

SECTION 32 REPORT

PLAN CHANGE 23, HAURAKI GULF ISLANDS

APPENDIX G: NO. 1 SUBDIVISION ASSESSMENT

1 Introduction

The proposed plan change is a review of existing policy and objectives, integrated with strategic directions, taken from documents such as “Essentially Waiheke” and the Hauraki Gulf Islands Strategic Overview. The review has taken into account changes that have occurred over the last 10 years since the Auckland City District Plan: Hauraki Gulf Islands was first notified.

Consequently changes have been made due to the need to cater for continued population and economic growth on Waiheke Island and the changing economic conditions on both Waiheke, Rakino and Great Barrier Islands. These changes include:

- the increasing demand for holiday properties
- the decline of pastoral farming as an economically viable land use
- the growth of tourism that is ecologically sustainable and that is appropriate to the small scale environmentally sustainable character of the Hauraki Gulf Islands.

The brief for determining methods of analysis for the review included:

- Maintaining character and amenity
- The strategy set out in “Essentially Waiheke”
- The District Plan strategies, objectives and policies for all the Gulf Islands
- The comments received by Council in response to the 2000 Subdivision Discussion Document.
- Scarcity and the need to create a range of lots sizes as demanded by the market in conjunction with environmental protection and enhancement.

2 Anticipated Results from the Subdivision Review and Development of Proposed Plan Change

The anticipated result of the process of subdivision is the creation of a land ownership framework which facilitates sustainable development.

- (a) By adopting a catchment and land unit-based approach for the assessment of subdivision applications.
- (b) By ensuring that subdivision patterns in land units create a potential distribution of buildings which maintains rural landscape or village character and amenity.
- (c) By encouraging low impact design which will protect the natural environment from the adverse effects of development, including adverse visual and amenity effects.
- (d) By spacing residential and commercial growth with the provision of services, such as roading and access.
- (e) By adopting subdivision rules which allow alterations to lot boundaries to facilitate sustainable land use activities.

- (f) By providing for esplanade reserves, esplanade strips or access strips along the coastal margins and significant water bodies for public access, and protecting the aquatic environment from development in the coastal environment.
- (g) By ensuring the efficient use of land that is potentially valuable for primary production.
- (h) By setting up a framework for efficient management of stormwater and stormwater runoff arising from subdivision and development.

3 Legislation

A) Section 32

Before adopting an objective, policy or rule or other method of the District Plan, an assessment under Section 32 of the Resource Management Act must be carried out. Section 32(1) states as follows:

“(1) In achieving the purpose of this Act, before adopting any objective, policy, rule, or other method in relation to any function described in subsection (2), any person described in that subsection shall-

- (a) Have regard to-*
 - (i) The extent (if any) to which any such objective, policy, rule, or other method is necessary in achieving the purpose of this Act; and*
 - (ii) Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives, and the levying of charges (including rates); and*
 - (iii) The reasons for and against adopting the proposed objective, policy, rule, or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and*
- (b) Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and*
- (c) Be satisfied that any such objective, policy, rule, or other method (or any combination thereof)-*
 - (i) Is necessary in achieving the purpose of this Act; and*
 - (ii) Is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.”*

In *Nugent Consultants Limited v the Auckland City Council* (Decision No A33/96) the Environment Court stated that

...a rule in a proposed district plan has to be necessary in achieving the purpose of the Act, being the sustainable management of natural and physical resources (as those terms are defined); it has to assist the territorial authority to carry out its function of control of actual or potential effects of the use, development or protection of land in order to achieve the purpose of the Act; it

has to be the most appropriate means of exercising that function; and it has to have a purpose of achieving the objectives and policies of the plan.”

Section 32 matters are assessed below under the following headings:

1. The extent to which the proposed rules are necessary in achieving the purpose of the Act;
2. Alternative means of achieving the purposes of the Act;
3. Reasons for and against adopting the proposed rules, the principal alternative means available, or of taking no action;
4. Evaluation of the likely benefits and costs of the proposal and the principal alternative means.

