, traffic and people on and off the islands.

4.1.16.1 Option 1

Fee simple subdivision is a non-complying activity.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
<p>Given the potential adverse effects generated through the quarry activity itself (including reverse sensitivity), the policies and rules for this land unit require quarry management plans to be implemented on the site. This will provide a comprehensive assessment of the activity and the managerial aspects of a quarrying operation.</p> <p>With regard to commercial 7, non-complying subdivision will ensure that the operation of the wharf and transport facilities can be assessed in a comprehensive and integrated manner.</p> <p>Providing no form of fee simple subdivision will ensure that the overall intensity of development and the scale, form and location of individual activities and buildings within in these land units can be assessed in a comprehensive and integrated manner, which results in the better management of resources.</p>	None
Land use consents can still provide for public access by way of financial contributions.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Effective management of quarries and wharfs will ensure that these intensive activities will not compromise surrounding amenity values, which has a social benefit to the wider environment.	Decreasing the number of fee simple owners will not provide for further land use opportunities for individuals.

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 or undertaking option 1 is that social and economic cost outlined above may eventuate. However, it is considered that the environmental, social and economic benefits outweigh any costs which may result. Providing no form of free simple subdivision

within these land units is considered more consistent with the objectives and policies of the land unit, which seek to assess these activities in terms of their scale, form and location of individual activities and buildings in a comprehensive and integrated manner. This will result in the better management of these activities on the sites and ensure that the surrounding landscape character is not adversely affected.

Therefore option 1 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.

4.1.16.2 Option 2

Provide for fee simple subdivision

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Subdivision can provide for the protection of features by way of legal instruments. Such protection leads to preservation and enhancement in environmental quality, and diversity.	Given the potential adverse effects generated through the quarry and wharf activities (including reverse sensitivity), subdividing these land units into individual sites could result in individual applications for various activities and buildings, which may not create an integrated design in terms of intensity of development and the scale, form and location of individual activities and buildings. Such an approach will not facilitate the effective management of resources.
	Multiple owners of these land units may result in inconsistent management within this area which could compromise the adjoining coastal environment associated with the wharf land units and the amenity and ecological values of surrounding areas, waterways and the sea that surround the quarry land units.
<u>Social and Economic</u>	<u>Social and Economic</u>
Increasing the number of owners within these land units will provide for further development opportunities for individuals, which will generate social and economic benefits.	None

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 or undertaking option 2 is that the environmental costs described above will eventuate. These costs outweigh any environmental, social and economic benefit which may result. Accordingly, this method does not reflect the objectives and policies, which seek to assess these activities in terms of their scale, form and location of individual activities and buildings in a comprehensive and integrated manner. Furthermore, multiple owners of these land units may result in inconsistent management within this area which could

compromise the adjoining coastal environment associated with the wharf land units and the amenity and ecological values that surround the quarry land units.

Therefore as stated in 4.1.18.1 above, option 1 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.

4.1.17 Pakatoa

This land unit is specific to Pakatoa Island, a small 24ha island which lies off the eastern end of Waiheke. It is the northern most of a chain of islands that extends from Man O' War Bay down to the Clevedon Coast.

Overall, the island provides for a mix of uses that support the potential for a small residential community combined with a tourist complex activity, while recognising limits to the physical and visual carrying capacity for a small island and the sensitive nature of the coastal environment.

The Pakatoa land unit has been divided into three sub-areas as follows:

- tourist complex area
- residential area
- landscape protection area

4.1.17.1 Option 1

Retain rules which provide for a comprehensive development with the following standards and terms:

1. The existing tourist facility may be subdivided into one title.
2. Minimum site sizes:
 - a. A minimum site area of 500m² per dwelling may be approved where existing and/ or proposed buildings are clustered and have an equal undivided share in the balance area of the island within a comprehensive development incorporating recreational/ visitor accommodation activities to maximum density of 50 dwellings or visitor accommodation units; or
 - b. A minimum site size of 0.5ha and median site size of 1.5ha may be approved where a dispersed pattern of buildings is proposed.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The operative rules continue to reflect the objectives and policies for this land unit which seek to provide for continual use of	The current rules are not supported by specific assessment criteria which recognise the specific characteristics of the island and

Benefits	Costs
the existing residential and visitor facilities while ensuring that the natural character of the Island, particularly the coast, is not adversely affected.	the need to protect the sensitive nature of the island and the existing vegetation on the island.
The specific densities reflect the existing built development on the island, being a large tourist complex and the clustering of buildings along the northern end of the island and open space to the south. The subdivision rules are therefore based upon forming boundaries around the existing development, or dispersing buildings as a mean of reducing the impact on the small island character.	
The rules provide some flexibility so that the existing pattern of development on the island can be redesigned.	
<u>Social and Economic</u>	<u>Social and Economic</u>
The rules recognise the diversity of the existing development on the island, which provides a flexible approach to subdivision, and helps generate social and economic benefits to individuals and the community.	None

The risk of acting or not acting

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

While the operative rules are consistent with the objectives and policies of the land unit and will continue to recognise the diversity of the existing development on the site, the risk of acting or undertaking option 1 is that the environmental cost outlined will eventuate. It is considered that another method can therefore be utilised which recognises the specific characteristics of the island and ensures that through subdivision, a greater protection of the coastal landscape and vegetation can occur.

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

4.1.17.2 Option 2:

Retain rules which provide for a comprehensive development, but include additional criteria which recognise the importance of maintaining and protecting the coastal character of the Island

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The rules and assessment criteria reflect the objectives and policies for the land unit, which seek to provide for continual use of	None

Benefits	Costs
the existing residential and visitor facilities while ensuring that the natural character of the island, particularly the coast, is not adversely affected.	
Greater protection of the natural character and visual prominence of the coastal cliffs which is consistent with the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statements and plans and the Hauraki Gulf Marine Park Act 2000.	
Greater legal protection of the existing coastal landscape.	
The specific densities reflect the existing built development on the island, being a large tourist complex and the clustering of buildings along the northern end and open space to the south. The subdivision rules are therefore based upon forming boundaries around the existing development or dispersing buildings as a mean of reducing the impact on the small island character.	
The rules provide some flexibility so that the existing pattern of development on the island can be redesigned.	
<u>Social and Economic</u>	<u>Social and Economic</u>
The rules recognise the diversity of the existing development on the island, which provides a flexible approach to subdivision, and helps generate social and economic benefits to individuals and the community.	None

The risk of acting or not acting

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

There is no risk of acting or undertaking option 2 as the environmental, social and economic benefits described above will eventuate. The operative rules are consistent with the objectives and policies of the land unit and will continue to recognise the diversity of the existing development on the site. Moreover, specific criteria recognise the specific characteristics of the island and ensure that through subdivision, greater legal protection of the coastal landscape and vegetation can occur. This will ensure that the rules will have a greater environmental, social and economic benefit on the community of the gulf.

Therefore option 2 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.

4.1.18 Rotoroa

Rotoroa is a relatively small (82.5ha) island located to the east of Waiheke between Pakatoa and Ponui. At its narrowest point, the island is 170m in width but it is over 2km long, dimensioned north to south.

Rotoroa was used as a rehabilitation centre for people suffering from addiction problems until 2005. Now that the rehabilitation centre has ceased operating, it is intended that the majority of existing buildings will be removed and the island redeveloped, primarily for conservation purposes but also for residential and visitor activities.

The resource management strategy for Rotoroa is to divide the land unit into two different areas being a conservation/residential area and a visitor area. This approach recognises that each of these areas will be used and developed in different ways

4.1.18.1 Option 1

Provide for fee simple subdivision with low densities eg, minimum site size of 7.5 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
These densities will provide for up to 11 sites, which are considered consistent with the policies to protect the landscape character and natural features of the island from the adverse effects of activities and buildings.	11 sites do not reflect the resource management strategy, which provides for up to ten dwellings to be located on the northern portion of the island alone.
	Subdividing the visitor area into individual sites could result in individual applications for various activities and buildings, which may not create an integrated design in terms of intensity of development and the scale, form and location of individual activities and buildings.
<u>Social and Economic</u>	<u>Social and Economic</u>
Increasing the number of owners on the island will provide for further development opportunities for individuals, which will generate social and economic benefits.	None

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 or undertaking option 1 is that the environmental costs outlined above will eventuate and these costs will outweigh any environmental, social and economic benefit that may result. Accordingly, this method does not reflect the objectives and policies, which seek to provide for one comprehensive application for integrated visitor development rather than as individual applications for various activities and buildings.

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

4.1.18.2 Option 2

Fee simple subdivision is a non-complying activity.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
No provision for fee simple subdivision will ensure that the overall intensity of development and the scale, form and location of individual activities and buildings can be assessed in a comprehensive and integrated manner for the island which results in better management of resources.	None
This approach is also consistent with the objectives and policies for the land unit.	
Land use consents can achieve effective protection of the landscape character and natural features of the island from the adverse effects of activities and buildings.	
Land use consents can still provide for public access by way of financial contributions.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Residential dwellings can be unit titled which provides for multiple ownership of individual buildings and increases economic benefits to individuals.	Decreasing the number of fee simple owners on the island will not provide for further land use opportunities for individuals.

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 or undertaking option 2 is that the social and economic cost described above will eventuate. However, providing for no form of fee simple subdivision on the island is considered consistent with the objectives and policies of the land unit, which seek an integrative approach to development, and the management of the island's resources. This will ensure that development within the visitor area provides for effective re-vegetative planting and that all buildings are assessed collectively in terms of their location, scale and form.

Therefore option 2 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.

4.1.19 Recreation 1 (Local Parks and Esplanade Reserves), Recreation 2 (Community Facilities and Sports Parks), Recreation 3 (Rangihoua Park) and Conservation.

Recreation 1 is applied to the extensive network of esplanade reserves, local parks and conservation reserves on both Waiheke and Great Barrier. Overall, the parks and reserves within the land unit are a significant community asset with high visual amenity, passive recreational and ecological values.

Recreation 2 is applied to sports parks and community facilities such as halls, Marae and clubrooms on Rakino, Waiheke and Great Barrier. Overall, the community facilities and sports parks within the land unit play an important role in providing for the recreational and social needs of the Rakino, Waiheke and Great Barrier communities.

