

AUCKLAND CITY OPERATIVE DISTRICT PLAN

(Hauraki Gulf Islands Section)

Plan Change under Section 73 of the
Resource Management Act 1991

PLAN CHANGE: PLAN MODIFICATION No. 39

AMENDMENTS TO PART 1, 2, 3, 6 AND THE APPENDICIES OF THE DISTRICT PLAN (HAURAKI GULF ISLANDS SECTION)

Operative Date: 9 September 2005

File No. 314/229039-001

A. Amend Clause 1.2.2 “The Council’s Functions and Obligations” by inserting after the final bullet point in the fifth paragraph an additional bullet point;

- “The Hauraki Gulf Marine Park Act 2000”

B. Amend Clause 1.2 “District Plan Development” by inserting an additional clause;

“1.2.4 The Hauraki Gulf Marine Park Act 2000

The district includes considerable areas which are subject to the provisions of the Hauraki Gulf Marine Park Act 2000 (“the HGMPA 2000”). The purpose of the HGMPA 2000 is to –

- (a) integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments;
- (b) establish the Hauraki Gulf Marine Park;
- (c) establish objectives for the management of the Hauraki Gulf, its islands, and catchments;
- (d) recognise the historic, traditional, cultural and spiritual relationship of the Tangata Whenua with the Hauraki Gulf and its islands;
- (e) establish the Hauraki Gulf Forum

The HGMPA 2000 requires the Council to ensure that any part of the District Plan that applies to the Hauraki Gulf, its islands, and catchments does not conflict with sections 7 and 8 of that Act which recognise the national significance of the Hauraki Gulf and set out objectives for its management.

The HGMPA 2000 also requires the Council, when considering an application for a resource consent for the Hauraki Gulf, its islands and catchments, to have regard to the matters set out in sections 7 and 8 of the HGMPA 2000.

The provisions of the District Plan accord with those of the HGMPA 2000. The Council will have regard to the sections 7 and 8 of the HGMPA 2000 when considering any

application for a resource consent that may reasonably impact on the Hauraki Gulf, its islands and catchments.

The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are recognised as matters of national significance by the Hauraki Gulf Marine Act 2000 and by the District Plan provisions relating to the Gulf Islands”.

C. Amend Clause 2.2.4.1 “General” by inserting after the final paragraph an additional paragraph;

“In addition to these assessment criteria, the Hauraki Gulf Marine Park Act 2000 requires the Council, when considering an application for a resource consent for the Hauraki Gulf, its islands and catchments, to have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000”.

D. Amend Clause 3.3.1 “Introduction” by inserting before the words “the Fisheries Act 1983” the words;

“the Hauraki Gulf Marine Park Act 2000”

E. Add in the heading “6D.3.0 Hauraki Gulf Marine Park Act 2000” in the contents page of Part 6D of the Plan.

F. Add in the heading “6D.3.0 Hauraki Gulf Marine Park Act 2000” before the insertion of clause 6D.3.0.

G. Add new Clause 6D.3.0 to the Hauraki Gulf Islands District Plan by inserting after all clauses of 6D.2.0:

“When considering an application for resource consent for the Hauraki Gulf, its islands and catchments, the Council is required to have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000, in addition to the matters contained in the Resource Management Act 1991. Sections 7, 8 and 9 of the Hauraki Gulf Marine Park Act 2000 have been included at Appendix J to the Plan for ease of reference.

All applications for resource consent shall include an assessment in terms of section 7 and 8 of the Hauraki Gulf Marine Park Act 2000, including an explanatory statement of the way in which the proposal will enable the council to carry out its duty to have regard to those statutory provisions as required by s9(4) of that Act.”

H. Amend Clause 6E.1.0 “Introduction” by inserting after the first paragraph an additional paragraph;

“In addition to the assessment criteria that follow, the Hauraki Gulf Marine Park Act 2000 requires the Council, when considering an application for a resource consent for the Hauraki Gulf, its islands and catchments, to have regard to sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000”.

I. Insert new Appendix J

Add to the Contents page of the appendices

“APPENDIX J – SECTIONS 7, 8 AND 9 OF THE HAURAKI GULF MARINE PARK ACT 2000”

Insert Appendix J as follows:

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| APPENDIX J – SECTIONS 7, 8 AND 9 OF THE HAURAKI GULF MARINE PARK ACT 2000 |
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7. Recognition of national significance of Hauraki Gulf -

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity –
 - (a) to provide for –
 - i. The historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - ii. The social, economic, recreational, and cultural well-being of people and communities;
 - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation;
 - (c) to maintain the soil, air, water, and ecosystems of the Gulf.

8. Management of the Hauraki Gulf

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments;
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments;
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship;
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources;
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand;

- (f) the maintenance and, where appropriate the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

9. Relationship of Act with Resource Management Act 1991

- (1) For the purposes of this section and section 10, the terms “district plan”, “plan”, “proposed plan”, “regional plan”, regional policy statement”, “resource consent”, and “New Zealand coastal policy statement” have the same meaning as in the Resource Management Act 1991, and “regional council”, and [“territorial authority” have the same meaning as in the Local Government Act 2002].
- (2) A regional council must ensure that any part of a regional policy statement or a regional plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of this Act.
- (3) A territorial authority 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.
- (4) A consent authority must, when considering an application for a resource consent for the Hauraki Gulf, its islands, and catchments, have regard to sections 7 and 8 of this Act in addition to the matters contained in the Resource Management Act 1991.
- (5) The provisions of section 55 of the Resource Management Act 1991 apply as though sections 7 and 8 of this Act were a national policy statement and a regional council or a territorial authority must take action in accordance with that section and notify a change to a regional policy statement, plan, or proposed plan within 5 years of the date of commencement of this Act.