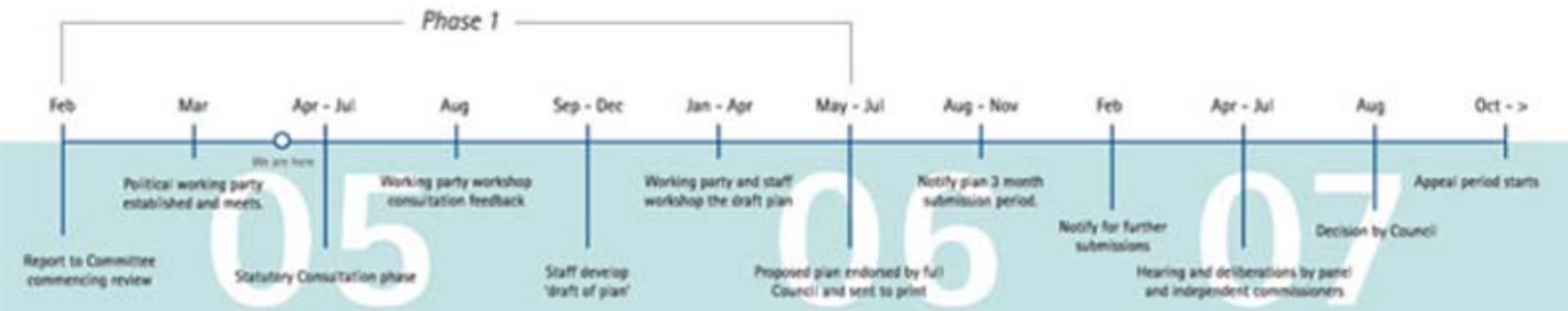
Hauraki Gulf District Plan Review

Issues and Options Papers



Find out more?

www.aucklandcity.govt.nz/hgidistrictplan

Auckland City

Background

WHAT IS A DISTRICT PLAN?

The Resource Management Act 1991 (RMA) requires the Council to have a district plan for Auckland City. A district plan is a legal document, which sets out the council's policies and strategies for managing the natural and physical resources of the City.

The Auckland City District Plan is comprised of three sections: the Central Area section, the Isthmus section and the Hauraki Gulf Islands section (HGI District Plan).

THE CURRENT HGI DISTRICT PLAN

The current HGI District Plan is a single document that brings together all the resource management issues facing the islands of the Hauraki Gulf: Waiheke, Great Barrier, Rakino, Pakatoa, Ponui, Motuhie, Motutapu, Rotoroa, Brown's and Rangitoto and a larger number of other small islands.

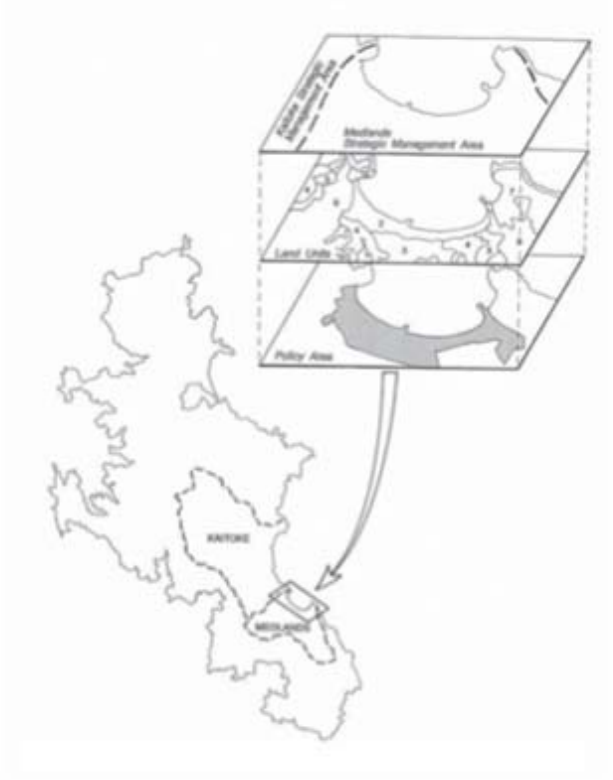
The resource management method adopted for the current HGI District Plan has three primary elements:

- Strategic Management Areas (SMA's) – there are 20 separate SMA's in the HGI District Plan. SMA's are generally based on natural drainage catchments.

- Land Units – within each SMA, all land is given a land unit classification. The land unit classification relates to the natural characteristics of the particular land or the activities to be undertaken on that land. Each land unit has a set of objectives, policies and rules that determine the nature and extent of development that can occur in each land unit. A total of 26 land units are included in the current HGI District Plan. Of those 26 land units, only land units 1-10 are applied to Great Barrier Island, the other outer islands and Eastern Waiheke while land units 1-26 are applied to Western Waiheke.

- Policy Areas – are an additional layer of district plan provisions which contain objectives, policies and rules which have been put in place where a more developed and targeted planning approach is required e.g. wharf areas, commercial areas and beach areas subject to relatively heavy development pressure.

The resource management method as explained above is illustrated in the following diagram:



REVIEWING THE DISTRICT PLAN

Once a district plan is operative, the RMA requires it to be reviewed every ten years. As the current HGI District Plan became operative in July 1996, the council is aiming to publicly notify the proposed HGI District Plan in August 2006.

