

HGI Plan Review: section 32 report for the Tryphena settlement area

1.0 Executive summary

This report summarises the evaluation undertaken by the council for the method of development of the settlement area of Tryphena in terms of section 32 of the Resource Management Act. The scope of this report is to look at the areas identified within the Tryphena settlement area and the borders of the settlement area. With regard to the implementation of objectives, policies and rules in the residential amenity area and the local retailing area, these can be found in separate s32 reports for those particular sub-areas.

The main conclusions are:

- That a settlement plan identifying appropriate activities in different parts of Tryphena is the most effective manner in which to manage the land resource within the settlement
- That a list of appropriate activities is identified to reflect the nature and sensitivity of the delineated areas in the settlement
- That in terms of growth for Great Barrier Island, provision has not been made for extending the settlement area at Tryphena, other than to extend to include some residential development at Puriri Bay
- That there are still further opportunities for growth and development within the existing settlement area boundaries
- That the wharf at Tryphena that is identified in the current policy area, be removed and governed by a specific land unit to be applied elsewhere throughout the gulf.
- The proposed provisions are the most appropriate way of achieving the purpose of the Act.

2.0 Introduction

2.1 Purpose of this report

This report has been prepared to meet the section 32 requirements of the Resource Management Act.

2.2 Proposed plan provisions

The proposed plan incorporates the method of settlement areas to manage the resources for the various settlements on Great Barrier Island. The proposed method differs from the policy areas in the operative plan, in that the underlying land unit “layer” and the controls associated with the land units have been removed, and replaced with a comprehensive place, activity, and development control based settlement area. Important landscape characteristics, such as the coastal margins and headlands, have been incorporated into the settlement area.

The approach taken is a “hybrid approach” - it manages effects in terms of development controls and also activity lists. This hybrid approach manages effects that cannot easily be quantified and managed by development controls, such as amenity effects and community values.

The approach has been to minimise the number of consents required for general building activity in the residential areas of Great Barrier, by replacing the existing controlled activity status with permitted standards.

The settlement areas identify areas within them in which a certain range of activities can take place. The relevant areas in Tryphena are:

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

The settlement area for Tryphena carries over the existing boundaries of policy area 1, with two exceptions:

1. The settlement area boundary includes the residential area to the north west of Medland Road.
2. The settlement area does not include the Shoal Bay Wharf.

The boundaries of the sub-areas within the settlement area have been carried over to some extent.

1. The areas identified for local retailing are located in two areas - Pah Beach and Mulberry Grove. In both of these areas, sites have been identified that traverse the streets, so that where there is existing retail, retail has been introduced across the road.
2. The headland protection areas have remained the same.
3. The reserves and coastal margins areas have been identified for both publicly and privately owned lots along the coastal margin, and reserves elsewhere in the settlement.
4. Mulberry Grove school area has been identified, including an area of adjacent Auckland City Council owned reserve that is used for school purposes.
5. The remaining areas in the settlement have been identified as residential amenity areas.

2.3 Operative provisions

The method used for managing the land resource at Tryphena in the operative plan is a layered approach using a policy area and land unit layer.

The policy area provides for areas in a similar manner to the settlement area, however it does not specifically provide for retailing activities or the school. The policy area overlays the land unit base, and it is the land-unit which determines the development controls.

The current provisions require a controlled activity consent for removal of vegetation and all new buildings or additions or alterations, subject to assessment criteria.

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 the Tryphena area.

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, and
- 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 based on Waiheke.

The four topics for the focus groups were:

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

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

Telephone survey

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

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

Consultation with other stakeholders

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

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

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

Public notification

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

2.4.2 Issues raised during consultation

Issues particularly relating to the Tryphena area or the main areas of settlement through the feedback included:

1. Subdivision to 2000 sqm in suitable areas.
2. Restrict to existing settlements eg Typhena, Claris. Discourage small lots and high user occupation in inappropriate settings - low lying, estuary edge, beach front.
3. Opposes cluster subdivision - except in policy areas for pensioner housing and industrial uses, and if out of sight. Opposes reduction of lot sizes in inappropriate areas.
4. Current lot sizes do not meet GBI need to grow. Suggest rural lot sizes down to 1.5ha. Suggest Medlands Valley and Typhena for development.
5. Min lot sizes 1: 2000m²
6. Allow Subdivision to 1 hectare. Provide for subdivision of Puriri Bay & Schooner Bay to 1 hectare lots.
7. Tryphena - LU 5 - reduce subdivision requirement to allow lots of 2.5ha and 1.3ha min
8. Properties at 38, 44, 50, 56, 74, 76, and 84 Medland Road, Tryphena - seek bush / rural residential subdivision. Min lot size 2000m². Avg lot size, 10,000m². These properties also supported a residential land unit.
11. Supports 1ha min size for subdivision, subject to meeting environmental regulations. Island is losing population due to land cost. This would enable my family to remain residents. Puriri Bay, Schooner Bay ideal for subdivision done appropriately.
12. Four items of feedback supported a separate wharf land unit for Tryphena wharf, with the other requesting upgrading of the wharf.
13. Legalisation of unpermitted buildings in Puriri Bay/Schooner Bay area.
14. District Plan should be made easier for businesses.
15. Look at commercial zoning adjacent to Pohutukawa lodge and Medlands Road.

The information gathered from the Great Barrier Workshop is also attached as Appendix 5.

2.5 Issues

The issues for Great Barrier Island as a whole are:

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

The issues for the settlement areas are:

1. How to manage and facilitate growth within the existing settlement areas on Great Barrier without compromising the natural environment.
2. How to encourage activities within settlement areas that enable the community to provide for their social, cultural and economic wellbeing.
3. How to ensure that new activities within settlement areas are located so that they do not adversely affect other land uses.

2.6 Objectives

The objectives for the Tryphena Settlement are:

- 10b.5.2 To allow for continued development of existing sites in Tryphena in a way that does not compromise the bush covered character of the settlement.
- 10b.5.3 To maintain the low impact, bush-covered, and residential character of the Tryphena Residential Amenity area.
- 10b.5.4 To concentrate good quality visitor and local retail development and activities within Local Retailing area.
- 10b.5.5 To retain the high amenity value of the Headland Protection area as a means of continuing the separation of Mulberry Grove and Gooseberry Flat residential areas

- 10b.5.6.1 To maintain the coastal interface comprised of the reserve and coastal margin area as important areas for visual amenity and to protect the coastal pohutukawa forest
- 10b.5.6.2 To control the design and location of activities on private land and Council owned reserves.
- 10b.5.7 To recognise the importance of the Mulberry Grove School to the community, and enable activities that may not be provided for in the Ministry of Education's designation.

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

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

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

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

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

Section 72 states as follows:

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

The following provisions of section 76 are also relevant:

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

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

- (3) An evaluation must examine –
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives

- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

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

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

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

3.1.1 The purpose of the Act

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

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

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

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

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

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

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

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

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

3.1.2 Appropriateness in achieving the purpose of the Act

The objectives for Great Barrier and for Tryphena seek to manage the land resource by containing the more densely populated settlements within a certain boundary, away from areas of outstanding natural landscape. The objectives for Tryphena a based on an overall direction for the settlement, and objectives for each of the activity-based areas identified within the settlement.

The settlement areas introduce a range of human activities to the planning framework for Great Barrier, recognising the importance for social and cultural activities in an area where these co-exist with the natural environment. Consideration has been given to similar

activities that identify the characteristics of a particular area. By doing so, the community is able to provide for its social, cultural and economic wellbeing by providing for similar activities in particular locations, allowing for synergies between activities. Mulberry Grove School has been identified as an important focal point for the community, with activities identified that may assist with sustaining primary schools on Great Barrier.

In terms of the natural environment, the objectives seek to maintain the life-supporting capacity and intrinsic values of ecosystems that still remain within the Tryphena settlement area, as well as their amenity values. For Tryphena, these can be found in the extensive primary and secondary regeneration in the foothills of the settlement, as well as the coastal pohutukawa forest.