Recreation 3 is a 110ha reserve which is owned by council called Rangihoua Park. It is a significant part of council's open space strategy for Waiheke and includes amenities such as a golf course, playing fields and associated buildings, tennis courts, picnic and BBQ area, walking tracks and bridle trails, an historic village and museum, a lawn cemetery, an equestrian area and parking and vehicle access areas. Included within the park are three streams, some wetland areas, two ponds and areas of planting. The main landscape feature is Rangihoua Maunga which is a single cone volcano. The park is located adjacent to the Rangihoua Creek and Putiki Bay estuary which is of ecological significance. The land occupied by the park is also of significance to iwi.

The conservation land unit covers a number of smaller islands, both publicly and privately owned, and land owned by the Department of Conservation (DOC) on Great Barrier, Waiheke and Rakino. Some of the larger islands and island groups include Rangitoto, Motutapu Motuihe, Browns Island, Kaikoura, the Noises, the Mokohinau Islands and the Three Sisters group.

Conservation management is a key function of the land unit, and it also has an education and recreational role on a regional and national level. Because a large portion of the land is DOC owned, and because of the special value of the land in a regional and national sense, it has been identified as needing specific rules in the Plan to enable appropriate conservation, education and recreation activities to occur.

4.1.19.1 Option 1

Provide for minimum site sizes of 25 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None.	With regard to DOC or council owned land, providing a minimum site size may not be consistent with the conservation strategy or reserve management plan specifically proposed for these areas. Such a conflict in rules will lead to difficulties in interpreting and applying the rules and does not reflect best planning

Benefits	Costs
	<p>practice.</p> <p>With regard to privately owned conservation land units, providing for fee simple subdivision may be not be consistent with the principles of this land unit to provide for conservation management, education and recreation on a regional and national level.</p>
	<p>The specific densities may not reflect the existing built development within these land units. This also applies to both privately owned sites which are classified as recreation 1-3 or conservation.</p>
	<p>Providing minimum site sizes is not consistent with section 4(3) of the RMA which exempts the crown from complying with a rules in the Plan in certain instances by stating that:</p> <p>‘Section 9(1) does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act (other than land held for administrative purposes) that –</p> <p>a. Is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act; and</p> <p>b. Does not have a significant adverse effect beyond the boundary of the area of land.’</p>
<u>Social and Economic</u>	<u>Social and Economic</u>
None	<p>A more dispersed pattern of development may not encourage public participation of the activities on some of these land units, particularly within recreation 2 and 3.</p>

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 or undertaking option 1 is that the environmental, social and economic costs described above will eventuate.

Providing minimum site sizes for DOC or council owned land, may not be consistent with the conservation management strategy or reserve management plan for the area. Such a conflict in rules will lead to difficulties in interpreting and applying the rules. With regard to privately owned recreation 1-3 or conservation land units, providing for fee simple subdivision may not

reflect the existing built forms on the sites and may be inconsistent with the resource management strategy and objectives and policies of these land units.

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

4.1.19.2 Option 2

Have fee simple subdivision being non-complying activity.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Non-complying fee simple subdivision can result in activities and buildings being assessed in a comprehensive and integrated manner which results in better management of resources.	Given the spread of recreation 1, 2 and the conservation land unit, and the diversity of the land use activities within them, single ownership may not result in better management of these resources.
	Providing no form of fee simple subdivision may not be consistent with the conservation strategy or reserve management plan specifically proposed for these areas. Such a conflict in rules will lead to difficulties in interpreting and applying the rules and does not reflect best planning practice.
	Non-complying subdivision is not consistent with sections 4(3) and 9(1) of the RMA.
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Decreasing the number of fee simple owners on the island will not provide for further land use opportunities for individuals.

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 or undertaking option 2 is that the environmental, social and economic costs described above will eventuate. Overall, these costs are considered to outweigh any benefit which may result.

Given that many of these land units are subject to either a conservation strategy or reserve management plan, non-complying forms of subdivision will not necessarily be consistent with these strategies or plans envisaged for these areas. Best planning practice would ensure that the strategies or plans themselves manage these resources effectively and determine if subdivision within these areas is appropriate.

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

4.1.19.3 Option 3:

Keep operative rules

1. Application for a subdivision shall only be considered in the following circumstances:

Where the land is public reserve:

- (a) Subdivision shall be in accordance with the provisions of any operative or proposed Conservation Management Strategy pursuant to the Conservation Act 1987; or
- (b) Any operative or proposed reserve management plan pursuant to the Reserves Act 1977.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
While there are no specific densities provided for these land unit, any subdivision that is in accordance with either a conservation management strategy or a reserve management plan will ensure that the objectives and policies for these land units which seek to provide for either passive recreation, community facilities and conservation management are enabled.	Where there are no management plans (privately owned land) any form of subdivision will be a non-complying activity.
The operative rules will continue to recognise that sections 4(3) and 9(1) of the RMA exempts the crown from complying with a rules in the Plan. The operative rules will ensure that the overall intensity of development, including subdivision, and the scale, form and location of individual activities and buildings can assessed in a comprehensive and integrated manner for these land units which results in better conservation management and a better management of the activities and resources.	
The rules provide some flexibility so that the existing pattern of development within these land units can be redesigned.	
For privately owned land, non-complying fee simple subdivision can result in activities and buildings being assessed in a comprehensive and integrated manner which results in better management of resources.	
For DOC or council owned sites, where there are no management plans, this may DOC and council to apply for such plans in accordance with the Conservation Act 1987 or the Reserves Act 1977. This encourages an	

Benefits	Costs
integrative development for these land units which facilitates a better management of resources.	
<u>Social and Economic</u>	<u>Social and Economic</u>
The rules recognise the diversity of the existing development within these land units, which provides a flexible approach to subdivision, and helps generate social and economic benefits to individuals and the community.	Non-complying subdivision for privately owned sites, may restrict land use opportunities.

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 or undertaking option 3 is that the environmental, social and economic cost described above will eventuate. However, it is considered that the environmental, social and economic benefits outweigh any costs which may result. By providing for subdivision that is in accordance with a conservation strategy or reserve management plan ensures that the overall intensity of development and the scale, form and location of individual activities and buildings can be assessed in a comprehensive and integrated manner for these land units. For privately owned land, non-complying fee simple subdivision can result in activities and buildings being assessed in a comprehensive and integrated manner which results in better management of resources.

Therefore option 3 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.

4.1.20 Matiatia

This land unit is applied at Matiatia, which is a harbour site at the western end of Waiheke.

The existing development on the valley floor at Matiatia is not befitting its location at the 'gateway' to the island, primarily because of the expansive carparking, ad hoc appearance of the existing buildings and the lack of activities and services for ferry passengers. This land (including the wetland) is in the ownership of the council and it is intended that it will be comprehensively redeveloped to create a safe and efficient transport network and a mixed-use development that will serve both residents and visitors to the island.

The wastewater treatment for the mixed-use development will occur at the Owhanake wastewater treatment plant, which is located on the northern side of the valley. The amount of mixed-use development has been specifically limited to the level which can be accommodated by the treatment plant. Water for the mixed-use development will be supplied by the bore located on the site and through the collection of rainwater.

Matiatia has been subject to a private plan change (plan change 38). On the 31 March 2005 the environment court released an interim decision which made a number of key findings as to the appropriate District Plan provisions for Matiatia. The detailed provisions of the plan change are in the process of being finalised. The Court identified that a comprehensive

redevelopment of the land on the valley floor needs to be undertaken in order to create an appropriate 'gateway' to the Island.

Amendments to the plan change have subsequently been made through the peer review process in order to give effect to the findings of the environment court decision. This included the provision to create up to six sites, each with a minimum site size of at least 2000m².

As the primary landowner, the council will determine the final form of development on the majority of land at Matiatia. The strategy outlined will provide a framework for the implementation of the final form of development.

4.1.20.1 Option 1

Fee simple subdivision is non-complying

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
No provision for subdivision will mean that ad hoc development is unlikely given that the land will be held by one owner.	This approach is not consistent with the findings of the environment court decision.
Land use consents can still achieve effective protection of the wetland area from the adverse effects of use and development.	Non-complying subdivision will make it difficult to develop the land in a financially viable manner.
Land use consents can still provide for public access by way of financial contributions.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Leases can provide individuals to develop the land and provide economic benefits to themselves and the community.	None

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 or undertaking option 1 is that the environmental costs outline above will eventuate and it is considered that these costs outweigh any benefits which may result.

Therefore, while land use consents can provide for a comprehensive and integrated assessment of the development envisaged for Matiatia, this approach is not consistent with the findings of the environment court decision. Subdivision must therefore be provided for within the land unit whilst ensuring an integrative assessment of the land use activities is achieved.

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

4.1.20.2 Option 2

Provide for up to six, fee simple sites with minimum sites sizes of 2000m².

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
This density will provide for up to 6 sites, which is consistent with the findings of the peer review version of plan change 38.	Subdividing Matiatia into fee simple sites could result in individual applications for various activities and buildings, which may not create an integrated design in terms of intensity of development and the scale, form and location of individual activities and buildings. This approach is inconsistent with the strategy for Matiatia which seeks to create a truly effective and attractive 'gateway' to Waiheke through comprehensive redevelopment of the land.
These site sizes reflect the actual area of land (excluding the adjacent esplanade reserve and wetland area) capable of accommodating subdivision within Matiatia.	Although the effects associated with the development of the land should be assessed as part of any land use application, subdivision patterns can be designed so that the areas for parking, open space, pedestrian access and for maintaining views can be assessed contemporaneously.
<u>Social and Economic</u>	<u>Social and Economic</u>
Provides for further development opportunities for individuals, which will generate social and economic benefits.	None

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 or undertaking option 2 is that the environmental costs described above will eventuate. These costs are considered to outweigh any benefits which may result. Therefore, subdividing Matiatia into fee simple sites could result in individual applications for various activities and buildings, which may not create an integrated design in terms of intensity of development and the scale, form and location of individual activities and buildings. This approach is inconsistent with the strategy for Matiatia which seeks to create a truly effective and attractive 'gateway' to Waiheke through comprehensive redevelopment of the land.

Therefore, it is considered that another method can be utilised which recognises that subdivision can occur within Matiatia, yet provides for a more comprehensive and integrated assessment of both subdivision in terms of the design and layout of areas for parking, open space, pedestrian access and for maintaining views.

