

# **SECTION 32 REPORT REVIEW OF INDIGENOUS VEGETATION CLEARANCE CONTROLS – HAURAKI GULF ISLANDS**

## **1.0 Background**

### **1.1 Introduction**

In 1999, the Council commissioned Hill Young Cooper Limited to undertake a review of the indigenous vegetation clearance, earthworks, and lot coverage controls applying in the Hauraki Gulf Islands Section of the Council's District Plan ('the Plan'). The Plan has been operative since June 1996 and this work was commissioned as part of a progressive review. Hill Young Cooper was asked to focus on whether the practical application of the rules actually achieved the stated outcomes. In its report<sup>1</sup>, Hill Young Cooper suggested several changes to the existing indigenous vegetation clearance controls. In particular, it recommended to reduce or increase the amount of vegetation clearance permitted for differing land units to ensure the controls were more consistent with stated objectives and policies. The consent thresholds could then be better linked to the adverse environmental effects of indigenous vegetation clearance i.e. erosion, loss of natural habitats and ecology etc.

Building on the conclusions of the Hill Young Cooper report, the Council prepared a draft Plan Change in October 2001, however, it did not proceed to the Planning and Regulatory Committee as it did not satisfactorily address the findings of the Auditor General's report<sup>2</sup>. The Auditor General's report found that the indigenous vegetation clearance rules were causing difficulty as they are generally more restrictive than that of previous plans. Therefore, particular sectors of the community, particularly farmers, felt disadvantaged due to the strict permitted clearance controls and the relative cost of obtaining a resource consent. The report also identified that the indigenous vegetation clearance requirements were too onerous for large sites and too liberal for smaller sites.

While the Auditor General's report did not specifically recommend the Council free up the indigenous vegetation clearance rules, Council recognised that any proposed rules must not only take into account the environmental effects by also the social and economic effects. Therefore, the Council decided the findings of the Hill Young Cooper report were too conservative and a new review has consequently been undertaken.

In addition to taking into account the findings of the Auditor General's report, the Council also recognised that plan changes must consider the Hauraki Gulf Marine Park Act 2000. The Hauraki Gulf Marine Park Act 2000 identifies the interrelationship between the Hauraki Gulf, its Islands and catchments and the ability of that interrelationship to sustain the life supporting capacity of the Gulf environment. The Plan Change attempts to minimise adverse environmental effects that may be caused through inappropriate vegetation clearance.

### **1.2 Existing Indigenous Vegetation Clearance Rules**

The existing rules can be found in the following parts of the HGI Plan:

---

<sup>1</sup> Hill Young Cooper, *Hauraki Gulf Islands – Review of Indigenous vegetation clearance, Indigenous Vegetation and Lot Coverage Mechanisms*, November 1999

<sup>2</sup> Auditor General Report,

### **Part 6B – Standards for Permitted Activities**

- Clause 6B.1.3.3 Indigenous Vegetation Clearance
- Table 1 – Standards for Permitted Activities, Row 3.3

### **Part 6C – Standards for Discretionary Activities**

- Clause 6C.1. 3.3 Indigenous Vegetation Clearance
- Table 2 – Standards for Non-Notified Activities, Row 3.3
- Table 3 – Standards for Discretionary Activities, Row 3.3

### **Part 6F – Particular Assessment Criteria for Listed Discretionary Activities**

- Clause 6F.1.1.3 Commercial Firewood Harvesting

### **Part 7 – Policy Areas**

- Policy Area 1 (Tryphena) – Clauses 7.1.3.1, 7.1.3.2, 7.1.3.3C, 7.1.3.4
- Policy Area 2 (Medlands) – Clauses 7.2.3.1, 7.2.3.2, 7.2.3.3C, 7.2.3.4
- Policy Area 3 (Claris) – Clauses 7.3.3.1, 7.3.3.2, 7.3.3.3E, 7.3.3.4, 7.3.3.5
- Policy Area 4 (Port Fitzroy) – Clauses 7.4.3.1, 7.4.3.2, 7.4.3.3C, 7.4.3.4
- Policy Area 5 (Oneroa) – Clauses 7.5.3.1, 7.5.3.2, 7.5.3.4
- Policy Area 6 (Onetangi) – Clauses 7.6.3.1, 7.6.3.2, 7.6.3.4
- Policy Area 7 (Okahuiti-Ostend-Tahi) – 7.7.3.1, 7.7.3.2, 7.7.3.4
- Policy Area 8 (Rangihoua Park) – Clauses 7.8.3.1, 7.8.3.3C & D, 7.8.3.4, 7.8.3.5

### **Summary of Existing Rules**

- 1 The following activities are exempt from the standard indigenous vegetation clearance controls:
  - clearance of indigenous vegetation less than 3m high (unless specified in Appendix D of Plan);
  - clearance of manuka less than 6m high on Great Barrier Island only;
- 2 The indigenous vegetation clearance controls are the total amount of land that can be cleared per lot.
- 3 No indigenous vegetation clearance is permitted in Land Units 1, 4, 7 & 9.
- 4 The permitted indigenous vegetation clearance limits for the following land units are:
  - 0m<sup>2</sup> in Land Unit 16;
  - 300m<sup>2</sup> in Land Units 11-15 & 17-25;
  - 500m<sup>2</sup> in Land Units 2 & 3;
  - 1000m<sup>2</sup> in Land Units 5, 6 & 8;
  - 1000m in Land Unit 10;
  - Not Permitted in Land Units 1, 4, 7 & 9.
- 6 Indigenous vegetation clearance exceeding the above limits are a discretionary activity. The Plan sets the following limits for discretionary activities to be dealt with on a non-notified basis:
  - Not Applicable in Land Units 1, 4, 7 & 12;
  - 500m<sup>2</sup> in Land Units 11-15, 16-25;
  - 10% or 1500m<sup>2</sup>, whichever is greater in Land Units 2, 3, 5, 6, 8 & 10.

On a notified basis:

- 500m<sup>2</sup> in Land Units 1 & 3;
- The remaining land unit rules referred back to Rule 6C.1.3.3 to be assessed in accordance with the criteria in Part 6E.

### **1.3 Proposed Indigenous Vegetation Clearance Rules**

The proposed indigenous vegetation clearance rules can be summarised as follows:

- 1 Indigenous vegetation clearance up to 50% of the lot area is permitted within Land Units 3 and 5 for vegetation less than 6 metres high and with a girth of less than 600mm measured 1.4 metres from the ground. All other indigenous vegetation clearance requires a consent for a discretionary activity.
- 2 Indigenous vegetation clearance up to 60% of the lot area is provided for as a non-notified discretionary activity within Land Units 3 and 5. All other indigenous vegetation clearance requires a consent for a discretionary activity, which may be notified.
- 3 Introduce a pro-rata percentage clearance limit for Land Unit 2 increasing the indigenous vegetation clearance restrictions from 500m<sup>2</sup> per site, to the lesser of 25% or 500m<sup>2</sup>.
- 4 Indigenous vegetation can be cleared in Land Unit 11, where it is less than 6 metres high and with a girth of less than 600mm measured 1.4 metres from the ground, to establish a building platform. All other indigenous vegetation clearance requires a consent for a discretionary activity.
- 5 Decreasing the indigenous vegetation clearance control for Land Unit 11, from 300m<sup>2</sup> to 22.5% of the site, to accommodate the lot coverage control amendment in Plan Change 26.
- 6 The introduction of restricted discretionary criteria for clearance in Land Units 1, 4, 7 & 9, subject to Section 94(5) of the Act.
- 7 Provide for clearance of indigenous vegetation for accessways up to 4 metres wide as a restricted discretionary activity and provide assessment criteria to determine if access from the road to a house is necessary.
- 8 Provide for the clearance of vegetation that is damaged, diseased or dangerous as a restricted discretionary activity.
- 9 Correct an error in the Plan and include an indigenous vegetation clearance area standard in Table 2 for Land Unit 10.
- 10 Correct an error in the Plan and include an indigenous vegetation clearance standard in Table 2 for Land Unit 18.
- 11 Include a definition of Indigenous Vegetation within the Part 11 Definitions.
- 12 No change to the requirements in Land Units 6, 8, 10, 12-17, 19-25.