B) Purpose of the Act

Section 5 of the Resource Management Act describes its purpose to be:

- “(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (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.”*

C) Section 6 – Matters of National Importance

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 following matters are of relevance to the current proposal:

- “(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.”*
- “(e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”*

D) Section 7 – Other Matters

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. These matters are of particular relevance to the current appeal:

- (a) *Kaitiakitanga:*
- (aa) *The ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance of 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.”*

E) Section 8 - Treaty of Waitangi

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 Necessity in Achieving the Purpose of the Act

The proposed rules provide for subdivision while ensuring that any adverse effects are avoided remedied or mitigated. This is a means of achieving the purpose of the Act under Section 5(1), which is *“to promote the sustainable management of natural and physical resources”*.

The rules recognise that a certain level of subdivision is an inevitable part of development in the HGI. The rules therefore enable *“people and communities to provide for their social, economic, and cultural well being and for their health and safety”* [Section 5(2)].

The proposed rules are in keeping with the need to minimise the potential for adverse effects on the natural character of the coastal environment, on maintaining the village character on Waiheke Island, on maintaining and enhancing water quality and managing natural hazards. Uncontrolled subdivision would result in fragmentation of land and a proliferation of buildings, earthworks and private and public roadways. This would result in adverse visual and ecological effects.

The proposed rules are consistent with:

sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations”, “safeguarding the life-supporting capacity of air, water, soil, and ecosystems”, and “avoiding, remedying, or mitigating any adverse effects of activities on the environment” [Section 5(2)(a) (b) (c)].

Section 6 identifies matters of national importance which need to be recognised and provided for in achieving the purpose of the Act. Items (a) to (c) refer to the protection of coastal environments, wetlands, outstanding natural features and landscapes, significant indigenous vegetation and habitats. The proposed rules are in accordance with these matters.

Section 6(e) refers to *“the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”* as a matter of national importance. Sections 7(a) and (b) require particular regard to be given to kaitiakitanga and the ethic of stewardship. Consultation with Iwi groups will be occurring as at the same time as the release of the draft Plan Change for public comment.

The proposed rules are in keeping with *“the ethic of stewardship”* and provide for *“the efficient use and development of natural and physical resources”* and *“the maintenance of amenity values”* [Section 7(b) and (c)]. The rules also recognise the *“intrinsic value of ecosystems”*, will assist in the *“maintenance and enhancement of the quality of the environment”*, and has regard to *“finite characteristics of natural and physical resources”* [Section 7(f) and (g)]. .

5 Reasons for and against adopting the proposed rules, the principal alternative means available or of taking no action.

A) Proposed Subdivision Rules - Land Units 1-10, 20

Reasons For:	Reasons Against:
<ul style="list-style-type: none"> There have been requests from within the Hauraki Gulf Islands community to provide greater simplicity and clarity for Plan users. This has been reflected in the report from the Auditor General. Such problems have been addressed by clarifying and simplifying provisions. The provisions needed updating due to changing social, economic and environmental conditions in the Gulf Islands. The provisions need to be updated in terms of the Hauraki Gulf Marine Park Act 2000. While reviewing the subdivision chapter for the above reasons, it was the view of both the Waiheke and the Great Barrier Community Boards that the review should extend to minimum lot sizes and subdivision types. The Boards considered that the review should be a complete one in order to make the most of the effort and the resources being expended. The Boards also considered that it would be a long time before the subdivision provisions would be subject to further review, therefore all issues should be considered now. 	<ul style="list-style-type: none"> The existing controls are familiar to planning staff, residents, and those undertaking developments. There are costs involved in pursuing the Plan Change process, particularly if the matter proceeds to appeal. It is safer to retain the existing controls as the larger tracts of land will stay locked up in one title. There will be no risk to the environment or to the existing social fabric of the community.

Reasons For:	Reasons Against:
<ul style="list-style-type: none"> • The market is demanding a greater variety of lot sizes and types. This is required to meet the growing diversity and range of life style options that people who wish to pursue, for either permanent or holiday accommodation. • The proposed rules are anticipated to reduce the number of consents required for subdivision, thereby reducing overall application and processing costs. • The introduction of a non-notified restricted discretionary category will give greater certainty to applicants and will streamline the processing of applications. This will also assist in lowering compliance costs. • It is 10 years since the subdivision provisions were reviewed. Since that time, much of the subdivision potential has been used up in some land units. This has been addressed in the review by providing new, appropriate opportunities for further subdivision, with a high standard of criteria. • In the 10 years since the last review, there have been many advances in subdivision standards. The reviewed subdivision chapter incorporates these advances. These advances can be seen for example in the criteria for assessing discretionary activities, for example ensuring that house sites on lots are located so that there is the potential to capitalise on solar energy. The review has given the opportunities to introduce improved criteria and practices for subdivision. 	