4.1.20.3 Option 3

Provide for up to six sites with minimum sites sizes of 2000m² through a comprehensive development.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
This will provide for up to six sites, which is consistent with the findings of the peer review version of plan change 38.	None
These site sizes reflect the actual area of land (excluding the adjacent esplanade reserve and wetland area) capable of accommodating subdivision within Matiatia.	
Comprehensive development of the land will ensure that at subdivision, areas for parking, open space, pedestrian access and for maintaining views can be assessed contemporaneously. This approach is consistent with the objectives and policies which seek to provide for development that is coherent and integrated in terms of layout and reflects the character of the harbour.	
Multiple ownership is also likely to provide for a better range of the activities on the site.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Provides for further development opportunities for individuals, which will generate social and economic benefits.	None
The rules recognise the diversity of the development proposed for Matiatia, which provides a flexible approach to subdivision, and helps generate social and economic benefits to individuals and the community	

The risk of acting or not acting

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

There are no risks of acting or undertaking option as the environmental, social and economic benefits described above will eventuate. Subdividing Matiatia into fee simple sites through a comprehensive development recognises that subdivision can occur within Matiatia, yet provides for a more comprehensive and integrated assessment of both subdivision in terms of the design and layout of areas for parking, open space, pedestrian access and for maintaining views.

Therefore option 3 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.

4.1.21 Settlement Areas

There are nine settlement areas identified within Great Barrier island only:

- Tryphena
- Medlands
- Claris
- Okupu

- Whangaparapara
- Awana
- Okiwi
- Port Fitzroy
- Aotea (encompassing Motairehe and Koa).

These areas have historically been areas of settlement and they are important centres of community for the people of Great Barrier. Some of these settlements have the capability to grow into the future, while others are recognised as needing to be contained within existing areas due to the fragile or sensitive nature of the surrounding environment.

There is an overall objective, and policies for each settlement area. Each sub-area also has its own set of objectives and policies that relate to the particular characteristics of that area.

The settlement plans have been developed to enable an integrated approach to resource management for the settlement areas. They recognise issues around reverse sensitivity by locating similar activities in the same locations, and enable a framework for sustainable management for activities on the island. Where growth, including subdivision, is to occur, it is encouraged within or around the settlement areas rather than compromising the landscape values of outlying areas.

The operative Plan comprises policy areas for Typhena, Medlands, Claris and Port Fitzroy, each with identified minimum areas, average areas and reduced minimum areas. However, for the purposes of assessing alternative options for the settlement areas, the operative rules will not be considered given that these policy areas are now proposed settlement areas, each with specific sub areas and subject to specific and at times different, objectives and policies contained in part 10b of the proposed Plan.

4.1.21.1 Option 1

Proposed site sizes contained in table 12.3, with specific standards and terms and assessment criteria.

Settlement Area: Tryphena

The Tryphena settlement area contains the largest existing population centre on Great Barrier. Within it, existing settlement is concentrated in the two areas of Mulberry Grove and Gooseberry Flat. Each of these areas contain a small local retail centre providing services to the residents and the visitor industry. Tryphena Wharf in the southwest of the settlement area is a principal entry point to the island for visitors and freight as well as serving local fishing boats.

The Tryphena settlement area has been divided into the following sub-areas:

- residential amenity area
- local retailing area
- headland protection area
- reserve and coastal margin area
- Mulberry Grove School area

	Local retailing	Headland protection and residential amenity	Mulberry Grove School, reserves and coastal margins
Minimum site area	1500m ²	3000m ²	NC
Minimum average site area	1500m ²	7000m ²	NC

Legend: NC = non-complying

Benefits	Costs
<u>Environmental</u> For headland protection and residential amenity, the proposed minimum and average minimum site sizes seek to provide for and maintain a low impact, bush covered and residential character within Typhena. The sizes will also ensure that the high amenity value of the headland protection area are retained as a means of continuing the separation of Mulberry Grove and Gooseberry Flat residential areas.	<u>Environmental</u> None
Minimum site size for local retailing will provide for intensive development while ensuring that character and amenity is not compromised and that wastewater can be adequately disposed of on-site.	
Non-complying subdivision for Mulberry Grove School (i.e. retaining ownership under one party) will ensure that the overall intensity of development and the scale, form and location of individual activities and buildings are assessed in a comprehensive and integrated manner and in accordance with the Notice of Requirement.	
Non-complying subdivision for reserves and coastal margins will ensure that the life-supporting capacity and intrinsic values of ecosystems that remain within the Typhena settlement area, as well as their amenity values, are protected and maintained. These can be found in the extensive primary and secondary regeneration in the foothills of the settlement, as well as the coastal pohutukawa forest.	
<u>Social and Economic</u> The site sizes are a continuation of the operative provisions. This means that there are no financial advantages or disadvantages gained by particular private property owners; which is considered a social benefit.	<u>Social and Economic</u>
1500m ² site sizes for local retailing will	

improved amenity and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	
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Medlands

The Medlands settlement area is the second largest residential area on Great Barrier. Running parallel to Medlands Beach and behind the sand dunes, the settlement includes both permanent residences as well as visitor accommodation based on small sites. Previous subdivision has created smaller sites along the length of the beach in a ribbon fashion, serviced by a road running over the sand dune system.

The settlement plan identifies three areas which recognise the residential nature of Medlands, as well as the sensitive nature of the dunes and wetlands and provides for continued use of the quarry.

The Medlands settlement area has been divided into the following sub-areas:

- residential amenity area
- dune and wetland conservation area
- quarry area.

	Residential amenity	Quarry, dune and wetland conservation
Minimum site area	2000m ²	NC
Average minimum site area	2000m ²	NC

Benefits	Costs
<p><u>Environmental</u></p> <p>For residential amenity, the proposed minimum and average minimum site sizes are consistent with the objective to maintain and enhance the amenity of the residential amenity area and to ensure development does not detrimentally impact upon the adjoining dune and wetland conservation area.</p> <p>The site areas are also set at a level which ensures that the permitted activities for the sub area including, home occupations and home stays, provide an economic use that is of an appropriate scale for residential sites.</p>	<p>Individual property owners outside of the proposed settlement area will not benefit from higher density provisions within the settlement area.</p>
<p>Non-complying subdivision for the quarry sub area (i.e. retaining ownership under one party) will ensure that the overall intensity of development and the scale, form and location of the activity are assessed in a comprehensive and integrated manner. This</p>	

results in the better management of the quarry.	
Non-complying subdivision for the wetland conservation sub area will provide for effective conservation management so that the sand dune, sand areas and wetland areas of the dune and wetland conservation area remain in their natural state and maintain their ecological functions.	
<u>Social and Economic</u>	<u>Social and Economic</u>
1500m ² site sizes for local retailing will improve amenity and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	None

Claris

This settlement area is located on flat to rolling land adjacent to Kaitoke Beach and Kaitoke wetland, both of which are outstanding in terms of landscape value and natural beauty. It contains the council service centre, industrial activities, medical and community centres, and the main grouping of shops on the east side of the island. It adjoins the island's main airport, which is the arrival and departure point for most travellers on regular flights to and from Auckland throughout the year.

Overall, the Claris settlement area is a mix of unmodified and modified land uses and dispersed activities within a larger setting of high natural character and landscape value. The settlement plan identifies five areas that recognise conservation values, and the airport, retail, residential and industrial activities that may occur within these areas.

The Claris settlement area has been divided into the following sub-areas:

- local retailing area
- residential amenity area
- airport area
- dune and wetland conservation area
- light industry area.

Proposed site sizes within table 12.3:

	Local retailing	Residential amenity	Light industry	Airport, dune and wetland conservation
Minimum site area	1500m ²	1500m ²	2000m ²	NC
Minimum average site area	1500m ²	2000m ²	2000m ²	NC

Benefits	Costs
<p><u>Environmental</u></p> <p>Minimum site size for local retailing will provide an opportunity for further subdivision for retailing, visitor and service type activities while ensuring that character and amenity is not compromised and that wastewater can be adequately disposed of on-site.</p>	<p>Individual property owners outside of the proposed settlement area will not benefit from higher density provisions within the settlement area.</p>
<p>For residential amenity, the proposed minimum and average minimum site sizes recognises the existing development on Ocean View Road and along Hector Sanderson Road up to the Auckland City Council service centre, and is consistent with the objective to maintain and enhance the amenity and the existing patterns of residential development to the south of Claris township.</p>	
<p>The 2000m² sites sizes proposed for light industries (as opposed to 1500m² within other settlement areas) reflects the need to provide for light industrial activities whilst also safeguarding against adverse effects that could result in contamination of the Kaitoke wetland, or other surrounding wetlands.</p>	
<p>Non-complying subdivision for the airport will protect the function of the Claris airport as the principal air transport link on the island and to ensure its ongoing viability and safe functioning.</p> <p>Moreover, non-complying subdivision will ensure that the overall intensity of development and the scale, form and location of individual activities and buildings associated with the airport are assessed in a comprehensive and integrated manner and in accordance with the Notice of Requirement.</p>	
<p>Non-complying subdivision for the dune and wetland conservation sub area will ensure consistency with the objective, which seeks to conserve natural and modified sand areas and wetlands and protect them from inappropriate use. This reflects the sensitive nature of the sand systems and wetlands in the area and ensures effective conservation management.</p>	
<p><u>Social and Economic</u></p> <p>Additional subdivision potential at Claris adjacent to the Claris commercial centre will result in a private financial benefit to that landowner.</p>	<p><u>Social and Economic</u></p> <p>None</p>
<p>Managing and facilitating growth within the</p>	

existing settlement areas will improve amenity and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.	
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Okupu

This settlement area is located on bush covered slopes on the western side of the Great Barrier. Existing houses are located in two main areas: one on and near the ridgeline, the other on the lower slopes and running down to the coastal edge.

The settlement area identifies two areas reflecting the residential and reserve and dune areas and the activities that may occur within them.

The Okupu settlement area has been divided into two sub-areas:

- residential amenity area
- reserve and dune protection area.