The objectives could be structured around a purely effects-based approach, where any activity can occur depending on its effects. In this case, activities occur on an ad-hoc basis, with no guidance or structure as to where activities occur. This may result in inappropriate activities locating next to each other, creating cross-boundary conflicts. It is considered that the provision of activity-based areas will allow for better development in terms of associating similar activities together, creating a better “feel” for the township and consolidating commercial development to form a better sense of place. In addition, the reverse sensitivity effects of different activities conflicting will be reduced. A purely effects-based approach, while addressing the a number of environmental effects on the environment, is not considered to be an integrated management approach.

It is considered that the structure and content of the objectives based around activities is therefore 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).

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

In terms of efficiency and effectiveness, the plan needs to be able to be easily implemented, understandable, manage adverse effects of activities, and provide an equitable balance between environmental, social, cultural and economic costs and benefits. In addition, there needs to be a clear relationship between the objectives for the land, the policies that will be implemented by the Council, and the rules which will achieve the objectives.

The following describes these relationships.

10b.3.1 Objective

To provide for limited growth in existing settlements while protecting the natural environment.

Policies

- 1. By identifying areas in which additional subdivision can occur within the Okiwi and Claris settlement areas.*
- 2. By identifying boundaries that limit the expansion of the settlements into surrounding areas in order to avoid the spread of development into sensitive natural areas.*

The policies identify areas that are targeted for growth, and also how the limits to growth within the settlements will be managed and the reasons for limiting growth, so that natural areas are protected.

10b.3.2 Objective

To facilitate appropriate development in suitable places throughout the settlement areas, based on the type of existing activities.

Policies

1. *By identifying areas within the settlement areas that have common characteristics, so that these activities can support each other and limit adverse effects on more sensitive activities.*
2. *By ensuring that development maintains or enhances the high landscape and ecological values of Great Barrier*
3. *By limiting adverse effects of activities and encouraging or requiring low impact design methods including:*
 - a. *Onsite management and re-use of stormwater and wastewater*
 - b. *Noise insulation*
 - c. *Minimising impermeable surfaces*
 - d. *Utilising renewable energy sources*
 - e. *Maintaining or increasing indigenous biodiversity*
 - f. *Mitigation of visual impacts of development*

The policies determine three important aspects that determine what appropriate development is on Great Barrier, that is ensuring that similar activities are located in similar locations, maintain the high landscape and ecological values of GBI, and then limiting the adverse effects of activities.

10b.5.2 Objective

To allow for continued development of existing sites in Tryphena in a way that does not compromise the bush covered character of the settlement.

Policies

1. *By limiting the adverse visual effects of buildings through standards on colour, and ensuring that the natural landscape remains the dominant element in terms of visual amenity.*
2. *By ensuring that development is subject to bulk, coverage and location standards, and where these standards are exceeded, that the adverse effects are avoided or mitigated.*
3. *By limiting removal of indigenous vegetation in order that drainage, stormwater and sedimentation effects are reduced or avoided and landscape values are maintained.*

4. *By protecting riparian areas around streams and where activities affect riparian areas, requiring planting to maintain or enhance water quality.*
5. *By controlling the scale and form of buildings within the headland protection areas and reserves and coastal margin areas, to ensure that buildings integrate with the landscape.*

The policies place a strong emphasis on the bush covered character of the Tryphena area. In particular, they indicate that the natural environment should remain the dominant element, while maintaining the ability to develop within the development controls. Where these are to be exceeded, the effects should somehow be mitigated, so that the values of the bush covered character are not compromised.

10b.5.3 Objective – Tryphena residential amenity area

To maintain the low impact, bush-covered, and residential character of the Tryphena residential amenity area.

Policies

1. *By limiting the footprint of buildings to ensure that the size of buildings is of a residential scale.*
2. *By providing for home occupations and home stays as a permitted activity to enable an economic use of appropriate scale for residential sites.*
3. *By limiting activities that are likely to have a detrimental effect on residential amenity due to effects such as noise or traffic.*

The policies seek to maintain discrete, appropriate development in the residential areas, to ensure that residents can maintain an appropriate level of residential amenity. The existing patterns of development are recognised through the proposed boundaries of the settlement area.

10b.5.4 Objective – Tryphena local retailing area

To concentrate good quality visitor and local retail development and activities within the local retailing area.