The outcome of the Plan Change is to better tailor the indigenous vegetation clearance provisions to the property size, use and the objectives and policies stated in the Plan. The Plan Change will better assist the Gulf communities to provide for their social and economic, while maintaining the environment.

## **2.0 Part II, Sections 31, 32, 72 and 76 of the Resource Management Act**

### **2.1 Statutory Requirements**

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:

- Whether the proposed rules are necessary in achieving the purpose of the Act;
- 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;
- Whether the proposed rules are the most appropriate means of exercising that function
  - Having regard to alternative means of achieving the purpose of the Act, including non-statutory means
  - Having regard to the reasons for and against adopting the proposed rules, the principal alternative means, or of taking no action
  - Evaluation of the benefits and costs of the proposed rules and the principal alternative means (including efficiency, effectiveness at achieving the objective, likely implementation and compliance costs);

- Whether the proposed rules have the purpose of achieving the objectives and policies of the Plan.

## **2.2 Whether the Proposed Rules are Necessary in Achieving the Purpose of the Act**

### **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.

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.

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 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.

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).

### **Necessity in Achieving the Purpose of the Act**

The proposed rules provide for indigenous vegetation clearance 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 indigenous vegetation clearance is an inevitable part of development in the Hauraki Gulf Islands. 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 Plan recognises that controls on the removal of indigenous trees and shrubs are required to protect the natural character of the Islands. The proposed rules in the draft Plan Change are in keeping with the need to minimise the potential for large areas of land to be inappropriately cleared of indigenous vegetation and protect the natural environment and landscape. The draft Plan Change will lift the clearance area restrictions on Land Units 3 & 5 to allow more removal. The height protection rule will also be amended for Land Units 3, 5 & 11 allowing clearance of indigenous vegetation up to 6 metres or with a specified girth size. The objective for Land Unit 3 & 5 is to protect the natural environment and to encourage farming activities. The protection and preservation of vegetation on the Islands is important. However, farming enables the island communities to be independent and provide for their own needs. The proposed rules are consistent with the RMA, sections 5(2)(a) (b) (c), *“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 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 Council is obliged under s7 of the Resource Management Act to have regard (among other things) to intrinsic values of ecosystems; to maintain and enhance the quality of the environment; and maintain and enhance amenity values. 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)].

## **2.3 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**

### **Statutory Requirements**

Both the Auckland City Council and the Auckland Regional Council have functions under the RMA related to the control of indigenous vegetation clearance. Under Section 30 of the Act, the ARC has the function of controlling the use of land for the purpose of soil conservation, and the maintenance and enhancement of water quality and the prevention and mitigation of natural hazards [Section 30(1)(c)]. Under Section 31 of the Act, the functions of the Auckland City Council include *“The control of any actual or potential effects of the use, development, or protection of land”* [Section 31(b)].

Section 72 of the RMA 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 of the Act is 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 in its district plan rule which prohibit, regulate, or allow activities.
- ...
- (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; and rules may accordingly provide for permitted activities, controlled activities, discretionary activities, non-complying activities, and prohibited activities.

### **Potential Adverse Effects**

Potential adverse effects from indigenous vegetation clearance in the HGI include:

- Visual effects;
- Slope stability and soil conservation;
- Ecological effects;
- Effects on archaeological and cultural heritage sites.

These effects will be further outlined below, together with an assessment of the extent to which the Plan Change will assist the Council to control them.

### 2.3.1.1 Visual Effects

The natural environmental landscape features are a principal element determining the high scenic quality and associated amenity values that lend the Gulf Islands their unique character, attractive to residents and visitors alike. A key feature is the visual quality, amenity values and diversity of the natural landscape. The indigenous vegetation is a key element of the visual landscape of the Gulf Islands, particularly Great Barrier. The teatree vegetation is particularly noteworthy as it forms a majority of the canopy cover for the Islands.

The removal of indigenous vegetation can have adverse visual effects on landforms. The visual effects may be most obvious during the initial clearance phase of vegetation when the topography of the underlying landforms are exposed.

There are other existing controls in the Plan which address the visual effects of undertaking indigenous vegetation clearance. Existing controls include:

- A requirement for a controlled activity consent where it is proposed to clear indigenous vegetation in policy areas
- A requirement for a discretionary activity consent for the destruction, removal or modification of any indigenous tree over 3 metres high or any manuka/kanuka over 6 metres high on Great Barrier Island only.
- A non-complying activity consent is required for the destruction, removal or modification of any species listed in Appendix D.

The proposed changes will assist in maintaining the visual, amenity and character issues identified as important for the Gulf Islands.

### Land Unit 2

Under the Plan, Land Unit 2 – Dune systems and sand flats, is a significant environment being the interface between the open coastal environment and the land. The Plan identifies a wide range of landscapes within Land Unit 2 (i.e. estuarine edges, shellfish banks at estuary mouths, dune systems, coastal settlements on old dunes and alluvial flats and open exposed beaches), many with a high amenity value. Land Unit 2 is located along Medlands and Kaitoke Beach on Great Barrier Island and at Piemelon Bay, Owhiti Bay and Rocky Bay (adjacent to Whakanewha Regional Park) on Waiheke Island.

The two main management issues identified for Land Unit 2 are firstly, seasonal recreational impact. Secondly, the breakdown of the coastal/maritime edge zones and the consequential impacts on the coastal amenity and ecological values i.e mangrove systems, shellfish beds, fish breeding grounds, tidal flats and foredunes systems. The management objectives for Land Unit 2 recognise the need for human settlement densities appropriate to the nature of the coastal edge, the need to minimise access over dune systems, management of unstable exposed coastlines and the sustainable management of tidal flats.

The management issues and objectives are supported within the Plan in Objective 6.2.3.1, *“to recognise through appropriate rules the sensitivity, natural values and functions of coastal sand systems”*. The following policies state that Objective 6.2.3.1 will be achieved:

- A. By ensuring appropriate vegetation cover, consistent with the natural character and intrinsic values of the land unit through:
  - restrictions on vegetation removal and disturbance, and
  - encouraging indigenous vegetation planting and stabilisation
- B. By controlling access so that:
  - sensitive areas are not detrimentally affected;
  - appropriate public access to the coast is provided for;
  - wildlife habitats are not disturbed; and



- the natural buffer functions of sand systems are not compromised.
- D. By recognising that sand systems (particularly dunes) are hazard prone areas and that land use activities and subdivision should be managed accordingly.
- F. By protecting wildlife habitats through controls on land use activities and subdivision.

The current provisions in the Plan provide for indigenous vegetation clearance of 500m<sup>2</sup> per site. This limit is the same as that of Land Unit 3 – Alluvial Flats which is a less dynamic environment. Given the sensitivity of the visual environment and the objectives and policies, the indigenous vegetation clearance control has been increased to the 'lesser of 25% or 500m<sup>2</sup>', reflecting the purpose of the Land Unit 2.