Proposed site sizes within table 12.3:

	Residential amenity	Reserve and dune protection
Minimum site size	2000m ²	NC
Average minimum site size	2000m ²	NC

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
For residential amenity sub-area, the proposed minimum and average minimum site sizes are set at a level that is consistent with the objectives which seeks to avoid the expansion of this settlement area so that the natural landscape remains the dominant element in terms of visual amenity.	None
Non-complying subdivision within the reserve and dune protection sub area reflects the objectives which seek to protect the riparian areas around streams and to maintain and enhance water quality. This also ensures that conservation management is facilitated in an effective and integrated manner.	
Non-complying subdivision will also ensure that the visual amenity and ecological values within the reserve and dune protection area are protected.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Residential amenity will be maintained and	Does not provide a flexible approach to

Benefits	Costs
enhanced to ensure thus generating a social benefit to individuals and the community.	subdivision which facilitates more diverse land use opportunities and economic return.

Whangaparapara

This settlement area is located in a small bay on the western side of Great Barrier. Development surrounding Whangaparapara is comprised of visitor accommodation with associated activities, residential activities, and a wharf.

The Whangaparapara settlement area provides for visitor accommodation and small scale residential living within an area of high natural character and landscape value.

The Whangaparapara settlement area has been divided into the following sub-areas:

- residential amenity area
- visitor accommodation area

Proposed site sizes within Table 12.3:

	Residential amenity and visitor accommodation area
Minimum site area	2000m ²
Average minimum site area	3000m ²

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The proposed minimum and average site sizes for both residential amenity and visitor accommodation are set at a level to maintain the high value natural character of the wider Whangaparapara area, and protect the function of the visitor accommodation.	None
The site sizes will also maintain the low impact, bush covered character of the Whangaparapara residential amenity area.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Residential amenity will be maintained and enhanced to ensure thus generating a social benefit to individuals and the community.	Does not provide a flexible approach to subdivision which facilitates more diverse land use opportunities and economic return.

Awana

This settlement area is located at the southern end of a white sand bay on the eastern side of the island. It is enclosed by steeply sloping headlands at either end. Development is focused on a group of houses located on the sloping hillside and lower land overlooking the beach and bay.

Overall, the Awana settlement area provides for well integrated and small-scale residential living overlooking a bay that is valued for its natural and undeveloped character. The strategy for the Awana settlement is to strictly maintain development within the boundaries of the settlement in order to retain the dominance of the natural and rural surroundings.

The Awana settlement area consists entirely of a residential amenity area.

Proposed site sizes within Table 12.3:

	Residential amenity
Minimum site area	2000m ²
Average minimum site area	2000m ²

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The proposed minimum and average site sizes for residential amenity are set at a level which is consistent with the objective to maintain and enhance the low impact character of the Awana residential amenity area, and ensure that new development integrates with the sensitive landscape qualities of the Awana beachfront area.	None
The site sizes will also ensure that the natural landscape remains the dominant element in terms of visual amenity.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Residential amenity will be maintained and enhanced to ensure thus generating a social benefit to individuals and the community.	Does not provide a flexible approach to subdivision which facilitates more diverse land use opportunities and economic return.

Okiwi

This settlement area is located on the gently sloping foothills of the Whangapoua Basin, two kilometres inland from Okiwi airport. A primary school, sports fields and small collection of houses make up the area, along with an area of rolling pasture. An area has been identified which offers an opportunity for extending the existing settlement.

Okiwi is able to support additional commercial activities and provide a centre for the north of the island. The settlement plan identifies three areas providing for residential, retailing and the school including recreational areas. The settlement plan also provides for additional residential growth in an area that is close to existing amenities, without compromising the rural and scenic qualities of the greater Whangapoua catchment.

The Okiwi settlement area has been divided into the following sub-areas:

- residential amenity area
- Okiwi School and domain area
- Local retailing area

Proposed sites sizes within Table 12.3:

	Local retailing	Residential amenity	School and domain
Minimum site size	1500m ²	2000m ²	NC
Average minimum site size	1500m ²	4000m ²	NC

Benefits	Costs
<p><u>Environmental</u></p> <p>Minimum site size for local retailing will provide an opportunity for commercial activities which are compatible with the character and scale of Okiwi, to service the northern part of Great Barrier.</p> <p>The site sizes will also ensure that character and amenity of the area is not compromised and that wastewater can be adequately disposed of on-site.</p> <p>Provides for growth in an area where landscape quality is already modified.</p> <p>The sites sizes proposed for the residential amenity sub-area will ensure that where new subdivision occurs, that it protects riparian areas and avoids culverting stream areas.</p> <p>The proposed site sizes will also maintain and enhance the low impact character of the residential amenity area that is envisaged for this area.</p> <p>Non-complying subdivision for the school and domain will ensure that the overall intensity of development and the scale, form and location of individual activities and buildings are assessed in a comprehensive and integrated manner and in accordance with the Notice of Requirement.</p>	<p>Individual property owners outside of the proposed settlement area will not benefit from higher density provisions within the settlement areas.</p>
<p><u>Social and Economic</u></p> <p>Managing and facilitating growth within the existing settlement areas will improved amenity and encourage growth and development within areas, thus generating social and economic benefits to individuals and the community.</p> <p>Additional subdivision is located close to a school, which will contribute to the long-term sustainability of Okiwi School.</p> <p>Provides for a small amount of residential growth for Great Barrier (potentially up to 53 sites over four separately owned properties) thus resulting in a private financial benefit.</p>	<p><u>Social and Economic</u></p> <p>There will be a visual effect resulting from the expansion of the existing settlement (although the area to be expanded into is not considered an outstanding natural landscape).</p>

Port Fitzroy

This settlement area is located in a large harbour on the western side of the island. Development comprises mainly residential activities. An area with wharf facilities, it is popular with recreational boating traffic and is an access point for goods entering or leaving the island.

The settlement plan identifies two areas reflecting the residential and retailing activities of Port Fitzroy, and overall provides for small-scale residential living within an area of high natural character and landscape value. The high values of the landscape in the harbour mean that the settlement area is tightly constrained to existing development and subdivision patterns.

The Port Fitzroy settlement area has been divided into the following sub-areas:

- residential amenity area
- local retailing area.

Proposed sites sizes within Table 12.3:

	Residential amenity	Local retailing
Minimum site size	5000m ²	1500m ²
Average minimum site size	7000m ²	1500m ²

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The proposed minimum and average site sizes for residential amenity are set at a level which is consistent with the objective to maintain existing development patterns and protect the bush covered character of the Port Fitzroy settlement. The site sizes will also enhance the low impact bush covered character of the residential amenity area and ensure that the natural landscape remains the dominant element in terms of visual amenity.	Individual property owners outside of the proposed settlement area will not benefit from higher density provisions within the settlement area.
Removes subdivision potential from a number of high amenity areas, which include both conservation land and land with high conservation values and regenerating bush.	
Minimum site size for local retailing will be compatible with the character of Port Fitzroy and ensure that new development in the local retailing area blends with rather than dominates existing development. The site sizes will also ensure that character and amenity of the area is not compromised and that wastewater can be adequately	

Benefits	Costs
disposed of on-site.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Residential amenity will be maintained and enhanced to ensure thus generating a social benefit to individuals and the community.	Does not provide a flexible approach to subdivision which facilitates more diverse land use opportunities and economic return.

Aotea

Aotea is the name for the settlement that encompasses Motairehe, Koa and a number of other settlements throughout the Katherine Bay area on the ancestral maori land of Ngati Rehua, the ahi kaa for Great Barrier.

The area provides a home for Ngati Rehua, and with an ageing Auckland-based population, it is likely that the population will rise into the future. The settlement plan provides for residential activities, until such time as a further plan is developed to enable further growth for the island based community.

The Aotea settlement area consists entirely of a residential amenity area and any form of subdivision within this settlement are is proposed to be non-complying.

Benefits	Costs
Non-complying subdivision within this settlement area will protect ancestral land for future generations.	<u>Environmental</u> As no subdivision is provided for, possible generation of income for Council from financial contributions will be reduced.
It is also consistent with the objective which seeks to establish a resource management framework whereby Ngati Rehua can provide for the sustainable use of ancestral land through a comprehensive resource consent application or structure plan.	
Accordingly, the overall intensity of development and the scale, form and location of individual activities and buildings will be assessed in a comprehensive and integrated manner which results in the better management of resources.	
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Economic benefits will not be gained through selling off of individual sites.

The risk of acting or not acting

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

The specific densities for each sub-area as well as the standards and terms and criteria proposed for the settlement areas, reflect the existing built development, the proposed development envisaged for these areas as well as the landscape and amenity values identified

within these areas. In particular, Auckland City has undertaken a land-use survey that identifies development and subdivision potential in each of the settlement areas.

The risk of acting or undertaking option 1 is that there are environmental, social and economic costs. Notwithstanding this, it is considered that the environmental benefits achieved through the proposed site sizes for each settlement areas are the most appropriate way to achieve the purpose of the Act and is also consistent with the objective and policies of these areas.

Furthermore, the proposes site sizes for each sub-area recognises issues around reverse sensitivity by locating similar activities in the same locations, and enable a framework for sustainable management for activities on the island. Where growth, including subdivision, is to occur, it is encouraged within or around the settlement areas rather than compromising the landscape values of adjacent land units.

Therefore option 1 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.

4.1.21.2 Option 2

Reduce proposed site sizes within each Settlement Area

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	Increases the modification of the environment, through additional built forms, earthworks and vegetation removal. The visual effects associated with such intensive development on smaller sites will adversely affect the character and amenity of surrounding landscapes particularly, within the following sub-areas: <ul style="list-style-type: none"> • Residential; • Reserves and coastal margins; • Dune protection; and • Dune wetland conservation sub-areas. This will undermine the resource management strategy, objectives and policies for these sub-areas as well and compromise the landscape values of the adjacent land units.
	Reduced sites sizes will not provide for effective on-site wastewater within retailing sub-areas while also ensuring that impervious surfaces and car parking requirements can be met.
	The natural and physical environment will not be protected which would lead to an overall reduction in environmental quality (e.g. water quality) and diversity.
<u>Social and Economic</u>	<u>Social and Economic</u>

Benefits	Costs
Reduced site sizes coupled with improved amenity will encourage growth and development within areas, generating social and economic benefits to individuals and the community.	None

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 or undertaking option 2 is that reduced site sizes will compromise the landscape values of both the settlement areas and adjacent land units. This method does not reflect the objectives and policies, which seek to provide for densities that manage and facilitate growth within the existing settlement areas without compromising the natural environment existing built development.