B) Retain the Existing Subdivision Rules

Reasons For:	Reasons Against:
<ul style="list-style-type: none"> • The existing controls are familiar to planning staff, residents, and those undertaking developments. • The current controls, particularly regarding minimum lot sizes have been in place for 10 years. This has given residents certainty as to what may happen on neighbouring properties. They therefore have a level of security regarding what land use changes may happen around their properties. • There are costs involved in pursuing the Plan Change process, particularly 	<ul style="list-style-type: none"> • Many of the current provisions are out of date for reasons explained above.

Reasons For:	Reasons Against:
if the matter proceeds to appeal.	

C) Have no Subdivision Rules

Reasons For:	Reasons Against:
<ul style="list-style-type: none"> • A subdivision application should not be subject to rigorous environmental impact assessment. The process of completing a subdivision does nothing other than divide land into different lots and this does not produce any environmental effects. • If there were no or few rules, then subdivision could be carried out quickly and with less expense. This would allow for less expensive lots. • Subdividers could respond quickly to market demands. 	<ul style="list-style-type: none"> • Subdivision is a catalyst for development – including earthworks, road and driveway construction, buildings, a range of different land uses, the construction of telecommunications and other types of utilities, the inclusion of more people in an area. It is crucial that these matters are addressed at the time the subdivision application is assessed. • Section 11 of the Resource Management Act requires that no person may subdivide land unless allowed by a rule in a district plan. Therefore the Council is required to develop District Plan and enforce rules related to subdivision. • Not in keeping with the objectives and policies of the District Plan or the requirements of the Resource Management Act in terms of managing adverse effects. • Not in keeping with the requirements of the Hauraki Gulf Marine Part Act 2000 which recognises the national significance of the Hauraki Gulf. In addition to applying to the waters of the Hauraki Gulf, it also applies to its catchments. This includes all of the Hauraki Gulf Islands. When considering an application for resource consent for the Hauraki Gulf Islands, the Council is required to have regard to this Act. • Requires a Plan Change, which is likely to draw submissions from those concerned about protecting the environment of the HGI.

6 Extent to which the proposed rule is necessary in achieving the purpose of the Resource Management Act.

The major reasons for adopting the changes are:

- To review the objectives and policies to clarify the reasons for the plan controls.
- To accentuate the need to provide public access to the coast line through esplanade reserves and strips.

- To acknowledge that many subdivision proposals do not require a assessment and perhaps public notification, as discretionary activity applications. Many can be processed as restricted controlled or restricted discretionary activities, and the Council can still achieve its responsibilities under the Resource Management Act.
- To bring the provisions up to date with the Proposed Regional Coastal Plan.

7 Alternative to Detailed Rules in the District Plan - Structure Plans and Future Development Zones

A) Structure Plans

Structure Plans are used by some TLAs as guides for areas of future development (under the umbrella of a Future Development Zone). It is a method to manage the natural and physical resources in order to promote sustainable management. The Auckland Regional Council has published a TLA guideline on Structure Planning to ensure consistency between the TLAs involved in managing growth in the Auckland region.

Structure Plans are usually initiated and undertaken by TLAs but can also be initiated by land-owning and/or developmental interests. It is of key importance that Structure Planning is undertaken with regard to the wider contexts of the catchment(s), sector, and region.

TLA structure plans describe the regulatory and non-regulatory methods used to implement policies for the management of these areas of future development.

Structure plans outline development patterns, development rules and assessment criteria for subdivision applications. The range of mechanisms manages the development potential of an area subject to a Structure Plan, and the mechanisms may change as development proceeds. The mechanisms are: non-statutory instruments; statutory instruments; and financial policy instruments.

