

# The Resource Management Act 1991

## What is it, and how could it affect you?

### Overview of the Hauraki Gulf Islands District Plan

The final article in a 8 part series is an overview of the Operative Hauraki Gulf Islands District Plan 1996, brought to you by the Auckland City Council. Copies of all articles in the series are available from the Council.

**Note:** The information contained in these articles is intended as a general guide only. It should not be taken as textbook or legal opinion.

Last week's article looked at the monitoring of resource consents – who's responsible for it, and how it is carried out. This week's article looks specifically at the Hauraki Gulf Islands District Plan, and considers some key issues arising from its introduction as an Operative District Plan in 1996.

### Historic Context

One of the requirements of the Resource Management Act 1991 (RMA) is for local authorities to put in place a District Plan. The purpose of the Hauraki Gulf Islands District Plan is to address the resource management issues associated with the Hauraki Gulf Islands. This is achieved through setting controls which provide guidance when undertaking development. The controls have an "effects based" approach in accordance with the direction of the RMA. In effect, should the effects of an activity exceed the permitted standards, or a particular activity is listed as requiring consideration, then an application is required to be made to the local authority (Auckland City Council) to obtain resource consent.

The purpose of the resource consent procedure is to undertake a comprehensive assessment of the activity. Firstly to consider whether it be processed on a notified basis or not, then to ensure the effects on the

environment are no more than minor and that the activity is generally consistent with the relevant objectives and policies outlined within the District Plan.

The Hauraki Gulf Islands District Plan, before becoming operative, passed through a public participation process which provided the community with an opportunity to reflect their aspirations for the Hauraki Gulf Islands in a manner which is consistent with the requirements of the RMA 1991. Thus the District Plan and methods of resource management that it uses reflects the priorities that the community have identified towards land use issues such as the care and maintenance of the environment, the form and extent of future development, desired levels of amenity for neighbourhoods and buildings, provision for leisure and recreation, and the retention and protection of the natural and physical elements of the Hauraki Gulf Islands heritage.

### Rolling Review of the Hauraki Gulf Islands District Plan

There is currently a rolling review being undertaken in relation to certain provisions of the Hauraki Gulf District Plan. Specifically this relates to the following:

- Ridgelines
- Earthworks
- Subdivision Rules and a Code of Island Subdivision and Development (*currently being developed*)
- Vegetation Clearance
- Lot Coverage

### Structure of the Hauraki Gulf District Plan

The District Plan breaks up the Hauraki Gulf Islands into what is known as the "inner" and "outer" island. The District Plan has a three tier resource management system within the Islands, comprising of – Strategic Management Areas, Land Units and Policy Areas, which are clarified and addressed in the text and identified in the planning maps. The three levels are further defined as follows.

### Strategic Management Areas

The Hauraki Gulf Islands has been divided into 20 separate strategic management areas. These are generally based on natural drainage catchments. These strategic management areas identify important physical, social and development characteristics, which provide guidance when considering the effects of activities on the environment.

### Land Units

Within the wider strategic management areas are Land Units. The rules of the District Plan generally relate to these Land Units, however, it should be noted that there are also additional controls relating to the Policy Areas which are discussed opposite. Each Land Unit has particular characteristics, which are recognised and reflected by the stated policies and objectives. These provide guidance in determining the status of different activities within each Land Unit, and for assessing resource consent applications. There are 25 different Land Units throughout the Hauraki Gulf Islands.

Each Land Unit has different controls that apply to them, with some of the most common within the more urban environment of Waiheke Island being Land Units 11 & 12.

As an example of the different types of rules that apply:

- In Land Unit 11 it is a permitted activity to erect a single dwelling on a lot subject to compliance with the other controls, compared to Land Unit 12 where the erection, alteration or addition to any building is not a permitted activity and requires resource consent. The reason for different controls applying relates to the different nature of the environments in which the sites are located.

### Policy Areas

Within some Land Units there are additional controls imposed by specific areas which are identified as being within a Policy Area.

Policy Areas have generally been developed around commercial areas, wharfs and beach areas all of which may be subject to heavy development pressure. In total there are eight Policy Areas throughout the Hauraki Gulf Islands. Policy Areas have been identified as those areas which require a more pronounced strategic approach to resource management, in addition to the control regime presented by the use of strategic management areas and land units. They require additional objectives and policies to be taken into account in the consent process.

**NOTE:** To assist with understanding the controls within the Hauraki Gulf Islands District Plan we are currently in the process of putting together a series of brochures relating to some of the main controls within each Land Unit.

### Creating Change

Obviously over time provisions or objectives within District Plans become outdated, or people are of the opinion that they are no longer warranted. There is a process in which to raise your concerns and become involved in instigating and bringing about changes to the provisions of your local District Plan. This may include raising the issues of concern with your elected representatives and the policy makers within Council to encourage public plan changes.

At the same time, it is important that you keep an eye on any proposed changes to the District Plan in order to become involved in the process which provides a forum for you to raise your issues (these are advertised within City Scene).

### Overall Summary and Conclusion of Series

The best piece of advice that Council can give to prospective property owners, residents and developers undertaking development within the Hauraki Gulf Islands is: check out the implications of the RMA and the relevant controls under the Hauraki Gulf Islands District Plan *before* you set development plans in motion. Become familiar with the processes and implications associated with applying for a resource consent application – no matter how simple it may appear on the face of it.

As explained in previous articles, the RMA's definition of what constitutes an environmental effect is broad and far-reaching. It is extremely risky, therefore, to proceed with plans on the basis that 'she'll be right, mate'. Such an approach could end up proving very costly in the long-run. Come and talk to Council Officers to understand what might be involved in undertaking you development, particularly if a resource consent application is required.

*We hope you have enjoyed these articles and found them to be informative. If you have any questions about the information contained in the articles, or the RMA generally, please contact Auckland City Council.*