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

4.1.21.3 Option 3

Increase site sizes within each settlement area.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Increasing site sizes will protect the quality, and diversity of the natural environment, particularly within the following sub-areas: <ul style="list-style-type: none"> • Residential; • Reserves and coastal margins; • Dune protection; and • Dune and wetland conservation sub-areas. 	Increasing site sizes will limit subdivision thus reducing the possible generation of income for Council from financial contributions.
Larger site sizes will provide for adequate treatment of stormwater and wastewater generated from sites.	Increasing site size will reduce the number of buildings and activities in the environment. While such site sizes will protect natural landscape values within these the settlement areas, they will not be consistent with the overall objective for the settlement areas, which seeks to provide for limited growth in existing settlements.
The natural and physical environment will be protected which would lead to an overall increase in environmental quality (e.g. water quality) and diversity	Increasing site size will not provide for additional subdivision that is envisaged within the Okiwi and Claris settlement areas.
	Increasing site size could result in people applying for more intensive activities within other land units.
	Increasing site size results in spread out development, which could result in adverse

Benefits	Costs
	effects on the natural landscape. By providing for smaller site sizes within the settlements, development is kept compact.
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Increased site sizes will not encourage growth and development within these areas, thus incurring social and economic costs to individuals and the community.
	Reduction in subdivision potential of land will lead to perceptions that the Plan discourages “growth” and development within areas. This is particularly apparent for people on Great Barrier Island who wish to encourage development opportunities through subdivision in order to increase social and economic growth on the Island.

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 or undertaking option 3 is that the environmental, social and economic costs described above will eventuate. Larger site sizes are not consistent with the objectives and policies of these settlement areas which seek to provide for limited growth while protecting the natural environment. Increasing site size will limit the extent of subdivision within these areas, and could result in people applying for more intensive activities within other land units. Accordingly, this option will undermine the resource management strategy, objectives and policies for the settlement areas.

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

4.1.22 Miscellaneous Rules

- Where part of a site is cut off from the balance of the site by the formation of a public road, the Council may approve a subdivision to enable that severed part of the site to be subdivided. This may occur even if the site does not comply with the minimum area rules for the relevant land unit. This is subject to all other relevant rules being met.
- Where part of any site falls into a Policy Area, the part of the site that is not located in the Policy Area may be subdivided out as one site. This applies even if the site does not comply with the minimum area for the relevant land unit. This rule is subject to all other relevant rules being met.
- Special Purpose sites that protect archaeological and maori heritage sites;

4.1.22.1 Option 1

Retain these rules within the proposed Plan

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Subdividing areas contained within settlement areas as one site will help contain development associated within these areas within specific boundaries of the settlement areas and ensure no encroachment of these activities onto neighbouring land units.	<p>Subdividing areas that fall into settlement areas into one site irrespective of the size of each proposed site, can increase the building coverage above what would have been permitted had the site not been subdivided.</p> <p>This increases the modification of the environment, through additional built forms, earthworks and vegetation removal. This can lead to adverse amenity effects which detract from the character of the environment and undermine the resource management strategy and objectives and policies for the land unit and settlement area.</p>
Subdividing a site which is cut off from the balance of a site by the formation of a public road may reduce managerial costs associated with having several “pieces” of land eg, when farming, containing live stock within separate pieces of land may be costly and difficult to manage especially when moving stock across the roads.	<p>The minimum site sizes proposed for each land unit and settlement area (tables 12.1 and 12.3) are based upon the physical characteristics of the land and its capability to integrate development impacts as well as consideration of natural character, visual character and amenity values of each land unit.</p> <p>Therefore, reducing sites sizes below the minimums sites sizes, can adversely affect the character and values that comprise each land unit and settlement area.</p>
Special purpose sites that protect archaeological and maori heritage sites will preserve and enhance the heritage value of these sites.	Reduces protection of the natural character and visual prominence of the coastal cliffs and slopes by modifying the environment, through additional built forms, earthworks and vegetation removal. This is not consistent with the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000.
	Environmental features will not be protected by these methods, which would lead to an overall reduction in environmental quality and diversity.
	Archaeological and maori heritage sites can be protected through other measures such as protective legal instruments placed on titles, through consent conditions, financial contributions and when subdividing for the purposes of protecting significant environmental features. Providing several

	forms of protection for these sites can lead to confusion over the extent to which these features have to be protected by each rule.
<u>Social and Economic</u>	<u>Social and Economic</u>
Reduced site sizes below the minimum site size will potentially provide for additional sites, each with the potential to undertake development each site. This will encourage growth and development, which generates social and economic benefits to individuals and the community.	None

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 or undertaking option 1 is that the environmental, social and economic costs described above will eventuate. These costs are considered to outweigh any benefits described above.

Minimum site sizes for each land unit and settlement are based on the physical characteristics of the land and its capacity to integrate development impacts, as well as consideration of natural character, visual character and amenity values. Reducing sites below the minimum site size because part of a settlement area is located on a site or as a result of the formation of a public road, can lead to adverse amenity effects which detract from the character of the environment and undermines the resource management strategy, objectives and policies for the land unit and settlement area.

With regard to special purpose sites that protect archaeological and maori heritage sites, while there is a significant benefit in preserving and enhancing the heritage value of these sites, there are already several other methods within the proposed Plan which can achieve the same outcome. Providing several forms of protection for these sites can lead to confusion over the extent to which these features have to be protected by each rule.

Therefore, it is considered that another method can be utilised which ensures that archaeological and maori heritage sites are protected and that the resource management strategy, objectives and policies for each land unit and settlement area are not compromised.

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

4.1.22.2 Option 2

- Where any part of any site falls into a settlement area, that part of the site that is located in the settlement area may be subdivided out as one site provided it meets the minimum site size for the settlement area. That part of the site that is not located in the settlement area must also meet the minimum site size for the relevant land unit.

- Remove any provision for sites separated by roads to be subdivided if the site does not comply with the minimum area for the relevant land unit.
- Remove special purpose sites that protect archaeological and maori heritage sites

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Ensuring that sites divided by roads and settlement areas meet the minimum site size for both the settlement area and adjoining land unit is consistent with the resource management strategy and objective and policies for each land unit and settlement area.	Subdividing parts of settlement areas which fall into a site comprising of another land unit may result in the encroachment of activities within settlement areas onto adjoining land units and vice versa.
Maintaining minimum site sizes for the land units and settlement areas will not adversely affect the character and values that comprise each land unit and settlement area.	There may be a cost for farmers who have several “pieces” of land and keep livestock eg, containing live stock within separate pieces of land may be costly and difficult to manage especially when moving stock across the roads.
Archaeological and maori heritage sites will be protected through other measures such as protective legal instruments placed on titles, through consent conditions, financial contributions and when subdividing for the purposes of protecting significant environmental features.	
Environmental features will be protected by these methods, which should improve environmental quality and diversity.	
Greater protection of the natural character and visual prominence of the coastal cliffs and slopes by modifying the environment, through additional built forms, earthworks and vegetation removal. This is consistent with the Resource Management Act 1991, the New Zealand Coastal Policy Statement 1994, the Regional Policy Statement and plans and the Hauraki Gulf Marine Park Act 2000.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Increased public certainty over the extent to which subdivision can be taken when sites are divided by settlement areas and land units.	None

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 or undertaking option 2 is that the environmental costs above will eventuate. Notwithstanding this, it is considered that the environmental, social and economic

benefits outweigh the costs that may arise. Option 2 ensures that sites divided by roads and settlement areas continue to meet the minimum site size for both the settlement area and adjoining land unit, and will not compromise the physical characteristics of the land or the natural character, visual character and amenity values that comprise each land unit and settlement area. This method is also consistent with the resource management strategy, objectives and policies for each land unit and settlement area

Archaeological and maori heritage sites will still be protected through other measures such as protective legal instruments placed on titles, through consent conditions, financial contributions and when subdividing for the purposes of protecting significant environmental features.

Therefore option 2 is the most effective and efficient method of addressing the issues and consequently is the most appropriate method of achieving the objectives.

4.1.23 Esplanade Reserves versus esplanade strips

Clause 12.13 (Esplanade Reserves) of the proposed Plan contained rules in the taking of esplanade reserves and strips. Provision is also made to reduce, waive, cancel or vary an esplanade area as well as increase the width of an esplanade area and/or take esplanade areas for sites of 4ha or more.

Where a site of 4ha or less is formed which abuts the mark of mean high water springs of the sea, or any river whose bed has an average width of 3m or more, or any lake whose bed has an area of 8ha or more, an esplanade reserve not less than 20m in width must be set aside except that the requirement for an esplanade reserve may be met by the creation of an esplanade strip (in accordance with section 232 of the RMA).

Under the provisions of the operative Plan, the requirement for taking an esplanade strip is not a reason for consent.

4.1.23.1 Option 1

Keep operative provision.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
None	<p>While council recognises that esplanade strips can benefit the community particularly, when land has low conservation values or is subject to instability and public access should be restricted, council generally prefers taking esplanade reserves rather than strips to increase the amount of public open space within the community.</p> <p>Difficulty arises when a property owner wishes to provide an esplanade strip and the council wishes to take an esplanade reserve.</p> <p>Without having this matter form a reason for</p>

	consent, with criteria in which to assess the merits of taking either an esplanade reserve or strip, this exacerbates the difficulty for both council and the applicant in stating why either a reserve or strip should be provided.
<u>Social and Economic</u>	<u>Social and Economic</u>
None	Extended negotiations can delay processing of the consent.

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 or undertaking option 1 is that the environmental, social and economic costs described above will eventuate. Council recognises that taking esplanade strips are beneficial to the community particularly when land is subject to instability and public access should be restricted or when there are low conservation values within the proposed strip. Furthermore, the maintenance of esplanade strips by private owners will remove the need for council to maintain these areas themselves. Private owners can also provide for effective maintenance of these strips particularly if they are part of a revegetation and maintenance programme already implemented on the site.

Difficulties arise however, when council and the applicant have opposing views of whether a strip or a reserve should be taken. Without having this form a reason for consent with criteria in which to assess the merits of taking either an esplanade reserve or strip, this results in extended discussions and confusion in how to resolve the matter.