Non-statutory instruments include:

- Informal agreements between stakeholders
- Memoranda of Understanding between parties involved in growth management processes
- Strategic Plan for district councils and infrastructure providing agencies
- Regional Stormwater Strategy
- Catchment Planning
- The Regional Open Space Strategy and Regional Recreation Strategy
- Iwi Management Plans

Statutory instruments include:

- The Regional Land Transport Strategy
- The Regional Policy Statement
- Regional Plans
- District Plans (rules and performance standards for activities and rules for discretionary activities and subdivision)

Financial policy instruments include:

- Long term financial strategies
- Annual plans
- Asset management plans

B) Future Development Zones:

- Identify areas suitable for future urban development
- Provide an indication of the timing of release to aid the providers of various infrastructure elements in their planning
- Provide an interim control prior to release to prevent the creation of activities or subdivisions of land which may constrain or compromise future urban uses;
- Encourage the continued productive uses of the land and not foreclose options earlier than necessary by providing a degree of certainty about the likely time frames for urbanisation.

For those areas of future development land being released (in stages) for urban development, and those areas that will soon be released, a structure plan will be prepared. The structure plan will remain in place until the total area subject to that plan is largely developed. The detail of the structure plan will be reflected in the zoning maps when the area is released for urban development.

For areas which will be converted to residential development, the structure plans will be formulated to:

- Promote a diversity and choice of opportunities within a liveable environment
- Integrate the provision of public open space
- Ensure the retention of existing amenity, landscape and heritage
- Provide for the creation of well defined, human scale neighbourhood units
- Achieve a high level of amenity particularly by the use of public open spaces
- Achieve neighbourhoods with good legibility (paths, nodes, landmarks, edges, and precincts) and high permeability (convenient access)
- Promote flexibility (adaptability of buildings and land use over time)
- Encourage a higher degree of self-sufficiency through higher density development and a wide range of activities where appropriate.

8 Documents Reviewed

A. Hauraki Gulf Maritime Park Act 2000

In accordance with the requirements of Section 9(3) of the Hauraki Gulf Maritime Park Act, the Council must 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.

The proposed rules, which seek to avoid, remedy or mitigate the adverse effects from Subdivision, are not in conflict with Sections 7 or 9 of the Hauraki Gulf Maritime Park Act.

B. New Zealand Coastal Policy Statement 1994

The New Zealand Coastal Policy Statement 1994 (NZCPS) sets out policies to achieve the purpose of the RMA in relation to the coastal environment. It identifies national priorities for the preservation of the natural character of the coastal environment including protection from inappropriate use, subdivision, use and development. The following policies are considered to be of particular relevance to this Plan Change:

Policy 3.2.2

Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

Policy 3.2.7

Policy statements and plans should identify any practicable ways whereby the quality of water in the coastal environment can be improved by altered land management practices, and should encourage the adoption of those practices.

The proposed rules are in keeping with these policies. In particular, the rules emphasis the need for altered land management practices, in the form of erosion and sediment control measures when undertaking Subdivision. This is compatible with improving the quality of coastal waters.

C) Regional Planning Documents

Section 75(2) of the RMA states that a District Plan must not:

- (i) Be inconsistent with any national policy statement or New Zealand coastal policy statement; or
- (ii) Be inconsistent with any water conservation order; or
- (iii) Be inconsistent with—
 - The regional policy statement; or
 - Any regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part IV.

Regional Policy Statement (Operative 31 August 1999)

The Regional Policy Statement (RPS) provides an overview of the resource management issues of the Auckland region, and policies and methods to achieve integrated management of the natural and physical resources of the region. Some of the relevant objectives and policies are quoted below:

2.5.1 Strategic Objectives

- 3. 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.*
- 5. To protect the intrinsic values of the Region's natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region's environment, including the identification of significant natural features and landscapes, and areas of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development.*
- 6. To promote transport efficiency, and to encourage the efficient use of natural and physical resources, including urban land, infrastructure, and energy resources.*
- 7. To preserve and protect a representative range of the Region's heritage resources.*

8. *To manage the Region's natural and physical resources in an integrated manner.*
9. *To involve the Tangata Whenua as kaitiaki of the Region's natural resources.*