Policies

1. *By requiring new development in the local retailing area to be well designed and have a high standard of amenity and character.*
2. *By ensuring that new development in the local retailing area blends in with, rather than dominates, existing development.*
3. *By ensuring that buildings are not used for residential purposes, except where it is for the purpose of managing other activities on the site.*

4. *By encouraging visitor and retailing activities to locate in close proximity to each other, facilitating pedestrian movement and a cohesive and attractive commercial centre.*

These policies recognise the importance of commercial retailing activities, and that the island economy relies on its unhindered ongoing function. The policies encourage good design to ensure that a high standard of amenity is maintained.

10b.5.5 Objective – Tryphena headland protection area

To retain the high amenity value of the headland protection area as a means of separating the Mulberry Grove and Gooseberry Flat residential areas.

Policies

1. *By discouraging buildings from being located on significant ridgelines identified on the planning maps.*
2. *By protecting established podocarp forests, through restricting vegetation removal in the headland protection area.*

It is recognised that the headland areas that have been identified at Tryphena have high landscape values. The policies seek protection of two aspects of those landscape values, their bush covered character, and the ridgelines that run through them.

10b.5.6.1 Objective – Tryphena reserve and coastal margin area

To maintain the coastal interface comprised of the reserve and coastal margin area as important areas for visual amenity and to protect the coastal pohutukawa forest.

Policy

1. *By retaining vegetation within the Tryphena reserve and coastal margin area as a means of protecting amenity.*

10b.5.6.2 Objective – Tryphena reserve and coastal margin area

To control the design and location of activities on private land and council owned reserves.

Policy

1. *By ensuring that the design of public facilities minimises effects on the coastal landscape.*
2. *By ensuring that private development integrates with the coastal landscape through its design and minimises adverse effects on the coastal landscape.*

Both of these objectives recognise the sensitivity of the coastal environment in terms of coastal vegetation and the potential for buildings adversely affect the quality of the coastal environment. These contribute largely to the high amenity of the Tryphena settlement.

10b.5.7 Objective – Mulberry Grove School area

To recognise the importance of the Mulberry Grove School to the community, and enable activities that may not be provided for in the ministry of education's designation.

Policy

1. *By enabling a range of activities at Mulberry Grove School that will assist with sustaining its viability and providing a focus for the community.*

The single policy for the school seeks to provide an opportunity for appropriate activities that fall outside of the schools designation. This will enable activities such as markets, from which the school might be able to raise additional financial support to supplement its operation.

In summary, the policies have been carefully considered against the objectives, and are considered the most appropriate means of achieving the objectives.

The following options are the main alternatives which the council has considered as a means of achieving the objectives in relation to the Tryphena settlement area:

- Continue with the status quo - land units underlying policy areas
- Create a new activity-based settlement area that incorporates a single planning framework
- Consider extending the boundaries of the settlement for lower density lots to include Medlands Road valley and 4 ha lots above Puriri Bay, as well as provide for more commercial development between Blackwell Drive and Medlands Road.

3.2.1 Option 1

Creating a new activity based settlement area for Tryphena, based around the existing development and activities (refer map at Appendix 1), and extending to existing residential development on the north side of Puriri Bay. Remove land unit provisions.

Benefits	Costs
Synergies created by locating similar commercial activities in close proximity.	Ability for higher impact activities to be located in the residential area is reduced.
Create sense of place by have commercial centres at Mulberry Grove and Pah Beach.	Individual property owners won't benefit from higher density provisions outside of the proposed settlement area that would allow them to subdivide their land.
Avoids sprawl of settlement boundaries.	As no more subdivision is provided for, possible generation of income for Council from financial contributions will be reduced.
Avoids inappropriate developments (retail, higher impact activities) from occurring in areas of higher residential amenity	May be seen as restricting freedom to undertake any activity anywhere.
Removing the wharf from the settlement area will allow a specific wharf land unit to be applied that will manages these assets consistently throughout the gulf.	
Removes conflict between land units and	

overlay of policy area, creating a more efficient framework under which decisions can be made.	
Allows different development controls for different areas within the settlement, rather than basing development controls on land units.	
Provides for small residential sites on the northern side of Puriri Bay to be included as residential amenity, rather than the Regenerating Slopes - a more appropriate zoning.	
By making similar activities in particular areas permitted, reduces costs of compliance by not always requiring a resource consent.	
Continues to allow for economic use of residential sites by allowing for home occupation/cottage industry type activities.	