### Land Unit 3 and Land Unit 5

Land Unit 3 – Alluvial Flats contain coastal flats, wetlands and alluvial valley systems and is characterised by open to wooded low pastoral flats and marshes and sheltered. Land Unit 3 is located on Waiheke Island around Man o War Bay, Te Matuku Bay, Awa Awaroa Bay and along Man o War Bay Road. On Great Barrier Island, the land unit is located at Shoal Bay, behind Medlands and Kaitoke Beach and at the Whangapoua Estuary.

The management issues, relevant to indigenous vegetation clearance, recognise the strong link to the rural landscape and the productive agricultural nature of the landscape. There is a recognition that farm management practices should be encouraged that minimise environmental impacts on the potential flooding risk, on water and soil conservation and on ecosystems and habitats. The management objectives identify the need to encourage farming activities in a sustainable manner and control the development impacts on the natural landscape ecosystems and natural habitats.

The management issues and objectives are supported within the Plan in Objective 6.3.3.1, which recognise the need *“to ensure that the productive potential of the alluvial flats is not reduced by inappropriate land use activities or subdivision”*. The following policies state that Objective 6.3.3.1, will be achieved:

- A. By encouraging land use activities based on the productive capabilities of the land.
- B. By encouraging farming activities which achieve sustainable use of resources.
- E. By recognising the susceptibility of the alluvial flats to flooding through appropriate rules to minimise impacts on land use activities.
- G. By using rules that protect ecosystems and wildlife habitats as a means of preserving the overall productive potential of the land unit.
- H. By protecting and preserving the high visual amenity values of the land unit through controls on buildings and land use activities.

Land Unit 5 - Foothills and lower slopes are characterised by lowland flats to lower slopes of ridge systems and high fossil dunes. The Plan identifies a wide range of landscapes within Land Unit 5 i.e. coastal slopes, lower hills and wetlands. Land Unit 5 is typically located around Kauaroa Bay, Kaikuku Bay, Woodside Bay and along parts of Man o War Bay Road on Waiheke Island. On Great Barrier Island it is typically located around Claris, Oruawharo Bay (Medlands Beach), Awana Beach, Typhena Harbour and Whangapoua Estuary.

The management issues, relevant to indigenous vegetation clearance, for Land Unit 5 are similar to Land Unit 3, as they encourage farm activities which minimise environmental impacts on water and soil conservation, water quality and detrimental effects on the natural environment. The management objective identifies the need for design controls based on

development impacts on the natural landscape and design criteria to enhance the bush edge environments.

The management issues and objectives are supported within the Plan in Objective 6.5.3.1, which recognises the need *“to provide for a range of compatible land use activities which benefit from the productive potential, aspect, location and rural character of the land unit”*. The following policies state that Objective 6.5.3.1, will be achieved:

- B. By imposing controls on modifications to the natural landform and vegetation.
- D. By permitting intensive land use activity where the productive use, visual amenity, and protection of the natural environment will be enhanced.
- E. By encouraging farming activities which achieve sustainable use of resources.
- F. By establishing appropriate rules managing the intensity of land use activity in the land unit.

The current provisions in the Plan, for Land Unit 3 and 5 provide 500m<sup>2</sup> and 1000m<sup>2</sup> of indigenous vegetation clearance respectively. It is recognised that properties within Land Units 3 and 5 are used as productive farmland. There is approximately 427 hectares of farmland on Great Barrier Island within Land Unit 3 and a further 1034 hectares in Land Unit 5. The only vegetation on this land is individual or small clumps of trees. Therefore, of the 285 square kilometres (285000 hectares) encompassed by Great Barrier Island only 5% is zoned Land Unit 3 or 5 and used for productive farmland.

The existing controls do not reflect the main intent of the objectives and policies in the Plan. The current provisions are not considered adequate to maintain the productive nature of the land. Therefore, the indigenous vegetation clearance controls have been amended to allow up to 50% of the site to be cleared as of right and 60% as a non-notified discretionary activity. It is unlikely that any additional clearance of indigenous vegetation will occur due to the relaxed provisions. Any application for indigenous vegetation clearance as a non-notified discretionary activity will be assessed in accordance with the criteria in Part 6E of the Plan, ensuring any adverse effects will be mitigated.

In addition to freeing up the indigenous vegetation clearance controls, the plan change also seeks to increase the height at which trees can be cleared (within Land Unit 3 and 5) from 3 metres to 6 metres. A control on the girth of felled trees is also proposed. It is recognised that existing trees within Land Unit 3 and 5 are generally well established and have been retained for character, shade/shelter for stock and along streams/drains/wetlands. Therefore, a general tree protection is required to continue to protect the existing large tree stands.

The objectives and policies of the land units, outlined above, recognise that the land has been highly modified and limited ecosystems and natural habitats remain. Therefore the emphasis is on maintaining the landscape in its productive capacity and influence farm practices to minimise environmental effects i.e effluent run-off into streams and wetlands etc.

#### Land Unit 11

Land Unit 11 – Traditional residential, encompasses coastal terraces adjacent to beaches and rolling moderately contoured land. The Plan identifies that the land unit has relatively little vegetation cover, moderate to intensive residential development (intensive residential development occurs in Western Waiheke SMA) and is characterised by extensive exotic vegetation over an open landscape. Land Unit 11 is only located on the inner Islands and is predominantly located at Surfdale, Oneroa, Onetangi, Ostend, Blackpool and Kennedy Point.

The management issues identified for Land Unit 11 relates to the effects of residential development from amenity, scale and intensity issues to ensure that an open residential landscape is accommodated while the existing landscape and amenity values are maintained. The management objectives recognise the need to control development impacts on the natural landscape.

The management issues and objectives are supported within the Plan in the following objectives;

6.11.3.1 Objective

To provide for residential development which maintains neighbourhood amenities and the qualities of the local environment.

6.11.3.2 Objective

To facilitate the establishment of non-residential activities which are compatible with a predominantly residential area.

6.11.3.3 Objective

To maintain the amenity and landscape qualities of beach front locations.

6.11.3.4 Objective

To ensure that the quality of natural water bodies and potable water sources are not compromised by development.”

Indigenous vegetation clearance is related to property development, usually to construct a dwelling and provide vehicle access. It is noted that the Council accepts that it is a realistic community expectation to be able to construct a dwelling on a property zoned for residential development. The existing indigenous vegetation clearance rules prevent the clearance of any vegetation over 3 metres in height. Given the objectives for Land Unit 11 provide for residential development, the rules are considered overly restrictive.

Therefore, the proposed plan change amends the indigenous vegetation clearance controls where clearance relates to the construction of a building, within the lot coverage envelope. The Plan Change provides for indigenous vegetation to be cleared for a ‘permitted building platform’, where the building or structure complies with the provisions in the Building Act. Additional structures permitted within the building platform include garaging, utility sheds (ie for the storage of generators, water tanks, implements, cut firewood etc), manoeuvring areas and parking. A 3m strip around the external walls of all buildings is required to be included within the building platform for the maintenance of structures. The entire building platform is to be constructed within the Lot Coverage provisions in the Plan and subsequent proposed provisions in Plan Change 26. The proposed plan change will better provide for the clearance of indigenous vegetation to be linked to a building as provided for in the objectives and policies of the land unit.

In addition to the amended height restriction of indigenous vegetation clearance within a building platform, the percentage of clearance permitted in the Plan is also to be amended. The current amount of indigenous vegetation that can be cleared within Land Unit 11 is 300m<sup>2</sup>. The Plan change will provide up to 22.5% of the site to be cleared. The permitted clearance limit has been changed to accommodate the increase in lot coverage proposed by Plan Change 26 by the Council. It is considered reasonable that the community can expect to be able to construct a building within a permitted lot coverage envelope without exceeding the permitted indigenous vegetation clearance area control.