2.5.2 Strategic Policies

3. *Urban development is to be contained, within the metropolitan urban limits shown on Map Series 1 and the limits of rural and coastal settlements as defined so that:*
 - (i) *expansion of urban activities outside the metropolitan urban limits as defined and shown in the RPS from time to time is not permitted;*
4. *Countryside living is to be subject to constraints as to location, scale and extent so as to avoid remedy or mitigate adverse effects.*
5. *The subdivision, use and development of rural land is to be managed so that:*
 - (i) *the life supporting capacity of rural soils is safeguarded so far as is practical; and*
 - (ii) *the ability of rural resources to meet the needs of future generations is maintained; and*
 - (iii) *future options to accommodate urban development are not prematurely foreclosed or compromised; and*
 - (iv) *significant adverse effects on the environment, including effects on the rural character of rural areas and on regionally significant environmental values, are avoided; and where avoidance is not practicable, adverse effects are remedied or mitigated;.*

The RPS maps (Map 2, Sheet 2) identify 'significant natural heritage areas and landscape quality' on or around the Hauraki Gulf Islands as follows:

- areas of landscape quality 5 (regionally significant) and 6 (outstanding) on Waiheke Island;
- coastal and marine ecosystems described as Hauraki Gulf and Islands, and Frenchmans Cap;
- area with multiple values at the The Noises, Rangitoto Island, Motukorea, Awaawaroa Bay and Te Matuku Bay (Waiheke), and Ponui Island).

The significant natural heritage areas and values are further described in Appendix B to the RPS.

The RPS maps (Map 3, Sheet 2) identify areas of significant landscape sensitivity. Such areas are identified on Waiheke, particularly in the central part of the Island.

The RPS maps identify areas where the natural environment is susceptible to degradation and areas of high ecological value susceptible to degradation (Map 5, Sheet 3). Such areas require greater emphasis for the avoidance and mitigation of adverse effects to water quality. Some areas are identified around Great Barrier, Little Barrier, Rakitu, Mokohinau, Waiheke, and Rangitoto.

Of particular relevance are the following policies in 7.4.10 relating to subdivision, use and development of the coastal environment:

- 1 *The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided for in appropriate areas of the coastal environment.*
- 2 *In assessing the appropriateness of subdivision, use and development in the coastal environment particular regard shall be had to the following matters:*
 - (i) *natural character is preserved and protected in accordance with Policies 7.4.4-1(i), (ii) and (iii), and 7.4.4-2;*
 - ...
 - (iii) *amenity values are maintained or enhanced as far as practicable;*
 - ...
 - (vi) *efficient use is made of the natural and physical resources of the coastal environment;*
 - (vii) *activities are of a scale, design and location that maintain and enhance landscape values in the area, including seascapes and landforms;*
 - (viii) *there are no significant adverse effects of activities on the CMA, or on adjacent land, including effects across the MHWS boundary;*

The proposed rules are not incompatible with the RPS.

Proposed Regional Plan: Coastal (September 1999)

The purpose of the Proposed Regional Plan: Coastal ('Coastal Plan') is to provide a framework to promote the integrated and sustainable management of Auckland's coastal environment. The Plan contains a number of broadly relevant objectives and policies relating to protecting the coastal environment from inappropriate subdivision, use and development and from the adverse effects of other activities on adjoining land.

The Coastal Plan defines areas that are of regional, national or international significance due to their ecological, landform or geological values as coastal protection areas. The purpose of coastal protection areas is to give effect to the requirements of Sections 6(a), (b) and (c) of the RMA. The planning maps identify coastal protection areas around the following islands within the Hauraki Gulf: parts of The Noises, Motutapu, Motukorea, Motuihe, Waiheke and offshore islands, Great Barrier; all of Rangitoto, Little Barrier, Mokohinau Islands, Rakitu. (see Maps 20, 32, 40-47, and Schedule 3)

The planning maps also identify outstanding (very highest value) or regionally significant (highly valued) landscapes along the coastlines of various of the Hauraki Gulf Islands. Outstanding landscapes are identified along the entire coastlines of Rangitoto, Motutapu, Motuihe, Motukorea, Mokohinau, Little Barrier Island and Rakitu. Parts of the coastline of Waiheke are identified as either regional or outstanding. Almost all of the coastline of Great Barrier Island is identified as either regional or outstanding.