The risk of acting or not acting

The option outlined above is low risk, as most of the proposed area is managed by existing policy area controls combined with land unit controls. There is sufficient information from survey work to determine the number of undeveloped sites, indicating that the existing boundaries are sufficient in this area for the time being. Acting on this option would allow Council to better manage the effects of activities, and remove conflict between the objectives and policies for existing land units and the policy area. Not acting on this option has a lot higher risk, as continuing with the status quo has less certainty in terms of conflicting objectives and policies for the land.

3.2.2 Option 2

Extend the boundaries of the existing settlement to include larger lots of land around the Tryphena settlement, opening up more land in the Tryphena area for further subdivision.

In particular this has been considered in terms of:

- Extending to large lots in the valley alongside Medlands Road and above Puriri Bay
- Inclusion of a commercial/local retailing area at Puriri Bay between Blackwell Drive and Medlands Road.

Benefits	Costs
Individual land owners will receive development rights.	With the number of undeveloped sites currently in Tryphena (126 not yet built on with potential for another 75 on top of that by way of subdivision), difficult to justify opening up further land for development. May unnecessarily compromise rural character of the Medlands Road valley.
Additional area commercial development/local retailing could be provided between Blackwell Drive and Medlands Road.	Possible areas for development in Medlands Road valley floor are prone to flooding. Works may be required to the stream to limit effects of flooding.
Additional land would be made available for	Sites above Puriri Bay difficult to access

Benefits	Costs
a range of uses, with the possibility of some of this being created for new residents.	with tree covered slopes, providing amenity value to Puriri Bay.
Further subdivision occurring could allow public access, reserves, and/or financial contributions.	

The risk of acting or not acting

Insufficient information exists around the risk of flooding in the Medlands Road valley area, and how this might affect possible commercial development and wastewater disposal in that area. The risk of acting on this option and classifying that area and including it within the settlement is considered too great to proceed until such time as it can be demonstrated that the area is appropriate for development.

3.2.3 Option 3

Maintaining the status quo with the existing policy area and land units.

Benefits	Costs
Provides a planning framework based on characteristic of land type.	Complexity of two different planning methods (policy areas and land units)
Provisions are familiar.	Conflicts between land units and policy areas (opposing objectives and policies)
	Current structure of policy areas requires consents for any building activity, which is a cost on homeowners and developers.
	Removal of any vegetation in the existing policy area requires a resource consent, placing a time and inconvenience cost on homeowners and developers.
	Residential development on the northern side of Puriri Bay remains in Land Unit 8 which is intended for large lot subdivision. Development controls and activities wouldn't reflect residential scale of existing activities.
	Does not identify or consolidate similar activities, potentially leading to reverse sensitivity and cumulative adverse amenity effects on residential uses.

The risk of acting or not acting

Acting on the above option would continue to place unnecessary costs on land owners in terms of requiring consent, and uncertainty in terms of conflict between different provisions in the plan.

3.2.4 Conclusion

Having considered the costs and benefits of the different options that are available to Council, the most efficient and effective means of managing the land resource at Tryphena is by implementing Option 1.

1. Use the method of a settlement area identifying appropriate activities in different parts of Tryphena, and limiting the extent of the settlement area to the areas defined in Appendix 1, and as set out in Option 1 above.
2. That a list of appropriate activities is identified to reflect the nature and sensitivity of the identified areas in the settlement, and control these by way of different activity status and development controls.
3. That in terms of growth for Great Barrier Island, provision has not been made for extending the settlement area at Tryphena for further development, other than to extend to include some existing residential development at Puriri Bay.

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

The district plan, with the proposed settlement area and separate areas identified within it will assist with Council discharging its functions for controlling the action and potential effect of the use of land in Tryphena, as enabled by s72 and 74(1).