### Land Unit 1, 4, 7 and 9

Land Unit 1 – Coastal Cliffs is comprised of steep coastal cliffs, typical of both the Inner and Outer Gulf Islands and encompasses offshore islets and stacks. The land is subject to instability, and can be severely eroded. Any vegetation is generally sparse and has difficulty establishing due to poor soil conditions and extreme exposure. The land unit is physically prominent due to its high visibility from vantage-points on land, in the sky and on the sea. Land Unit 1 is located on Waiheke Island around Thompsons Point, Kaituku Bay and around the eastern coastline from Piemelon Bay to Waiti Bay. On Great Barrier Island, Land Unit 1 is most noticable at Sugar Loaf (Oruawharo Bay), Typhena Harbour, Awana Bay and from Shakespear Point towards Rosalie Bay.

The management issues for the land unit identify the detrimental effects human activities can cause on a landscape already susceptible to stability and erosion issues and limited vegetation cover. Therefore the main management issue is to limit land use activities to preservation and conservation activities. This is reflected in Objective 6.1.3.1 and the following policies;

#### **6.1.3.1 Objective**

To allow land use activities in land unit 1 only where they preserve and protect the natural features of the coastal environment:

#### **Policies**

- A. By encouraging the stabilisation and enhancement of the natural qualities and characteristics of the land unit through:
  - the revegetation and rehabilitation or retirement of land, and
  - the use of bonus provisions in the Plan tied to protection of the land unit.
- B. By only allowing earthworks, vegetation removal and buildings where they facilitate and protect the natural features of the coastal environment.
- D. By managing land use activities so that the intrinsic values of the coastal environment are protected and preserved.

Land Unit 4 – Wetland systems, comprise of fresh water wetlands, draining to rivers, streams or estuaries. The land unit is characterised by areas that are inundated or saturated by surface or ground water and supports life adapted to such environment, such as plants, birds and fish. The land unit is highly significant due to the hydrological and ecological function it fulfils for catchment management. Land Unit 4 is typically located on Waiheke Island at Rocky Bay, Awa Awaroa Bay, along Man o War Bay Road, Te Matuku Bay, Man o War Bay, Owhiti Bay and Hooks Bay. On Great Barrier Island, Land Unit 4 is located behind Medlands Beach, around Whangapoua Estuary and interspersed behind Kaitoke Beach.

The management issues for the land unit identify the detrimental effects human activities can cause on the wetland environment through drainage, grazing of stock etc. Therefore the main management issue is to protect the wetland environment and landscape from detrimental effects which would limit the natural wetland systems to function. This is reflected in Objective 6.4.3.1 and the following policies;

#### **6.4.3.1 Objective**

To limit land use activities within land unit 4 to those which preserve and protect the natural character and function of wetlands.

#### **Policies**

- A. By recognising the importance of wetlands as ... productive, ecological management systems and ... valuable wildlife habitat through:
  - encouraging the retirement and rehabilitation of the land, and
  - ensuring no detrimental impacts from surrounding land use activities occur.

- B. By maintaining the flood mitigation role and stormwater control functions of wetlands through their protection.
- C. By limiting land use activities including drainage of low-lying areas to those that do not detrimentally affect the natural functions of wetlands.

Land Unit 7 – Steep infertile coastal slopes contain areas of exposed coastal slopes and valleys with little soil cover and consequentially low fertility. Therefore, similar to the previously identified land units, there is the potential for significant erosion due to the topography, aspect and location of land unit. Land Unit 7 is not located on Waiheke Island and is found from Shakespeare Point towards Rosalie Bay on Great Barrier Island.

The management issues for the land unit identify the detrimental effects human activities can cause on a landscape already susceptible to stability and erosion issues and limited vegetation cover. Therefore the main management issue is to limited landuse activities to protect the vegetation and maintain the visual amenity values. This is reflected in Objective 6.7.3.1 and the following policies;

#### **6.7.3.1 Objective**

To recognise the sensitivity of the land unit by restricting land uses and activities to those which encourage the preservation and protection of the land unit.

#### **Policies**

- A. By encouraging the retirement of land from farming activities and the regeneration of vegetation within the land unit.
- B. By controlling earthworks and vegetation removal and limiting buildings (other than dwellings) to those associated with or complimentary to the preservation and conservation of the natural environment.
- D. By maintaining and enhancing the visual amenity values of the land unit through appropriate rules and resource consent conditions.

Land Unit 9 – Low fertility hills consist of predominantly north facing moderately sloped hills with variable vegetation cover and sever erosion scars. Natural revegetation of eroded areas is hindered by the continual exposure to wind and water erosion and consequential lack of soil cover. Land Unit 9 is not located on Waiheke Island and is found along the ridge between Kaitoke Beach and Blind Bay on Great Barrier Island.

The management issues for the land unit identify the need to facilitate the rehabilitation of the natural landscape through improved landuse practices to minimise erosion and encourage revegetation of appropriate species. This is reflected in Objective 6.9.3.1 and the following policies;

#### **Objective**

To encourage revegetation and stabilisation of the land unit and to prevent further degradation.

#### **Policies**

- A. By recognising the existing instability and potential for erosion within the land unit through:
  - Controls on vegetation removal

The current Plan does not provide for any indigenous vegetation clearance in Land Units 1, 4, 7 or 9. The objectives and policies identify that these land units are particularly susceptible to erosion due to minimal vegetation containing and stabilising the areas. It is therefore recognised that any clearance could have a significant impact on the environment. However, it is noted that limited clearance may be acceptable, providing it can be

established that any adverse environmental effects can be avoided, remedied or mitigated. Therefore, the Plan Change provides for a limited amount of indigenous vegetation clearance to be assessed as a restricted discretionary activity.

The restricted discretionary activity category, will enable landowners (of Land Units 1, 4, 7 & 9) to apply to Council to clear a set level of indigenous vegetation. Providing it meets the assessment criteria, the application will be considered without notification and without the need to obtain written approval from affected parties. If through the assessment process it is identified that adverse visual effects are likely to result from the clearance, the Council will be able to require that the mitigation of effects is carried out to revegetate or regenerate the area. Therefore, Plan Change will enable landowners to clear land of indigenous vegetation and better provide for the economic benefit of the Gulf communities as well as provided for the environmental outcomes stated in the Land Units objectives and policies.

The Plan Change assists Council to control the visual effects associated with indigenous vegetation clearance by:

- Maintaining the control on clearance of indigenous vegetation greater than 6 metres;
- Introducing restricted discretionary criteria for land units with no 'permitted' indigenous vegetation clearance limits, to provide the public with more certainty and restrict Councils control to the pertinent environmental effects related to the clearance.
- Providing greater clearance limits of indigenous vegetation for productive agricultural land units, to better meet the economic and social needs of the Gulf communities.

#### **2.3.1.2 Slope Stability and Soil Conservation**

Related to indigenous vegetation clearance, is the potential for cleared land to become unstable and erode. Indigenous vegetation clearance can adversely affect the stability of the property on which it is occurring, and neighbouring properties, as once the vegetation cover is removed the soil is exposed to natural elements. Therefore, vegetation is crucial to retaining soil on the land.

The Plan Change will enable greater indigenous vegetation clearance in Land Units 3 and 5, provided the vegetation is not listed in Appendix D, within the wetland protection yard or greater than 6 metres in height. The increase in permitted vegetation clearance is not expected to create any additional slope instability as Land Unit 3 is located on alluvial flats and Land Unit 5 is on foothills and lower slopes. This land is used for rural production and is predominantly pastureland. Therefore, while the rules are more permissive, the proposed rules are not expected to create any significant instability issues as it is unlikely that any additional vegetation clearance will result on these two land units.