The Plan Change is not inconsistent with the Coastal Plan. The emphasis in the Plan Change on erosion and sediment controls is in keeping with objectives and policies in the Coastal Plan relating to maintaining or improving water quality. In keeping with the landscape values identified in the Coastal Plan, the Plan Change has also taken into account the potential adverse visual effects of Subdivision on the coastal landscapes of the Hauraki Gulf Islands.

D. Proposed Regional Plan: Air, Land and Water 2001

Chapter 5 of the Regional Plan: Air, Land and Water ('Air, Land and Water Plan') addresses discharges to land or water. The following objective and policies under the heading Rural Activities, Land Management are of relevance:

Objective

5.3.1.2

To encourage land management practices that minimise the discharge of sediment, maintain and enhance the productive potential of soil, and minimise soil loss and degradation."

Policies

5.4.21

The discharge of sediment shall be avoided where it will result in more than a minor adverse effect on the values of any Natural Lakes, Natural Streams and Wetlands Management Areas.

5.4.22

Land disturbing and cultivation activities shall avoid, remedy or mitigate adverse effects from the generation and discharge of sediment. In assessing the effects on the environment, regard shall be had to appropriate sediment control measures specified in the Franklin Sustainability Project Guidelines, Doing it Right (2000).

The Air, Land and Water Plan identifies some 'Natural Stream Management Areas' on Motutapu Island, Waiheke Island, Ponui Island, and Great Barrier Island. 'Wetlands Management Areas' are also identified at three locations on Waiheke Island, one location on Ponui Island and at thirteen locations on Great Barrier Island. (See Maps Series 1 – Maps 25, 26, 27, 32, 50, 51, 52, 53 and 54; Schedule 1.)

The proposed rules are not inconsistent with the Air, Land and Water Plan in relation to any matter of regional significance or for which the ARC has primary responsibility under Part IV.

E. Conservation Management Strategy (DOC)

Section 74(2)(b) of the RMA requires that the Council, when changing a District Plan, have regard to management plans and strategies prepared under other Acts. The Conservation Management Strategy for Auckland 1995-2001 was prepared by the Department of Conservation under the Conservation Act 1987. It provides a strategy for achieving the desired outcomes for the Auckland Conservancy for the next ten years.

Places in the Auckland Conservancy administered by the DOC are referred to in the Conservation Management Strategy as 'key areas'. In the HGI, key areas are: Mokohinau Islands, Little Barrier Island (Hauturu), Great Barrier Island (Aotea), Rangitoto Island, Motutapu Island, Browns Island (Motukorea), Motuihe Island, Stony Batter / Te Matuku Bay (on Waiheke Island). In the HGI Plan, with the exception of the DOC holdings on Great Barrier Island, and Waiheke Island, a Land Unit 23 classification (Conservation Islands) is applied to these areas.

Volume II of the Strategy includes maps which identify sites of natural significance; and sites of outstanding and regionally significant landscape value, and significant recreation / tourism value. Landscapes of outstanding value in terms of Section 6(b) of the RMA are identified throughout most of Great Barrier Island; parts of the coastline of Waiheke

Island; parts of the Mokohinau Islands; all of Little Barrier Island, Rakitu Island, Rangitoto, Motutapu, Motukorea, Motuihe and The Noises. Landscapes of regional significance are identified on the remainder of Great Barrier Island and the Mokohinau Islands; the central part of Waiheke Island and along some Waiheke coastlines; and all of Ponui Island.

The Strategy includes a section (p219) on DOC's functions in relation to statutory planning with the RMA being identified as the main focus of statutory planning in the Auckland Conservancy. Objective 42.0.1 states as follows:

Improve the provisions for the protection of natural and historic resources through the Resource Management Act planning processes as a matter of priority, and through the provisions of other Acts as opportunities arise.

The Plan Change is in accordance with this objective.

Under Section 9(1) of the RMA, no person may use any land in a manner that contravenes a rule in a District Plan unless the activity is permitted by a resource consent or has existing use rights. Section 4(3) of the RMA exempts DOC from the requirements of Section 9(1) in the following circumstances:

- “(3) 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 the First Schedule to that Act (other than land held for administrative purposes) that—
- (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 the First Schedule to that Act; and
 - (b) Does not have a significant adverse effect beyond the boundary of the area of land.”

