

8 Statutory Assessment

The following sections provide an assessment of the proposal against the relevant legislation and planning documents.

8.1 Resource Management Act 1991

8.1.1 Part 2 Purpose and Principles

Section 5: Purpose

The purpose of the RMA is to promote sustainable management of natural and physical resources. Sustainable management is defined in section 5(2) as:

“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.”

The establishment of community facilities is considered to be consistent with the purpose of the Act as it enables people and the community to provide for their social, cultural and economic well-being by providing an important piece of community infrastructure for existing and future generations, while avoiding, remedying or mitigating any adverse effects on the environment.

The actual and potential effects of the designation are evaluated in section 6 of this report and demonstrate that the potential for adverse effects on the environment can be adequately avoided, remedied or mitigated and the life supporting capacity of air, water, soil and ecosystems maintained.

Section 6: Matters of National Importance

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for.

It is recognised that section 6(e) *‘The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’* could be considered applicable to the proposal. However, as demonstrated in section 7 consultation undertaken with Iwi has determined that they have no interest in the designation. Accordingly, the proposed designation is considered to not be contrary to section 6 of the RMA.

The remaining matters included in section 6 of the RMA are not relevant to the proposed designation.

Section 7: Other Matters

This section lists certain matters to which particular regard is to be had in making resource management decisions. The relevant matters to this proposal included in section 7 include:

- b) The efficient use and development of natural and physical resources and (ba) the efficiency of the end use of energy:*
- c) The maintenance and enhancement of amenity values*
- (f) Maintenance and enhancement of the quality of the environment*

With regard to section 7(b) the proposed designation is considered to be an efficient use of natural and physical resources as it will secure land for the purpose of providing for community well being through community facilities such as a library. This use of the site is considered to be an efficient use of the land, appropriately located within the Oneroa Township.

With regard to section 7(c) and 7(f) the primary buildings will be aligned along Ocean View Road to support the sense of containment along this urban area. As discussed in section 6 of this report the site will be developed generally in accordance with the proposed underlying zone rules and therefore will be sensitive to the surrounding residential area. These have been proposed as designation conditions accordingly the site has been designed to address potential adverse effects on amenity values and the quality of the environment.

Section 8: Treaty of Waitangi

Section 8 of the Act requires those exercising powers or functions under the RMA to take into account the principles of the Treaty of Waitangi.

The treaty principles relate to partnership between the Crown and tangata whenua. Iwi have been consulted and advised that they have no interest in this designation. As such, the proposed designation and the future establishment of community facilities on this site are not considered to be in conflict with the principles of the Treaty.

8.1.2 Part 8 Designations

Section 168 to 171 cover designations within the RMA. The following sections outline the designation process applicable to this NoR.

Section 168A – Notice of Requirement by a Territorial Authority

Auckland City Council is a requiring authority under section 166 of the RMA. Auckland City Council in its regulatory capacity has been given notice of this NoR under section 168A of the RMA.

Section 168A(3)

"When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) Any relevant provisions of*
 - (i) a national policy statement:*
 - (ii) a New Zealand coastal policy statement:*
 - (iii) a regional policy statement or proposed regional policy statement:*
 - (iv) a plan or proposed plan; and*

(b) Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if

(i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or

(ii) it is likely that the work will have a significant adverse effect on the environment; and

(c) Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and

(d) Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

With regard to section 168(A)(3)(a) an assessment against the relevant provisions of the appropriate planning documents is given in the following subsections of this report and the designation is found to be consistent with these documents.

With regard to section 168(A)(3)(b), as discussed in section 5 of this report Auckland City Council own all the sites subject to the designation and the effects of the proposal are not considered to be significant. Therefore an alternatives assessment is not required for this NoR. Nonetheless by way of background and for the sake of completeness a description has been given of a number of alternatives to the subject site as established through a site selection process have been considered for the proposed activity.

With regard to section 168(A)(3)(c), as set out in section 2.3.3 of this report, it is considered that a designation was the more appropriate tool for this project for the following reasons:

- To enable Auckland City to have the flexibility to construct, operate and maintain community facilities on the site in accordance with the designation, notwithstanding anything contrary within the relevant District Plan(s);
- To identify in the District Plan the location and clearly intended use of land for Community Facilities;
- To enable the site to be developed over time in a comprehensive and integrated manner.

With regard to section 168(A)(3)(d) the Auckland Regional Parking Strategy and Artworks Strategic Plan are also considered to be of relevance to Council's consideration and this is discussed below.

Section 168A(4)

Under section 168A(4), the territorial authority (Auckland City Council) may decide one of the following with respect to the NoR:

a) Confirm the requirement;

b) Modify the requirement;

c) Impose conditions; or

d) Withdraw the requirement.

8.2 Auckland Regional Policy Statement (ARPS)

The Auckland Regional Policy Statement (ARPS) sets out the significant resource management issues of the region and contains objectives and policies to achieve the integrated management of the Region's natural and physical resources.

8.2.1 Chapter 2 – Strategic Direction and Objectives

2.5.1 - Objectives

1. To ensure that provision is made to accommodate the Region's growth in a manner which gives effect to the purposes and principles of the Resource Management Act, and is consistent with these Strategic objectives and with the provisions of this RPS.