The Plan change has introduced a restricted discretionary activity, which provides for more indigenous vegetation clearance from Land Units 1, 4, 7 & 9. The plan change is expected to make the process easier for landowners to apply for indigenous vegetation clearance, while maintaining the high level of environmental protection through specific assessment criteria. It is envisaged that the environmental effects of any indigenous vegetation clearance resulting from the Plan Change will not increase the instability of Land Units 1, 4, 7 & 9 further.

In addition to the proposed changes no rule change is recommended for Land Units 8 – Regenerating slopes and 10 – Forest and bush areas. Clearance of indigenous vegetation from these sites would be inappropriate due to the important function in soil conservation and protecting unstable slopes manuka/kanuka and native tree stands have for steep slopes, particularly in upper catchments, on headwalls or gully slopes. Therefore, the Plan Change can not support any change to the existing clearance limits of Land Units 8 & 10.

The Plan Change assists the Council to control the stability and soil conservation effects associated with indigenous vegetation clearance by:

- Providing for greater indigenous vegetation clearance on specified sites, while restricting clearance adjacent to wetland systems, the coast and vegetation greater than 6 metres or listed in Appendix D.
- Ensuring that established vegetation (greater than 6 metres) is protected from clearance, as of right, to ensure that some vegetation remains to protect the site from instability issues.

#### **2.3.1.3 Ecological Effects**

It is recognised on the Hauraki Gulf Islands that indigenous vegetation stands have substantial intrinsic value as a major reservoir of natural biodiversity. The intention of the Plan is to protect the aesthetic and visual quality, character, ecological and habitat values from inappropriate use and development. However, it is noted that clearance of indigenous vegetation is necessary, where effects can be mitigated, to provide for social and economic activities of the Gulf communities e.g farming, housing maintaining airport runways etc.

Indigenous vegetation clearance can impact on the Islands through a net loss of vegetation cover and a resulting net habitat loss for flora and fauna. Much of the vegetation remaining on the Island (particularly Great Barrier Island) is regenerating from clearance early last century. Therefore, the vegetation, organisms and animals that have re-established on the Islands are significant as they increase the overall biodiversity within the Hauraki Gulf.

The existing indigenous vegetation clearance rules provide for clearance on an area basis as well as for individual trees. General tree protection is maintained by restricting the heights at which trees can be removed. While the extent of land that can be cleared of indigenous vegetation is limited to maintain and establish the ecological values of the Islands.

The Plan Change assists the Council to control the ecological effects associated with indigenous vegetation clearance by:

- Requiring a restricted discretionary activity consent for Land Units 1, 4, 7 & 9.
- Limiting, in key areas e.g. wetlands etc, indigenous vegetation clearance which may negatively impact on the ecological values of the Gulf Islands.

#### **2.3.1.4 Effects on Archaeological and Cultural Heritage Sites**

Vegetation clearance and the resulting construction of dwellings and subsidiary buildings can result in the disturbance or destruction of archaeological or cultural heritage sites of significance to Iwi and the public.

There is a legal requirement under Section 10 of the Historic Places Act for persons to obtain authorisation from the Historic Places Trust before an archaeological site can be lawfully destroyed, damaged or modified.<sup>3</sup> The definition of 'archaeological site' is as follows:

"Archaeological site" means any place in New Zealand that –  
(a) Either –

---

<sup>3</sup> Section 10(1) of the Historic Places Act states as follows:

"Except pursuant to an authority granted under section 14 of this Act, it shall not be lawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged, or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site."

- (i) Was associated with human activity that occurred before 1900; or
- (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand:

The Plan lists 31 scheduled archaeological and Maori heritage sites for the inner islands but none for the outer islands (refer Appendix B.3 of the Plan). A resource consent is required for works affecting a scheduled site. The Heritage Division of the Council has commenced work to identify, in conjunction with Iwi, additional sites which met the criteria for scheduling in the Plan. A Plan Change would be required to add additional items to the schedule. In the interim, the Heritage Division is preparing maps of known or suspected archaeological sites in the HGI to assist Council officers and applicants. Where a resource consent is sought for works in the vicinity of a suspected site, the applicant may be required to provide an assessment undertaken by an archaeologist.

The Plan Change assists the Council to control effects on archaeological and cultural heritage associated with indigenous vegetation clearance by:

- Requiring works to cease and the Council and Historic Places Trust to be advised where evidence of a burial site or any other archaeological feature is exposed during the construction of any building platform (refer to Plan Change 24 – Earthworks) or buildings.

## **2.4 Whether the Proposed Rules are the Most Appropriate Means of Exercising that Function**

### **2.4.1 Introduction**

The Council is required to have regard to other means which may be used in achieving the purpose of the Act. This includes non-statutory means such as the provision of information, services, or incentives, and the levying of charges (including rates).

The following alternative means are considered under headings below:

- Retain existing rules;
- Require consent for all indigenous vegetation clearance in the HGI;
- Provide additional advice / information;
- Increase enforcement;
- Do nothing;
- Introduce a modified Plan Change with a higher threshold for requiring resource consents.

### **2.4.2 Retain Existing Rules**

One alternative would be to retain the existing rules in Part 6B and Part 6C which require a resource consent when the indigenous vegetation clearance exceeds the following thresholds:

- 0m<sup>2</sup> in Land Unit 16;
- 300m<sup>2</sup> in Land Units 11-15 & 17-25;
- 500m<sup>2</sup> in Land Units 2 & 3;
- 1000m<sup>2</sup> in Land Units 5, 6 & 8;
- 1000m in Land Unit 10;
- Not Permitted in Land Units 1, 4, 7 & 9.

In addition, vehicle access is a non-complying activity in Land Units 1 and 4, and a discretionary activity in Land Unit 9



Parts 6B and 6C list three consent categories for indigenous vegetation clearance – permitted, non-notified discretionary, and discretionary. The non-notified discretionary category is not a true ‘restricted discretionary activity’ in terms of Section 94(1A) of the RMA as the Plan does not restrict the exercise of the Council’s discretion. Part 6E of the Plan sets out general assessment criteria for discretionary activities (including those which are non-notified).

Under Part 7 of the Plan, a controlled activity consent is required where it is proposed to undertake indigenous vegetation clearance in any of the eight policy areas identified in the Plan (Typhena, Medlands, Claris, Port Fitzroy, Oneroa, Onetangi, Okahuiti-Ostend-Tahi, Rangihoua Park).

Part 11 – Definitions, excludes a definition for indigenous vegetation clearance.

When accompanied by advice, education, compliance checking and monitoring, the existing rules can be relatively effective at controlling the adverse effects of indigenous vegetation clearance. However with some modification the existing rules can be made more effective by including exemptions to tailor the rules to the differing land unit objectives and setting consent thresholds at a level which is more precisely linked to the potential for significant adverse effects.

Efficiencies will also result from the introduction of a restricted discretionary consent category and related assessment criteria. This means that the Council’s assessment of a resource consent application must be confined to the effects specifically listed in the Plan and not broadened to include the general effects of the development in its entirety. Subject to section 94(5)<sup>4</sup> of the Resource Management Act, restricted discretionary activities will also be dealt with on a non-notified basis and without the need to obtain written consent of affected parties. The non-notified process enables quicker processing, more focussed assessment of effects, reduced resource consent costs, and eliminates the possibility of third party appeals to the Environment Court.

#### **2.4.3 Require Consent for all Indigenous Vegetation Clearance in the HGI**

A further alternative would be to introduce a Plan Change setting more restrictive controls so that resource consents would be required for all indigenous vegetation clearance activities in the HGI. This would enable the Council to assess all indigenous vegetation clearance proposals and set site specific conditions relating to such matters as landscaping, ecological, replanting, erosion and stability. However, such a restrictive approach has significant cost and resourcing issues, and is not justified in terms of the Council’s function of controlling adverse effects.