F. “Essentially Waiheke” – An Urban And Rural Community Strategy (Auckland City)

- “Essentially Waiheke” A Village and Rural Communities Strategy has been adapted from the Liveable Communities framework. The central theme of “Liveable Communities” is to create people centred urban environments. The main purpose of the Urban and Rural Community Strategy recognises the island’s unique and valued natural environment, promoting prosperous and strong communities and by celebrating and recognising the diversity within Auckland City, and on Waiheke Island in particular.

Key principles of the strategy include:

- Acknowledgement that the demographic and economic characteristics of Waiheke Island will change over time.
- These demographic changes and economic growth will increase demand and expectation for services.

Principles include:

- Areas of low density, semi rural land between and around existing residential settlements;
- The green, bushclad character of the island is maintained and enhanced;
- An attractive, accessible pedestrian network;
- Identification and protection of sites of archeological, heritage significance;

- Indigenous vegetation on Waiheke is protected and enhanced through District Plan provisions.
- Coastal waters, horse trails and walkways, access to beaches and the coastline are protected;
- Land is maintained for productive uses

Key strategies:

- Maintain and promote 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;
- Identify features of high environmental quality through a Waiheke Ecological Survey and include those features in the HGI District Plan for protection and enhancement;
- Secure critically important land with high environmental value in public ownership/control through a variety of means, e.g. covenants, financial contributions, esplanade reserves/strips and purchase of land.
- A diverse range of small business that support the sustainable use of the land, maintain rural character, maintain environmental health and amenity, and help generate jobs and wealth for the Island are encouraged;
- Opportunities for long-term employment generating activities are promoted where they are compatible with the lifestyle values of the Island's residents.
- Investigate ways to encourage local employment opportunities;
- The principles of the Treaty of Waitangi are taken into account through the implementation of this Strategy;
- The cultural diversity within Waiheke is recognised and celebrated.
- The Island's unique lifestyle is retained as an alternative to that available on the mainland.
- A minimum residential character that protects the unique Waiheke character is maintained.

The strategy in the short to medium term demands for additional residential and will be accommodated by way of substantially using up the existing stock of vacant residential and within the existing villages, allowing for an increase in the average number of people per dwelling and turning temporary holiday homes into permanent dwellings. This strategy is in keeping with the community's desire to retain the existing village structure on Waiheke.

Generally the development strategy seeks to provide for a conservation based approach to urban growth.

In Part 3 reference is made to physical infrastructure. In respect of wastewater and effluent disposal on Waiheke Island, it is noted that for the short to medium term, on-site systems will continue to be the primary method for effluent and waste water disposal. It is recommended that for sites within flood hazard areas and in areas with poor drainage that small scale community based systems are appropriate solutions for Waiheke.

Part Two outlines a development strategy. The following points are of relevance to this subdivision controls:

- Core values include protecting the natural environment; fostering economic growth; promoting strong communities and protecting the islands character.
- The development strategy is based on the premise that sufficient capacity exists within the existing village structure (Land Units 11 and 12) and in existing rural areas to accommodate expected growth over the next 10 years.
- This capacity exists primarily in the form of vacant and underdeveloped residential sites and the ability to upgrade existing homes.

- Maintenance of a minimum residential lot size to protect the unique character
- - To develop a new residential village

District Plan

1.1.1 Policy Areas

The Hauraki Gulf Section of Auckland City's District Plan uses Policy Areas. The purpose of policy areas is to manage the development potential of specific areas or specific activities, such as: infrastructure (airport, wharves); residential; industrial and commercial; and conservation areas at risk from development.

The only HGI policy areas within the urban metropolitan area are on Waiheke Island: Oneroa (PA5); Ostend-Okahuiti-Tahi (PA6); Onetangi (PA7); and Rangihoua Park (PA8). The Regional Growth Strategy recognises that residential development on Waiheke Island will be slow and controlled and that a non-reticulated island cannot absorb the same population numbers as the Isthmus. Therefore, structure plans with the purpose of providing dwellings for a larger population at a higher density, is not the focus of the HGI District Plan's policy areas.

Policy Areas tend to manage the effects of what development is already on the ground, as well as guiding future development. Development controls are specifically addressed through policy area rules, as well as the Land Unit rules of Part 6A, and the performance standards rules of Part 6B and 6C.