In particular, the changes reflect a review of the district plan, its objectives, policies and methods, that achieve integrated management of the use and management of land in the Tryphena settlement as required under s31. Particular rules regarding subsections (b), (d), and (e), and developed under s76, are set out in other s32 reports, relating to each of the sub-areas within the settlements.

4.0 National planning documents

4.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

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

The proposed settlement area reflects the sustainable management of the land resource in the Tryphena catchment, in particular preserving the natural character of the coastal environment by encouraging appropriate development where the character has already been compromised, and avoiding sprawling or sporadic subdivision, as outlined in Policy 1.1.1.

The settlement area does not contain any particular areas of coastal Maori heritage that would otherwise require identification in the plan, or that has been requested to be identified in relation to Tryphena.

It is considered that the approach taken gives effect to the policies set out in Chapter 3 of the New Zealand Coastal Policy Statement, with the remaining content of the statement not having relevance to the Tryphena settlement.

The relevant parts of the New Zealand Coastal Policy Statement have been appended as Appendix 2.

4.2 Hauraki Gulf Marine Park Act 2000

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

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

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be treated as a New Zealand coastal policy statement under the RMA. Sections 7 and 8 are attached as Appendix 3.

In relation to the settlement area method and its boundaries, these recognise the importance of providing for the social, cultural and economic wellbeing of the community of Tryphena, while at the same time protecting the life-supporting capacity of the ecosystems of the gulf from further inappropriate development outside of existing modified areas.

5.0 Regional planning documents

5.1 Regional policy statement

Section 75(3) of the RMA states:

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

The objectives, policies and rules of the settlement area give effect to the strategic objectives in chapter 2 of the Auckland Regional Policy Statement (ARPS), particularly 2.5.1, objective 3, being to protect the soil resources, amenity values, rural character, landscape values and mineral resources of rural areas from the regionally significant effects of inappropriate subdivision, use or development. In addition, the delineation of the settlement area at Tryphena is consistent with 2.5.3.2.3(ii) that provides for definition of the limits of rural and coastal settlements to protect environmental values, and that the integrity of those limits are maintained.

It is considered that the settlement area addresses the issues set out in 7.2 of the ARPS and is consistent with the objectives 7.3.1-10. Subsequently, the proposal is consistent with the methods and policies set out in section 7.4. These relevant sections are attached as Appendix 4.

5.2 Regional plan

Section 75 (4) of the RMA states:

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

The objectives, policies and rules of the settlement area are consistent with the following:

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

The provisions that are of most relevance are:

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

The provisions of the settlement area, especially the reserve and coastal margins and headland protection areas, give effect to the regional policy statement by avoiding activities and buildings that will have an adverse effect on the natural character of the coastal environment.

6.0 Procedures for monitoring

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

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions.
- monitoring complaints and enforcement actions
- undertaking land use surveys and ecological surveys
- monitoring trends through analysing statistics
- monitoring the number of developed sites in the Tryphena settlement
- monitoring the number of subdivisions granted in the Tryphena settlement

7.0 Conclusions

The feedback that was received as part of the consultation process has been carefully considered in terms of how it affects the Tryphena catchment and the boundaries of the settlement. With the overall purpose being to provide for growth where it was needed, it was determined that the number of vacant sites and sites that could be subdivided further in the settlement indicates that Tryphena has not reached a level where new areas need to be opened up for development.

The duties and functions of council, and the purpose and principles of the Resource Management Act have been used to develop the objectives for the settlement area, and as indicated in the assessment, the objectives achieve the purpose of the Act.

The policies and methods chosen by Council reflect the objectives for the settlement area, implementing efficient and effective means of achieving them. A qualitative consideration of

the costs and benefits of different options considered indicate that the best option has been proposed. Furthermore, the proposed option is consistent with regional and national statutory documents.

Overall, the proposed settlement area is considered to fulfil the statutory requirements of s32 of the Resource Management Act.

Appendix 1 - Tryphena settlement area map

Appendix 2 - Relevant sections of the New Zealand Coastal Policy Statement

Appendix 3 - Sections 7 and 8 of the 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 4

Relevant provisions from the Auckland Regional Policy Statement

Appendix 5 - Summary of consultation from GBI workshop