#### **2.4.4 Provide Additional Advice / Education**

Advice and education is most effective as a complementary provision to statutory means which require certain actions to be taken and include means of enforcement. The effectiveness of advice and education also depends on the quality of the information, the method of delivery, who it is provided to, and the willingness and ability of people to act on the information.

The Council is working to improve the quality of advice and information available to staff and external parties involved in indigenous vegetation clearance in the HGI. Initiatives include:

---

<sup>4</sup> Under section 94(5), if the Council considers that special circumstances exist it may require an application to be publicly notified even if the Plan expressly provides that it need not be so notified.

- encouraging on site meetings between Council enforcement officers and developers prior to commencement of indigenous vegetation clearance;
- information produced by the Council setting out indigenous vegetation clearance controls.

#### **2.4.5 Increase Enforcement**

This option involves increased monitoring and enforcement of indigenous vegetation clearance activities in the Gulf to ensure that indigenous vegetation clearance is undertaken in accordance with resource consent conditions and District Plan requirements. Resource consents are issued subject to a range of conditions which are designed to mitigate adverse effects. For indigenous vegetation clearance consents, conditions are likely to cover such matters as landscaping, ecological, replanting, erosion and stability. Monitoring and enforcement is needed to ensure that these conditions are complied with. For instance, it is essential to ensure that any replanted vegetation to alleviate any visual effects, of indigenous vegetation clearance related to a development, is maintained until the planting is established. Without site visits by compliance officers there is a likelihood that the replanting will be neglected during the summer months and fail to establish. This is particularly the case if the contractor has not properly understood the requirements and budgeted for them accordingly.

Monitoring and enforcement is an extension of the Council's advice and information role.

In order to achieve good environmental outcomes the Council needs to ensure adequate resourcing of its monitoring and enforcement activities on the Island. There are currently two compliance officers on Waiheke Island and one on Great Barrier Island. In addition to RMA compliance work, the compliance officer on Great Barrier Island also functions as a building inspector and has recently taken over the task of rural fire officer. The Council is seeking to employ a Planner on GBI, and their responsibilities would also include compliance work.

#### **2.4.6 Modified Version of the Proposed Plan Change**

Another alternative would be to introduce a Plan Change with separate indigenous vegetation clearance thresholds for land units on the Inner and Outer Gulf Islands. This method would ensure that the thresholds were more specific to the characteristics of the Inner and Outer Gulf Islands landscapes. However, this approach could lead to greater segregation of the Gulf Islands communities. This approach could be effective if appropriate resources were given to advice / education, and monitoring / enforcement so that a high degree of compliance is achieved for permitted activities.

#### **2.4.7 Do Nothing**

Section 32 requires consideration of the 'take no action' or 'do nothing' option. 'Take no action' means that the Council would have no methods, either in the Plan or outside it, to address the issues associated with indigenous vegetation clearance. A Plan Change would be required to remove the existing controls from the Plan.

Under this option, indigenous vegetation clearance of any scale would be a permitted activity in the District Plan with no limitations or assessment criteria to control effects such as landscaping, ecological, replanting, erosion and stability impacts.

### **2.5 Reasons For and Against, Evaluation of Benefits and Costs**

This section will consider the benefits and costs of the proposed rules, the principal alternative means, or of taking no action. The principal alternative means are considered to

be maintaining the status quo, or adopting a modified Plan Change with a higher threshold for requiring resource consents.

## **The Proposed Rules**

### **Benefits**

- 1 The proposed rules will be more aligned with the objectives and policies and more accurately address the associated environmental, social and economic effects identified in the Plan.
- 2 The area (m<sup>2</sup>) or percentage (%) thresholds at which indigenous vegetation clearance requires a resource consent is based on the potential for adverse ecological, habitat, soil stability and landscape effects.
- 3 Introduces a non-notified restricted discretionary activity category for indigenous vegetation clearance which currently requires a discretionary or non-complying resource consent. This reduces processing costs and time delays to the applicant.

### **Costs**

- 1 The costs incurred by the Council in undertaking the Plan Change procedure.
- 2 The costs incurred by those who choose to lodge submissions or appeals to the Plan Change.
- 3 The inconvenience associated with having two sets of rules to administer and comply with during the transition phase.
- 4 The introduction of a restricted discretionary category largely removes the opportunity for third party involvement (via the submission process) which currently exists for discretionary and non-complying activities. Notification only occurs where the Council considers that special circumstances exist in terms of Section 94(5) of the RMA.
- 5 The financial and time costs incurred by applicants seeking resource consent for indigenous vegetation clearance which would have been permitted as of right under the existing controls.

## **The Status Quo**

### **Benefits**

- 1 Staff, developers, contractors, and consultants have some familiarity with the existing controls.
- 2 Avoids the costs associated with the Plan Change process.

### **Costs**

- 1 The threshold at which indigenous vegetation clearance requires resource consent is not based on the potential for adverse landscaping, ecological, erosion and stability effects.
- 2 The current discretionary category for some indigenous vegetation clearance can lead to increased costs and uncertainty for applicants due to the potential for notification and the need to assess the effects of the activity (such as construction of a dwelling) as a whole not just the effects associated with the indigenous vegetation clearance.

## **Modified Version of Proposed Plan Change**

This alternative would involve modifying the Proposed Plan Change by increasing the indigenous vegetation clearance threshold (m<sup>2</sup> or %) of a site. As well as providing for clearance of all vegetation up to 6 metres.

### **Benefits**

- 1 When compared with the Proposed Plan Change, the higher threshold would mean that more indigenous vegetation clearance could be undertaken as a permitted activity, thus avoiding the costs and time delays which occur for applicant through the resource consent process.
- 2 Introduces a non-notified restricted discretionary activity category for indigenous vegetation clearance which would currently require a discretionary or non-complying resource consent. This reduces processing costs and gives greater certainty to the applicant.

### **Costs**

- 1 When compared with the proposed Plan Change, the higher threshold would mean that more indigenous vegetation clearance could be undertaken as a permitted activity, and for those activities the Council would not have the opportunity to assess effects and set specific conditions such as a requirement for the Council to approve erosion and sediment control measures prior to their installation.
- 2 When compared with the proposed Plan Change, higher thresholds would mean that there is increased need for the Council to monitor permitted activities to ensure compliance. This would need to occur on a non-cost recoverable basis.
- 3 The costs incurred by the Council in undertaking the Plan Change.
- 4 The costs incurred by those who choose to lodge submissions or appeals to the Plan Change.
- 5 The inconvenience of having two sets of rules to administer and comply with during the transition phase.
- 6 The introduction of a restricted discretionary category removes the opportunity for public involvement, which currently exists for discretionary and non-complying activities.
- 7 This would be not be in keeping with the objectives and policies within the District Plan, the Conservation Strategy, or the Hauraki Gulf Marine Park Act 2000.
- 8 The unique natural vegetative environment that characterises the Gulf Islands (and in particular Great Barrier Island) would be under threat.

## **Taking No Action**

### **Benefits**

- 1 Avoids the situation where consents are required from the Council for indigenous vegetation clearance on a site.
- 2 As resource consents from the Council would not be required, there would be reduced compliance costs and time delays for persons seeking to undertake indigenous vegetation clearance.
- 3 Reduced costs to the Council in undertaking monitoring and enforcement in association with indigenous vegetation clearance activities. However the Council may still need to undertake enforcement under Section 17 of the RMA which deals with the duty of persons to avoid, remedy or mitigate adverse effects whether or not the activity is in accordance with a rule in the Plan.