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

4.1.23.2 Option 2

Include a rule whereby an application seeking to provide an esplanade strip rather than an esplanade reserve must be made by way of an application for a restricted discretionary activity that must be submitted together with any subdivision application.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Requiring a restricted discretionary application will provide both council and the applicant with a defined planning procedure in which to make a determination.	None
The matters of discretion will provide both council and the applicant with a clearer understanding of the matters to consider when taking an esplanade strip.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Extended negotiations should be reduced	Additional criteria for assessment could

which will expedite the processing of the consent.	increase the time to process a consent.
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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 or undertaking option 2 is that the social and economic cost described above will eventuate. However, requiring an applicant to apply for a restricted discretionary activity consent as part of the subdivision consent, will provide both council and the applicant with a defined planning procedure and a clear understanding of the matters to consider.

Therefore option 2 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.

4.1.24 Increasing the width of an esplanade area and/or take esplanade areas for sites of 4ha or more.

Under the operative Plan, the provision to increase the width of an esplanade area and/or taking esplanade areas for sites of 4 hectares or more is not a reason for consent. Rather, there are guidelines that council will use to assess such situations.

4.1.24.1 Option 1

In accordance with section 77(2) and 77(3) of the Act, a territorial authority may include a rule which provides for the taking of an esplanade area for sites greater than 4ha as well as increasing the 20m width.

This would require rules whereby a reserve or a strip must be taken for all sites, irrespective of their size and the width of these esplanade areas are set at a greater threshold than 20m eg all widths must be 30m. Such an approach will rely upon the majority of applicants applying as part of their subdivision consent, to reduce, vary or waive an esplanade area, particularly for sites greater than 4 hectares.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
<p>This will provide council and the applicant with a clear planning procedure in which to assess such matters and increase the potential of taking additional open space for the community.</p> <p>Criteria will also provide council and the applicant with a clearer understanding of the matters to consider when increasing the width of an esplanade area or when taking an esplanade area for all sites.</p>	<p>Council cannot rely on the majority applicants wishing to apply for a reduction or waiver of an esplanade area as part of their subdivision consent. Council would therefore have to be prepared to compensate all applicants in accordance with 237(E)-(G) of the Act. This approach may prove too costly and negate taking a financial contribution in the form of cash.</p>
Any esplanade area that requires compensation can be used as part of the financial contribution required as part of any	Justifying taking an esplanade reserve or strip for sites greater than 4ha or extending the 20m width will require research

subdivision. This approach may be favoured by council when the cost of compensation is high.	qualifying that the current provisions are not satisfying the proposes of the Act. At present, there is no information to support this.
	This option may result in many financial contributions being taken in the form of land. While this will provide for additional open space, in certain circumstances, cash contributions may be more appropriate for an area.
	In some circumstances, there may be no additional environmental benefits gained through increasing the 20m width or taking esplanade areas for sites greater than 4ha, yet council will need to compensate applicants in these circumstances.
Social and Economic	Social and Economic
Any esplanade area that requires compensation can be used as part of the financial contribution required as part of any subdivision. This approach may be favoured by applicants who will not need to pay all or part of a cash contribution.	None
In accordance with sections 237(E)-(G) of the Act, council must compensate the owners for this land. Therefore, owners can benefit from such an extension.	

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 or undertaking option 1 is that the costs described above will eventuate. Council will have to be prepared to compensate all applicants in accordance with 237(E)-(G) of the Act. This approach will prove too costly and negate taking a financial contribution in the form of cash. It can also be difficult to justify taking esplanade areas for sites greater than 4 hectares or increasing the width of an esplanade area greater than 20 metres.

For example, increasing all esplanade areas to 30m in width will help remedy the effects associated with reserves that have been eroded by coastal hazards. However, this reasoning is more suited to justifying taking an esplanade strip rather than supporting an increase in the width.

Furthermore, the majority of financial contributions are likely to be in the form of land, given that compensation, particularly for coastal areas, will be costly. This will reduce the amount of cash contributions required for the purposes of improving surrounding infrastructure, maintaining community facilities and purchasing land for reserves.

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

4.1.24.2 Option 2

Retain operative approach.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Retaining the operative provisions allows council to consider extending the 20m width or take an esplanade area in respect of sites greater than 4ha when special circumstances exist. Therefore, council will only need to compensate applicants or take financial contribution in the form of land when there are significant environmental benefits.	Difficulties arise because applicants are unlikely to volunteer to give such extensions if it is not required by a rule. This is because esplanade reserves reduce the size of sites, and both reserves and strips provide for public access which is not always favoured by property owners. Therefore, where council considers that the 20 metre width should be extended or that an esplanade area should be taken from a site greater than 4 ha, this cannot form a reason for consent and often results in extended negotiations between council and the applicant.
Any esplanade area that requires compensation can be used as part of the financial contribution required as part of any subdivision. This approach may be favoured by the council as it provides for additional open space without having to financially compensate applicants.	In accordance with sections 237(E)-(G) of the Act, council must compensate the owners for reserves or strips taken from sites greater than 4 hectares or when the width is extended beyond 20 metres. Given that much of these areas are likely to be along the coastline with high property values, this will prove costly for council.
<u>Social and Economic</u>	<u>Social and Economic</u>
Any esplanade area that requires compensation can be used as part of the financial contribution required as part of any subdivision. This approach may be favoured by applicants who will not need to pay all or part of a cash contribution.	
In accordance with sections 237(E)-(G) of the Act, council must compensate the owners for this land. Therefore, owners can benefit from such an extension.	

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 or undertaking option 2 is that this method will not increase the potential of taking additional open space for the community. However, option 2 provides a flexible approach so that council can consider these provisions only when special circumstances exist and there is a significant environmental benefit gained from increasing the 20m width or taking an esplanade area from sites that are greater than 4ha.

As stated in option 1, council cannot rely on the majority applicants wishing to apply for a reduction or waiver of an esplanade area as part of their subdivision consent. Therefore, compensating many applicants may prove too costly and negate the need of taking a financial contribution in the form of cash.

Therefore option 2 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.

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

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

- The policies and associated rules recognise the relationship between subdivision and the effects on landscape character from associated land use activities.
- The proposed objectives, policies and rules provide for subdivision based upon the physical characteristics of the land and its capacity to integrate development impacts as well as consideration of natural character, visual character and amenity values. Therefore, the proposed Plan provisions recognise that subdivision should only occur on sites where there is adequate physical capacity and capability to integrate development impacts. As such, the proposed objectives, policies and rules give particular emphasis to ensuring a proper assessment of such effects when subdivision applications are evaluated. This approach achieves integrative management as required by section 31 of the Act.
- It is considered that the structure and content of the objectives is the most appropriate means for meeting the purpose of the Resource Management Act, and enables Council to fulfil its functions under s31, 72 and 74(1).

5 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 NZ coastal policy statement is attached as **appendix B**. The key provisions that are most relevant are outlined below:

The following are matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and protection of them from inappropriate subdivision, use and development;
- (b) The protection of outstanding natural features 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; and
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

In accordance with policy 1.1.1

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

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

Policies 1.1.2 and 1.1.3 of the NZ coastal policy statement also seeks to preserve the natural character of the coast by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna as well as the landscapes, seascapes and land forms that comprise the important elements of the natural character of the coastal environment. The policy statement also recognises the effects of natural hazards and the need to avoid, mitigate the effects associated with these hazards.

The following bullet points outline how the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to the NZ coastal policy statement:

- The objectives give effect to the NZ coastal policy statement by controlling subdivision so as to preserve the natural character, landscape values, heritage and amenity values of the coastal environment. This is highlighted within objective 12.3.1 – **natural character and landscape values** and by the associated policies (3) and (4) which state:
 - (3) *By avoiding subdivision and development in the coastal environment where it would result in sprawling or sporadic development.*

(4) *By limiting subdivision and associated development in areas with outstanding landscape value within the coastal environment so that natural character and landscape values are not adversely affected.*

- The minimum site size of 25ha for landform 1 (coastal cliffs and slopes) is considered consistent with the above objectives and policies, as well as the objective and policies of the land unit which seek to protect the natural character and visual prominence of the coastal cliffs and slopes from the potential adverse effects of activities and buildings. The proposed provisions do not provide, within landform 1, subdivision for the purposes of protecting significant environmental features as this form of subdivision can reduce site sizes to a minimum of 4ha with an average of 7.5ha. Such an approach is not considered consistent with the NZ coastal policy statement. Therefore, maintaining minimum site sizes of 25ha will preserve the natural character of the coastal environment and reduce the modification of this environment through additional built forms, earthworks and tree removal.
- Assessment criteria in clause 12.11.5 (Site design and layout) assesses the extent to which associated development can be visually integrated into the coastal landscape without adversely affecting the natural character and amenity value of the coastal environment and wider visual catchment. Criterion 12.11.13 (Protecting vegetation and landscape) also assesses the extent to which natural features, patterns and character of the landscape are not adversely affected as well as the protection of areas of indigenous vegetation and habitats of indigenous fauna.
- Coastal access is facilitated through objective 12.3.3 – **public access to and along the coastline**. The associated policies clearly state the way in which access can be acquired through financial contributions and through the taking of esplanade reserves and esplanade strips. These measures are contained in Part 6 (financial contributions) and clause 12.13 (Esplanade reserves). The rules contained within these parts outline how financial contributions are levied through subdivision, which include the options of providing open spaces or services instead of cash contributions. These provisions can enable access to and along the coast, rivers or lakes.
- Assessment criterion 12.11.5(8) (Site design and layout), 12.11.6(3) (Access to sites) and criteria 12.11.12 (1)-(3) (open space, recreation and financial contributions) provide specific matters to consider when facilitating public access to and along the coast, rivers and lakes. Applicants will therefore need to consider access to these areas as part of any subdivision.
- Objective 12.3.5 – **natural hazards** and associated policies in clause 12.11.16 (Natural hazards) also consider the extent to which subdivision increases the risk of hazards and considers ways in which the effects on hazard prone areas are avoided, remedied or mitigated. The policies and criteria also promote the protection of natural defences and discourages using hard engineering structures such as sea walls as coastal hazard protection measures. Coastal erosion is also specifically assessed in terms of identifying building platforms and considering coastal protection works and methods.
- Overall, the objectives, policies, rules and assessment criteria seek to preserve indigenous vegetation and fauna as well as the natural character of the coastal

environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development. The objectives, policies, rules and assessment criteria also facilitate access to the coast, rivers and lakes where practicable whilst also ensuring that natural hazards are not exacerbated or created and there are no adverse effects on flora, fauna, landscape amenity, traditional Maori sites, or any other value of significance.