2.5.2 - Policies

1. The use, development and protection of natural and physical resources in the Region is to be managed so that the Region's growth is accommodated in a manner and in locations which are consistent with the Strategic Objectives and which promote the sustainable management of those resources.

As set out above, the proposed community facility is considered to be consistent with the purpose of the Act as it enables people and the community to provide for their social, cultural and economic well-being by providing an important piece of community infrastructure, while avoiding, remedying or mitigating any adverse effects on the environment.

The effects of the designation and activity are evaluated in section 6 of this report and demonstrate that the potential for adverse effects on the environment can be adequately avoided, remedied or mitigated.

8.3 Auckland City District Plan: Hauraki Gulf Islands – Weighting

The Auckland City District Plan: Hauraki Gulf Islands (ACDP:HGI) became operative in 1996 and a review process was undertaken that resulted in the Proposed ACDP:HGI being notified in 2006. The Decision version of the Proposed ACDP:HGI was notified in 2009 and is subject to two outstanding whole of plan appeals.

For completeness, weighting of the two District Plans has been considered. In terms of section 168A(3), considerable weight has been given to the objectives and policies of the Proposed ACDP:HGI (2009) version of the plan given its advanced stage in the planning process.

8.4 Operative Auckland City District Plan: Hauraki Gulf Islands (1996)

The Operative Auckland City District Plan: Hauraki and Gulf Islands (ACDP:HGI) (1996) contains objectives and policies that are relevant to the proposed community facilities site.

8.4.1 Part 5 – Strategic Management Areas

Strategic Management Area 18 – Western Waiheke

The land to be designated is located within Western Waiheke Strategic Management Area 18 and the following objectives and policies are relevant for this area.

5.18.3.1 Objective

To protect and enhance the natural and physical environment when providing for the future growth in the Western Waiheke SMA.

Policies

- A. By requiring appropriate landscaping in association with all new development and re-development.*
- B. By managing the scale, form and location of buildings so that these do not detrimentally affect the natural environment or visual amenity.*
- C. By managing alterations to the natural environment to minimise negative impacts of land use activities.*
- D. By requiring all public buildings to be constructed in accordance with the recommendations and conclusions contained within the Waiheke Characteristic Study (Hauraki Gulf Islands Area Office, August 1992).*

As discussed in section 6 of this report the proposed community facility will protect the amenity values that are present within Oneroa township and the surrounding residential environment. This will be achieved by controlling built form with a number of development controls, including setbacks, height in relation to boundary requirements and landscaping as conditions of this designation (see section 9 of this report). In addition, existing landscaping will also be retained at the site. The proposal is therefore deemed to be consistent with this objective.

5.8.3.2 Objective

To enable continued urban growth within the existing urban areas.

Policies

- A. By providing for a range of land use opportunities within urban land units subject to meeting environmental standards and limiting off-site impacts of development.*
- B. By establishing specific rules related to particular Policy Areas to secure appropriate land use activities in key areas.*
- C. By relating development potential to the land use capability of land units in order to avoid cumulative negative development impacts.*

The proposed designation will enable the development of the site for community facility purposes. As outlined in section 6 of this report the adverse effects as a result of this designation including visual, character and traffic effects are considered to be no more than minor given the proposed conditions (provided in section 9 of this report). In addition, the proposed community facility designation will enable continued growth of the Oneroa urban area consistent with the above objective and policies. As a result, the off site impacts of development are considered to be no more than minor.

5.18.3.4 Objective

To ensure that the future scale and intensity of land use activities and development does not compromise the natural environment.

Policies

- A. By using performance standards to manage the effects of activities within land units.*
- B. By controlling the density and scale of buildings.*
- C. By ensuring that the scale and intensity of development is compatible with the carrying capacities of the strategic management area and individual land units.*
- D. By securing the retention of rural open space buffers between urban areas.*

As outlined above, any buildings to be established on-site will be constructed in accordance with the proposed conditions of this designation. These include conditions pertaining to building setback, height in relation to boundary requirements and landscaping. These conditions will enable the effects of building bulk and location to be minimised while providing landscaping areas to act as buffer areas between built form and the local environment. Accordingly, it is considered that the designation is consistent with the above objective and policies.

8.4.2 Part 6A Land Units

Land Unit 13 – Retailing

6.13.3.1 Objectives

To consolidate business activity and community facilities within the existing settlements.

Policies

- A. By permitting a wide range of business and community activities throughout the land unit.*
- B. By allowing the complementary establishment of retailing, office, commercial, residential and community activities.*
- C. By identifying Policy Areas within the land unit and preparing specific resource management provisions for these.*

The designation will provide for community facilities which as described above are anticipated within the retailing zone. This community facility site will complement the land use activities operating within Oneroa township and is therefore considered to be consistent with the above objective and policies.

6.13.3.2 Objectives

To secure a safe, convenient and congenial environment for business and community activities.

Policies

- A. By segregating, wherever possible, pedestrian and vehicular traffic.*