### **Costs**

- 1 It is unlikely to achieve good environmental outcomes for smaller scale indigenous vegetation clearance.

- 2 It is unlikely to achieve good environmental outcomes for larger scale indigenous vegetation clearance, as the consent process does not control all of the actual or potential effects of indigenous vegetation clearance. It does not seek to control visual effects, traffic effects, or noise effects. It also does not assess the activity in the context of the District Plan objectives and policies.
- 3 The costs incurred by the Council in undertaking a Plan Change to remove the existing controls from the Plan.
- 4 The costs incurred by those who choose to lodge submissions or appeals to the Plan Change.

## **2.6 Whether the Proposed Rules have the Purpose of Achieving the Objectives and Policies of the Plan**

The relevant objectives and policies of the Plan relating to Strategic Management Areas are attached as **Appendix A**. Those relating to land units are attached as **Appendix B**. The proposed rules of the Plan Change assist in achieving have the purpose of the existing objectives and policies (refer to Sections 2.3.2.1, 2.3.2.2, 2.3.2.3, 2.3.2.4 of this report) and no changes to are therefore proposed as part of the Plan Change.

## **2.7 Consultation**

This section lists consultation undertaken to date during the formulation of this Plan Change. The discussions had with the differing parties are also detailed and the outcome of those discussions i.e whether the suggestions where included in the Plan Change and if not, why not.

### **Comments received from Council Officers**

Comments were received on behalf Auckland City Environments from Keren Ingram in response to the first draft plan change in August 2001. Comments have also been received from Richard Osborne, Senior Planner at Waiheke Service Centre in response to the current Plan Change. The main concerns raised in both memorandums are discussed below.

In general comments received supported the inclusion of a girth measurement for the clearance of indigenous vegetation and the intention to clarify the existing rules for the public.

Additional comments received identified that the 3 metre vegetation height threshold did not protect the low lying coastal vegetation. This issue was investigated and considered within the scope of the Plan Change. However, it is noted that Appendix D – Rare, threatened and endemic species within the Hauraki Gulf Islands, protects most of the significant indigenous vegetation from being destroyed, removed or modified. It was identified that the link between the rules in Part 6 and Appendix D of the Plan may be over looked. Therefore, the importance of Appendix D has been identified in the first clause of the Plan Change. Additionally, significant coastal vegetation has been specifically named in the definition proposed by the Plan Change.

Concern was expressed about the potential difficulty determining the existing use rights relating to the amount of land cleared at the time the Plan became operative. It is noted that the Outer Islands planning maps aerial photographs were flown prior to the Plan becoming operative and therefore can be relied upon to represent the amount of cleared land. Aerial photographs also exist for Waiheke Island which were flown prior to the Plan being made operative, which can also be used to verify the amount of existing cleared land. Additionally,

the Council needs to better monitor properties on the Islands and record any noticeable loss of vegetation to be followed up with enforcement action.

The Plan provides for the clearance of manuka on Great Barrier Island up to 6 metres. It is acknowledged that Kanuka can be removed up to 6 metres as a discretionary activity. Kanuka has not been included like manuka in the permitted activity standard as kanuka is a major component of forests living several hundred years, whereas manuka is less likely to survive this long. As a result of its longevity, kanuka is more common, so the ramifications for loss of vegetation area within land units susceptible to erosion and instability are much greater. Therefore, the environmental effects of allowing removal of kanuka would be inconsistent with the Hauraki Gulf Marine Park Act 2000.

Concern was raised over the proposed change in the height limit for indigenous vegetation clearance within Land Unit 11 and the effect on indigenous vegetation under the proposed 6 metre height. A review of resource consent applications for the 22 month, period from 1 January 2000 to 7 November 2000, identified that 15% of resource consents requested vegetation removal. Of that 15%, only 1.5% (14 consents) related to vegetation removal from Land Unit 11. Therefore, the results suggest that there is limited indigenous vegetation over 3 metres high in Land Unit 11. While, increasing the height indigenous vegetation can be cleared may result in more trees being felled, the existing controls are considered to be overly restrictive and hindering the planting of indigenous vegetation. In addition it is noted that the Council has conducted an ecological review of the Inner Islands and any significant areas of vegetation, which may not be adequately protected in the Plan Change, will be identified and appropriately protected. Therefore, the Plan Change proposes to better align the objectives and policies of the Land Unit to the rules and better provide for the social and economic welfare of the Gulf community.

A major issue raised in the comments received from within the Council, related to the adverse effects caused by accessways e.g. excessive vegetation clearance, stormwater run-off, visual impact and earthworks etc. Therefore, it has been suggested that accessways are specifically excluded from the proposed building platform provision. Also suggested was that greater emphasis be placed on determining whether access from the road to a building platform is necessary or if a parking platform and partial walking access would be more appropriate. Therefore, the Plan Change has been amended to remove the reference to accessways in Clause 6B.1.3.3.D. The assessment criteria in Clause 6C.1.3.3.A(iv) have been amended to require the effects of an accessway verse a parking platform are considered.

There was also concern over the reference to 'future' building construction on a site, identified in the note for Clause 6B.1.3.3. It was recognised that the use of the word 'future' was dangerous as it may lead to people removing vegetation and then selling the site, or proposing to locate buildings elsewhere on the site. Consideration was given during the formulation of the Plan Change of attempting to link the construction of buildings on a site to existing cleared areas. However, it was identified that such a rule is more relevant to being included in the lot coverage or subdivision controls i.e requiring the construction of buildings to be carried out on the existing cleared parts of the site, as well as being difficult to administer. It was therefore recognised that through other restrictions in the plan relating to lot coverage, earthworks, proximity to waterways/coast, subdivision and height in relation to boundary controls, the location of a building may already be controlled.

The Plan Change was identified to fall short on excluding minor maintenance of indigenous vegetation. It is noted that under Clause 5C of the Isthmus District Plan, there is a provision to alter or remove trees where they may be diseased, dangerous, damaged etc. It is

acknowledged that it would be unreasonable for the community to go through a discretionary resource consent process where the removal of a tree was for the good of the surrounding environment. Therefore, a restricted discretionary activity clause has been included in the Plan Change. This will enable the Council to assess the necessity of the removal or modification to any tree, without the need to notify or obtain affected parties approval.

### **Comments from Community Board Representatives**

#### ***Waiheke Community Board***

Meetings were held with the Waiheke Island Community Board on 5 April 2002 and again on the 8 of May 2002. The main concerns of the Board were that there were numerous requests for people to clear vegetation to provide for vehicle access to a house as opposed to a parking platform, firewood harvesting was very rare on the Island and a need to make the rules more reasonable so the public did not carry out illegal clearance. However, overall the Board felt that compared with the proposed changes to the subdivision and earthworks controls, indigenous vegetation clearance was not as significant an issue.

The Plan Change attempts to provide more certainty for the Gulf Communities by introducing a restricted discretionary activity clause to allow the removal of vegetation for safety reasons, accessways and land units with no permitted clearance rights. The Plan Change also decreases controls on development in Land Unit 11, to better provide for the community's need. The introduction of a definition for indigenous vegetation will also clarify the different types of vegetation to be protected in different physical environments in the Gulf e.g. wetlands, bushland and the coast etc.

#### ***Great Barrier Community Board***

Meetings were also held with the Great Barrier Community on 27 March 2002 and 15 May 2002. Comments generally acknowledged that the existing provisions were too restrictive on the entire Island and it was one factor which significantly limited the ability of the Islands residents to create a livelihood for themselves. There was also an acceptance that a percentage-based limit was the best approach for limiting the amount of indigenous vegetation clearance.