In light of the above, it is considered that the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to the NZ coastal policy statement.

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 C**.

The following bullet points outline how the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan do not conflict with sections 7 and 8 of this Act:

- As noted elsewhere in this report, the objectives, policies and rules provide for subdivision based upon the physical characteristics of the land and its capacity to integrate development impacts as well as consideration of natural character, visual character and amenity values. Any effect generated on the environment from subdivision and associated development must be avoided, remedied and/or mitigated. The objectives, policies and rules also seek to protect, and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headland, heritage features and outstanding landscape features.
- The proposed Plan includes general criteria for all discretionary subdivision (clause 12.11) for assessing layout and design and to ensure that elements, patterns and features of the landscape, including sites of historical, cultural or spiritual significance or waahi tapu are protected, preserved and where possible enhanced. The criteria also consider whether development resulting from subdivision can adequately dispose of stormwater and onsite wastewater without adversely affecting the natural environment. Further consideration is given to ensuring that the safety of people and property from natural hazards and contaminated land are avoided, remedied or mitigated, and that each proposed site provides for utility services, access and public access to open spaces, coasts, rivers and lakes where necessary.
- By recognising the physical capacity and capability of land to integrate development impacts, this will protect the natural and physical resources, historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf and its islands. The objectives, policies and rules will also protect the life supporting capacity of soil air, water and ecosystems, whilst also allowing people and communities of the Gulf to provide for their social and economic wellbeing and their health and safety.

In light of the above, it is considered that the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan does not conflict with sections 7 and 8 of this Act.

6 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 Auckland Regional Policy Statement (ARPS) became operative on 31 August 1999. It is a statement about managing the use, development and protection of the natural and physical resources of the region. It sets in place the policy for promoting the sustainable management of these resources. It also clarifies the respective roles of the agencies with responsibilities under the Resource Management Act (RMA) in the Auckland region.

The aim of the document is to achieve integrated, consistent and co-ordinated management of the region's resources. It also provides greater certainty over the way natural and physical resources are to be managed and creates awareness of the constraints and opportunities in the Auckland region.

The parts of the regional policy statement that are relevant to subdivision are attached as an **appendix D**. The provisions of key relevance to the subdivision include:

- That subdivision of land, and use and development of natural and physical resources shall be controlled in such a manner that:
 - (i) the values of heritage resources of international, national or regional significance are preserved or protected from significant adverse effects.
 - (ii) where preservation or protection and avoidance of significant adverse effects on the values of such significant heritage resources is not practicably achievable, such significant adverse effects shall be remedied, or mitigated.
- That Auckland's coastal environment is a fundamental part of its heritage and is sensitive to the adverse effects of subdivision, use and development.
- Subdivision, use and development in the coastal environment need to be in an appropriate location, and of an appropriate form, which meets the purpose of the Act.
- Subdivision, use and development in the coastal environment have the potential to enhance or inhibit public access to and along the coastal marine area.

- To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.
- To enable appropriate subdivision use and development to be undertaken in the coastal environment.
- To avoid, remedy, or mitigate the adverse effects of natural hazards on human life, property and the environment, while minimising the adverse effects of measures implemented to reduce the risks of natural hazards.
- To remedy or mitigate any adverse effects of existing contaminated sites.
- To ensure that provision is made for esplanade reserves and esplanade strips in a way which achieves their purposes as described in section 229 of the RM Act.
- To encourage the establishment of continuous linkages along the margins of lakes, rivers and the sea.

The Regional Policy Statement outlines similar key provisions that reflect the NZ coastal policy statement and the Hauraki Gulf Marine Park Act 2000. These include matters relating to the coast, access to the coast, rivers and lakes, heritage areas and natural hazards. The assessment of how the objectives policies and rules of the proposed Plan give effect to the NZ coastal policy statement and Hauraki Gulf Marine Park Act 2000 has already been undertaken in sections 5.1 and 5.2 above. In order to avoid repetition, it is not considered necessary to repeat the assessment in these sections.

In terms of the effect associated from contaminated land, the proposed policies and assessment criteria in clause 12.11.17 (Contaminated land) consider the extent to which land is suitable for its intended use and whether contaminated or potentially contaminated soil or ground water can be treated and disposed of. Remediation measures and methodologies are also assessed in terms of how they avoid, remedy or mitigate any adverse effects on human health, water quality and the downstream environment.

Therefore, for reasons outlined above and in sections 5.1 and 5.2, it is considered that the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to the regional policy statement.

6.2 Proposed Change 8 - Landscape and Volcanic Cones

Proposed Change 8 was notified on 26 September 2005. The parts of this change that are relevant to subdivision are attached as an **appendix D**. The provisions of key relevance to subdivision include:

- amendments to Map Series 2 and 3 to replace the existing Outstanding and Regionally Significant Landscapes with the new Outstanding Natural Landscapes information;
- the plan change identifies two types of Outstanding Natural Landscapes (ONLs): “wild nature” and “cultured nature”. Wild nature is where there is little or no evidence of human presence or modification and indigenous vegetation patterns dominate.

Those areas identified on Great Barrier Island and parts of the areas identified on Waiheke as ONL's would fall into this category. "Cultured nature" is where the land cover may be modified from bush into pasture, or there is a picturesque mix of bush and pastoral land and there is an absence of or minimal presence of human artifacts or buildings.

- amendments to Appendix F: Auckland Regional Landscape Assessment to explain how the new Outstanding Natural Landscapes were identified and a table that summarises the key landscape attributes of the Outstanding Natural Landscapes;
- changes to include new objectives, policies and methods in Chapter 6: Heritage and the accompanying issues and reasons, relating to volcanic features and landscape.

The purpose of the plan change is to provide clarity and certainty on the outcomes to be achieved in regional landscape management. Several policies include criteria to guide how these areas should be managed including the provision to restrict subdivision in these natural areas. The further submissions period closed on 28 July 2006. These submissions are currently being summarised and no hearing date has been set.

The following bullet points outline how the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to Proposed Change 8 - Landscape and Volcanic Cones:

- Within the subdivision section, there are a number of references to the role of elements, patterns and features in the landscape. Elements are those parts which make up the visual landscape such as open pasture, indigenous vegetation, water systems and rock forms. The patterns of a landscape comprise the arrangement of those elements within the landscape. For example, the pattern of indigenous vegetation within the landscape may be irregular, or have a repetitive form. The features of the landscape are distinctive characteristics which often attract attention such as ridgelines, mountains, rivers and rock outcrops. Each landscape will comprise elements and patterns (and may also have features) that contribute to the landscape character and visual amenity values of each land unit. It is this character and these values which need to be maintained and protected through subdivision and which individually or collectively form areas of outstanding value.
- The objectives seek to protect areas of outstanding natural value by avoiding inappropriate subdivision and associated development within these areas. This is highlighted within objective 12.3.1 – **natural character and landscape values**, objective 12.3.2 – **protection of significant environmental features** and assessment criteria in clause 12.11.5(1) and (2).
- Sites with ONLs which have outstanding ecological, heritage and/or landscape value can be subdivided in accordance with clauses 12.9.3 (protection of significant environmental features) and 12.9.4 (cluster subdivision associated with the protection of significant environmental features) which reduces the minimum site size (refer to table 12.2) within landform 2-7 and rural 1 only, provided there is a significant environmental feature(s) worthy of protection and enhancement. Features which have outstanding ecological, heritage and/or landscape value will therefore be protected and enhanced.

- These policies are strengthened by standards, terms and specific assessment criteria in clauses 12.9.3.3, 12.9.4.3, 12.12.1 and 12.12.2 of the Plan. These standards and terms ensure that the features are of a quality and maturity that are worthy of protection while the criteria ensures that the creation of such sites do not adversely affect the landscape character and amenity value of the site and wider visual catchment. Such forms of subdivision must involve specialist reports and include an on-going management programme that details any protection and enhancement for the feature(s) subject to protection.
- While some ONLs will meet the definition of a significant environmental feature, cultured nature ONLs may not meet the definition. Council therefore has the discretion to require certification from an expert that an ONL is of a quality and that warrants a marked reduction in minimum site size and mitigates adverse effects associated with development.

In light of the above, it is considered that the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to Proposed Change 8 - Landscape and Volcanic Cones, as they recognise the landscape character and values that make up these outstanding areas, and provide for their protection and where possible, the enhancement of these areas as part of subdivision.

6.3 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 following lists the regional planning documents:

- Auckland Regional Plan: Coastal,
- Proposed Auckland Regional Plan: Coastal, Variations 2-6
- Proposed Auckland Regional Plan: Air, Land and Water,
- Auckland Regional Plan: Sediment Control
- Auckland Regional Plan: Farm, Dairy Discharges

The provisions relating to the above regional plans which are relevant to subdivision are attached as **appendix E**.

Auckland Regional Plan: Coastal

The provisions that are of key relevance to subdivision are set out below:

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

- To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision, use and development.

The coastal regional Plan's objectives and policies essentially give effect to the New Zealand Coastal Policy Statement. Accordingly, the key provisions are similar or the same as the NZ policy statement. Therefore the assessment of how the objectives policies and rules of the proposed Plan give effect to the NZ coastal policy statement has already been undertaken in section 5.1 above. In order to avoid repetition, it is not considered necessary to repeat the assessment in section 5.1.

Therefore, for reasons set out in section 5.1 above, it is considered that the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan will preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision, use and development. The proposed provisions therefore give effect to the Auckland Regional Plan: Coastal.

Proposed Auckland Regional Plan: Coastal, Variations 2-6

This variation amends the provisions in the Proposed Auckland Regional Plan: Coastal, relating to the development and management of aquaculture activities in the Auckland region.

As, subdivision do not seek to facilitate land use activities, this is a function of the land units rules themselves. Moreover, aquamarine activities located below the mean high water springs are the statutory responsibility of the Auckland Regional Council. As such, the proposed variation is not relevant to subdivision.

Proposed Auckland Regional Plan: Air, Land and Water

The Regional Plan: Air, Land and Water applies to the management of air, land and water resources in the Auckland Region, including air, soil, rivers and streams, lakes, groundwater, wetlands and geothermal water. The Plan ensures that positive social, economic and cultural effects and benefits arising from new proposals for use and development are considered when assessing the overall effects of a proposal on air, land and water resources. In addition, the Plan seeks to avoid, remedy or mitigate adverse cumulative effects resulting from any new use or development of air, land and water bodies.

While the key provisions associated with this regional Plan are primarily the statutory responsibility of the Auckland Regional Council, the proposed criteria for subdivision include clauses 12.11.7 (Natural water systems), 12.11.9 (stormwater disposal), 12.11.9 (stormwater disposal) and 12.11.10 (Sewage treatment and disposal). These criteria assess the extent to which sites have sufficient capacity to provide for the safe and efficient disposal of stormwater and wastewater without adversely affecting the land and water resources.

Furthermore, the criteria seek to manage, protect and where possible enhance water systems and the land so that positive environmental and social effects arise from new proposals for use and development.

In light of the above, it is considered that the objectives, policies and rules give effect to the Auckland Regional Plan: Air Land and Water.

Auckland Regional Plan: Sediment Control

Significant quantities of sediment are discharged from bare earth surfaces where appropriate erosion and sediment control have not been implemented. Such bare surfaces are created by land development or redevelopment activities that involve vegetation clearance and/or earthworks. Resultant sediment discharge has been identified by the ARC as a major pollutant, by volume, of the waterways of the Auckland Region.

The statutory responsibilities of the Auckland Regional Council (ARC) include the control of the use of land for the purpose of the maintenance and enhancement of the quality of water in water bodies and coastal water and the control of discharges of contaminants into or onto water.

This regional Plan addresses the issue of sediment discharge, and defines the mechanisms the ARC has chosen for avoiding, mitigating or remedying any adverse effect on the environment due to sediment discharge from bare earth surfaces.

The following bullet points outline how the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to the Auckland Regional Plan: Sediment Control.

- While earthworks rules are primarily land use considerations, the proposed Plan recognises the relationship between subdivision and the effect on landscape character from associated land use activities. Accordingly, the construction of buildings and access often involves earthworks which can adversely modify the landscape and therefore affect the natural landscape character and amenity of the environment. Earthworks also create soil erosion and generate sediments which can affect the natural environment.
- Objective 12.3.7 – **earthworks**, gives effect to this regional plan by ensuring that subdivision are designed in a manner that reduces or minimises earthworks. The associated policies also ensure that appropriated measures are implemented to remedy or mitigate adverse` effects on receiving environments soil erosion and the generation of sediments.
- The policies relate to clause 12.6.1 (bulk, location and access controls for buildings) whereby each site must demonstrate where a building, access and parking can be constructed which complies with specific development controls, including earthworks. Where a subdivision cannot provide for buildings without infringing the earthwork controls, particular consideration is then given in clause 12.11.15 (Earthworks and land disturbance) to the effects from soil erosion and sedimentation on receiving environments, and the adverse effects on visual or other landscape qualities.

In light of the above, it is considered that the objectives, policies and rules give effect to the Auckland regional plan: sediment control.

Auckland Regional Plan: Farm, Dairy Discharges

The Region's 600-odd dairy farms milk around 100,000 cows in the peak milking season, generating nearly 5 million litres of washwater every day of the season. Washwaters comprise effluent, sediment, detergents and milk, along with periodic discharges of sludge removed from settling ponds. These discharges can have significant adverse environmental effects

because the wastes are concentrated onto small areas. Together with the small size of Auckland's rural streams and the many other demands made on them, cumulative adverse effects in many catchments are of concern.

The potential for adverse environmental effects means that regulation of discharges is required. The Regional Plan: Farm Dairy Discharges, which was made operative in May 1999, outlines mechanisms the ARC has selected to avoid, remedy or mitigate adverse effects on the environment. The Plan permits as of right disposal methods that minimise adverse effects on the environment. Where a resource consent is required assessment criteria are outlined in the Plan.

Although minimum site sizes for landform 5 (productive uses) take in account the need to provide for productive activities, such as pastoral farming and horticulture, the provision of these activities are a function of the land units rules themselves. As such, the above regional plan is not relevant to subdivision.

7 Other documents

7.1 Essentially Waiheke

The main purpose of this document is *“to establish a community approved framework for Waiheke's development and to signpost the directions towards a sustainable future...”*. Although a non-statutory document, it is intended to provide a framework for development on Waiheke until 2050. Development on Waiheke is controlled by the District Plan in terms of statutory requirements, however the 'Essentially Waiheke' document is intended to provide an indication from the Waiheke residents on where they perceive the development of the Island should occur.

The key strategies seek to:

- maintain and promote the District Plan objectives, policies and rules that preserve and enhance the coastal environment, encourage regeneration of native trees and natural habitats and retain native species biodiversity;
- protect and enhance the island's feature of high environmental quality;
- regeneration of native forest is encourage, or as is the enhancement of natural habitats.
- maintain subdivision controls to ensure the Waiheke character is preserved.
- provide a minimum residential subdivision standard which protects the unique Waiheke character.
- promote effective, impact infrastructure to minimise the adverse effects of waste disposal.
- define “locational criteria” against which future residential development or subdivision can be assessed, as a way to protect the unique Waiheke character.
- ensure earthworks do not lead to erosion, silt pollution of stormwater and coastal waters.

- provide a network of open space, walkways and public reserves across the island which satisfy and complement the leisure needs and amenity values of the community.

The following bullet points outline how the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to Essentially Waiheke:

- Objectives, policies and rules seek to protect, and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headlands, heritage features and outstanding landscape features.
- Minimum site sizes proposed for each land unit (table 12.1) are based upon the physical characteristics of the land and its capability to integrate development impacts as well as consideration of natural character, visual character and amenity values of each land unit. These minimum standards will ensure that character and amenity values of each land unit are preserved.
- The assessment criteria (clause 12.11 and 12.12) considers the design of the subdivision in terms of protecting natural features, character and amenity and if the site(s) have the capacity of integrating development through disposing of stormwater and onsite wastewater without adversely affecting the natural environment. The criteria also seeks to ensure that the safety of people and property from natural hazards and contaminated land are avoided, remedied or mitigated and that each proposed site provides for utility services, access and public access to open spaces, coasts, rivers and lakes where necessary.

Therefore, for reasons set out above the proposed provisions for subdivision will give effect to Essentially Waiheke.

7.2 The Rakino Way

Although a non-statutory document, it is intended to provide a framework for future development on Rakino and 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 key principles seek to:

- provide for environmental protection.
- develop and maintain strong communities.
- protect and enhance Rakino's natural coasts.

The following bullet points outline how the objectives, policies and rules proposed for the Hauraki Gulf Islands Plan give effect to The Rakino Way:

- While there is a wharf classified as commercial 7 and pockets of island residential 1, the majority of Rakino comprises land unit rural 3 (Rakino amenity). Given that areas classified as island residential 1 are saturated in terms of their subdivision capacity and capability, the rural 3 areas are likely to be subject to additional development.

- Under the operative provisions, Rural 3 was previously classified as land unit 20 (Landscape Protection). The land unit represents sites with undulating topography descending towards the coastline. The land unit also comprises limited existing indigenous vegetation with large portions of sites (ranging from 4-5 hectares) being grass covered, although coastal frontages of sites generally contain remnants of indigenous vegetation, including regenerating and mature pohutukawa trees.
- Minimum site size of 3.0ha is proposed for rural 3 to ensure that subdivision will protect the character and coastal amenity of the island. This site size is will also protect the island's natural coastal environment from sprawling development along the coast.
- Such an approach is consistent with Section 6(a) and 6(b) of the Resource Management Act 1991, New Zealand Coastal Policy Statement 1994, the regional policy statement and plans and the Hauraki Gulf Marine Park Act 2000.
- Revegetation will improve the amenity and ecological value of the island.

Overall, it is considered that the proposed subdivision provisions will achieve the key principles envisaged for Rakino.

8 Procedures for monitoring

The council will monitor the effectiveness of the proposed provisions as a means of achieving the objectives and policies. The suggested methods include:

- monitoring subdivision 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 eg user satisfaction surveys, land use surveys, ecological surveys
- monitoring trends through analysing statistics (eg census, accident statistics, building consents)
- scientific measurement eg of air or water quality;
- maintaining a register eg of hazards, of the location and nature of certain activities]

9 Conclusions

The section 32 analysis undertaken in this report has demonstrated that the proposed subdivision provisions are the most appropriate way to achieve the purposes of the Act, as they as they seek to protect the natural and physical resource, amenity values and the life supporting capacity of ecosystems, whilst also allowing people and communities to provide for their social and economic wellbeing, their health and safety.

The proposed objectives, policies and rules provide for subdivision based upon the physical characteristics of the land and its capacity to integrate development impacts. Any effect generated on the environment from subdivision and associated development must be avoided, remedied and/or mitigated. Objectives, policies and rules also seek to protect, and enhance the natural environment including indigenous vegetation, wetlands, ridgelines, headlands, heritage features and outstanding landscape features.

The proposed objectives, policies and rules also give effect to the New Zealand Coastal Policy Statement 1994, the regional policy statement and plans, the Hauraki Gulf Marine Park Act 2000, Essentially Waiheke and The Rakino Way, as they seek to preserve the natural character, landscape values, heritage and amenity values of the islands. The objectives, policies and rules also seek to preserve the natural character of the coastal environment of the islands and provide protection from inappropriate subdivision.

Overall, subdivision relates to the unique physical and environmental values present in the islands and seeks to maintain those elements, features and patterns that contribute to the natural landscape character and amenity value of each land unit and settlement area. On this basis, the proposed objectives, policies and rules are the most appropriate means for meeting the purpose of the Resource Management Act, and enables Council to fulfil its functions under s31, 72 and 74(1).

Appendix A

Environment Court Decision: 9 Empire Avenue.

Appendix B

New Zealand Coastal Policy Statement 1994.

Appendix C

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 D

Relevant provisions from Regional Policy Statement

Relevant provisions of Proposed Change 8 - Landscape and Volcanic Cones.

Appendix E

Relevant provisions from Regional Plans.

- Auckland Regional Plan: Coastal,
- Proposed Auckland Regional Plan: Coastal, Variations 2-6
- Proposed Auckland Regional Plan: Air, Land and Water,
- Auckland Regional Plan: Sediment Control
- Auckland Regional Plan: Farm, Dairy Discharges