There has been an attempt through the Plan Change to relax the indigenous vegetation clearance rules, particularly for Land Units 3 and 5. However, a review of all Land Units was not carried out as it was identified that a number of Land Units objectives and policies were aligned and therefore any significant changes to the rules could be contrary to the Hauraki Gulf Marine Park Act 2000.

### **Other Government Departments**

The Department of Conservation contacted the Council, via written correspondence, on 22 August 2000 acknowledging that they did not have any comments to forward on the proposed Plan Change.

The Ministry for the Environment has acknowledged the receipt of the plan changes but have refrained from commenting on the changes until a Section 32 report can be forwarded for their review. It is likely that the Ministry will address any concerns through a submission.

Comments from the Auckland Regional Council were received towards the end of the completing the Section 32 report, therefore the concerns raised have not been able to be addressed in the Plan Change.

The Auckland Regional Council comments appeared to support the proposed provisions for Land Unit 3, allowing the removal of vegetation up to 6m in height and 600mm girth as a permitted activity. Also supported was the amended percentage control for vegetation clearance within Land Unit 11. It was noted that the clearance of vegetation to establish a permitted building platform was considered appropriate. Auckland Regional Council supported the inclusion of assessment criteria for Discretionary Activities associated with indigenous vegetation removal under clause 6C.1.3.3.

However, queries were raised due to the increase in the amount of indigenous vegetation that can be cleared on sites within Land Unit 5 (50% of the lot area as a permitted activity). They recognised that while the land unit is predominately pastureland, it also contains areas of wetland and water systems. The concerns were the increased amount of vegetation clearance on sites, which may result in greater impacts on natural resources, e.g. through riparian vegetation clearance. Additionally, increasing the area of vegetation clearance permitted, was not considered to encourage the protection and enhancement of regenerating native vegetation. These concerns have raised valid issues, which Section 2.3 of this report has addressed. However, to further protect the riparian vegetation it is suggested that the existing control for wetland protection yards be reviewed to prevent clearance activities within the yard.

Comments also suggested that Council consider reducing the amount of indigenous vegetation clearance allowed, as a non-notified discretionary activities, for Land Units 1, 4, 7 and 9 from “5% of the site area or 1500m<sup>2</sup>, which ever is the greater” in the Plan Change to ‘5% of the site or a maximum of 500m<sup>2</sup>’. The reasoning for this is due to the unstable, highly erosive nature of the coastal and wetland/waterway areas. The provisions provided in the Plan Change are greater than that permitted for a discretionary activity. Therefore, the restricted discretionary activity control has been increased so the two standards are not contradictory.

### **3.0 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.”

Sections 7 and 8 are attached at **Appendix B**. 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 indigenous vegetation clearance, are not in conflict with Sections 7 or 9 of the Hauraki Gulf Maritime Park Act.

### **4.0 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 productive land use measures, which are compatible with improving the quality of coastal waters.

## **5.0 Regional Planning Documents**

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

- (a) Be inconsistent with any national policy statement or New Zealand coastal policy statement; or
- (b) Be inconsistent with any water conservation order; or
- (c) Be inconsistent with—
  - (i) The regional policy statement; or
  - (ii) 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.

### **5.1 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.

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 water quality is susceptible to degradation (Map 5, Sheet 1) 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.

The following portions of the RPS are relevant to the Plan Change, Policy 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;
- 7 Areas which derive their particular character and amenity value from the predominance of built structures, modifications or activities shall be recognised and where appropriate, their values maintained or enhanced.

The Plan Change is in keeping with the following Policy 6.4.1.3 (iii) of the RPS, relating to significant adverse effects relating to heritage preservation and protection:

- ☐ the fragmentation of significant connections of indigenous vegetation between significant ecosystems;
- the loss of a threatened or protected species;
- ☐ a significant reduction in the abundance or natural diversity of significant indigenous flora and fauna;
- ☐ a significant reduction in the value of the historical, cultural and spiritual association with significant heritage resources which are held by Tangata Whenua and the wider community;
- ☐ a significant reduction in the value of significant heritage resources in their wider historical, cultural, and landscape contexts;
- ☐ the loss of significant historic places, areas and waahi tapu;
- ☐ a significant modification of the viability or value of significant heritage resources as a result of the use or development of other land in the vicinity of the heritage resource.

The Plan Change is also in keeping with the following Policy 6.4.19.1 of the RPS, relating to significant adverse effects relating to the landscape:

1. Subdivision, use and development of land and related natural and physical resources shall be controlled so that in areas identified in Map Series 2 and 3:
  - (i) the quality of outstanding landscapes (landscape rating 6 and 7) is protected by avoiding adverse effects on the character, aesthetic value and integrity of the landscape unit as a whole;

- (ii) outstanding landscapes with a sensitivity rating of 6 or 7 are protected by avoiding subdivision, use and development which cannot be visually accommodated within the landscape without adversely affecting the character, aesthetic value and integrity of the landscape unit as a whole;
  - (iii) the quality of regionally significant landscapes (landscape rating 5) is protected by avoiding adverse effects on the elements, features and patterns which contribute to the quality of the landscape unit;
  - (iv) regionally significant landscapes with a sensitivity rating of 5 are protected by ensuring that any subdivision, use and development can be visually accommodated within the landscape without adversely affecting the elements, features and patterns which contribute to the quality of the landscape unit.
3. Subject to Policy 6.4.19-1 above, subdivision, use and development on regionally significant ridgelines shall be controlled so that there are no significant adverse effects, including cumulative effects, on the landscape quality and integrity of the ridgelines.

The proposed rules are not incompatible with the RPS.

## **1.2 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 indigenous vegetation clearance 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 indigenous vegetation clearance on the coastal landscapes of the Hauraki Gulf Islands.

## **1.3 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.”

### **5.2.13**

Soil loss and degradation from inappropriate land management practices result in a reduction in soil quality and consequently the productive potential of the land for future generations.

### **5.3.11**

To maintain the long-term health, versatility and productive potential of soils in the region.

### **5.3.12**

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.

## **6.0 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 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.

## **7.0 Conclusions**

A Plan Change has been prepared to amend the existing lot coverage rules contained within the HGI Plan. This report has undertaken an assessment as required under Section 32 of the rules contained in the Plan Change. The following conclusions are reached:

- The proposed rules contained within the Plan Change are necessary in achieving the purpose of the RMA;
- The proposed rules assist the Council to carry out its function of control of the actual or potential effects of lot coverage;
- Having regard to other means which may be used, the proposed rules are the most appropriate means of exercising that function;
- The proposed rules have the purpose of achieving the objectives and policies of the Plan;
- The proposed rules are in keeping with national and regional planning documents.

## CONSULTATION TO DATE

This section lists consultation undertaken to date during the formulation of this Plan Change.

### Auckland City Staff

- Waiheke Island staff – Richard Osborne, Senior Planner
- Great Barrier staff –, Bruce McNee, Compliance Officer (no longer employed by the Council)
- Auckland City Environment staff – Michelle Hewitt, Team Coordinator Planning, Professional & Technical Services
- City Planning – Andrea Julian, Ecologist, Heritage Division.

### Auckland City Community Boards

- Waiheke Island Community Board
- Great Barrier Island Community Board

### Government Departments

Auckland Regional Council – Proposal forwarded to Hugh Jarvis, no reply to date

Department of Conservation – Debbie Wingate, Planner

Ministry for the Environment – Micheal Wood, Planner

### External Consultants

- Brian Handyside, Erosion Consultant
- Les Simmons, Planning and Resource Management Consultants
- Peter Hall, Haines Planning