This district plan review has begun with consultation with the community to identify the issues and approaches that the community consider should be addressed in the proposed (reviewed) district plan.

We will then undertake an 'overlay analysis', which identifies and maps factors such as (but not limited to) geology, hydrology, soils, potential heritage items, vegetation and human activities. A range of other relevant information is being compiled. The 'overlay analysis', background information and the matters identified in community consultation will be analysed to help the Council determine the approach to be taken in providing for development and activities.

Land Units

Land Unit 1 – Coastal Cliffs

Land Unit 2 – Dune Systems and Sand Flats

Land Unit 3 – Alluvial Flats

Land Unit 4 – Wetland Systems

Land Unit 5 – Foothills and Lower Slopes

Land Unit 6 – Steep Pastured Slopes

Land Unit 7 – Steep Infertile Coastal Slopes

Land Unit 8 – Regenerating Slopes

Land Unit 9 – Low Fertility Hills

Land Unit 10 – Forest and Bush Areas

Land Unit 11 – Traditional Residential

Land Unit 12 – Bush Residential

Land Unit 13 – Retailing

Land Unit 14 – Visitor Facilities

Land Unit 15 – Industrial

Land Unit 16 – Quarrying

Land Unit 17 – Landscape Amenity

Land Unit 18 – Outdoor Activities

Land Unit 19 – Community Activities

Land Unit 20 – Landscape Protection

Land Unit 21 – Te Whau Peninsula

Land Unit 22 – Western Landscape

Land Unit 23 – Conservation Islands

Land Unit 24 – Pakatoa

Land Unit 25 – Wharf

Land Unit 26 – Rotoroa

Introduction

The Hauraki Gulf is a place of environmental beauty and a very special place for both locals and visitors alike. The next Hauraki Gulf Islands District Plan will take the islands forward to 2020 and we can only guess the changes that may impact on the Gulf during this time. The review of the District Plan is an opportunity to look at how we contribute to the social, economic, cultural and environmental wellbeing of the islands - factors which contribute to the purpose of the Resource Management Act.

The Resource Management Act 1991 requires us to act in a sustainable manner. We need to be able to provide for the needs of present and future generations so that development undertaken today is sustainable in the longer-term. This collection of documents presents 'issues' relating to the current Plan, which have been identified through discussions with the community. The documents put forward various approaches that could be taken in dealing with each of these.

These lists are not exhaustive. You may have other issues or other ways of dealing with them that have not already been identified. Alternatively, you may not consider them to be of concern. We hope that this document will encourage you to think about the challenges that face the Hauraki Gulf Islands, now and in the future. To discuss them with your family, friends, neighbours and the wider community and to consider how the next Hauraki Gulf District Plan can ensure and enable desirable outcomes for the Gulf. We hope that as many people as possible will take an active interest in how the Hauraki Gulf Islands are developed in the future. We look forward to your response.

Please feel free to use either the feedback forms sent to all ratepayers (copies are also available at Council offices on on-line at www.aucklandcity.govt.nz/hgidistrictplan or by contacting 379-2020 and ask for the Isthmus and Islands duty planner. Or send your written feedback to:

Auckland City Council
Hauraki Gulf Islands District Plan Review
Private Bag 92516
Wellesley Street
Auckland 1036

Regards,
The Hauraki Gulf Islands District Plan Review Working Party

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Contents

Claris

Issue

The planning structure adopted as a basis for resource management in the Hauraki Gulf Islands District Plan divides the district into Strategic Management Areas (SMAs). Strategic Management Areas are divided into land units and policy areas. Land units are based on common features of the physical and natural landscape. Policy areas apply to a number of locations that show a need for a more robust strategic approach to resource management in addition to the controls to be had from SMAs and land units.

Only rural Land Units 1 to 10 apply on Great Barrier Island. These land units are based on common features of the physical and natural landscape. Delineation of land units used in other parts of the Hauraki Gulf Islands is based not only on the physical and natural landscape but also on settlement patterns, infrastructure, existing land uses, subdivision patterns, and activities. For example, Land Units 13 - Retailing, 14 - Visitor Facilities and 15 - Industrial were defined not so much by the underlying natural environment as by activities and existing and likely future land use.

Concerns have been raised that no residential, commercial or industrial land units exist on Great Barrier Island. Should consideration be given to providing for these activities in Claris – since they already exist?

Claris is a growing settlement area with residential, commercial and industrial activities, along with sports facilities, the landfill (which has regional consents until 2027), community facilities (Auckland City Council service centre, library and information centre), the airport, and medical centre. It is located within SMA 6 – Kaitoke. The wider Claris area is subject to numerous land units (Land Units 2,3,4,5,6,8 and 9) and the Claris policy area also applies to a defined area. Claris airport is the principle airport for the island and is located within the sand flats.

There are a number of issues that require consideration:

- The need to include a commercial and/or industrial land unit to provide for existing commercial and industrial activities close to Claris.
- The inconsistencies that exist between the planning map and the policy area. Clarification is required on which is the correct boundary for the Claris policy area.
- Is there a need for a policy area for Claris?
- Should the existing controls be simplified, giving more certainty on what can and can't be done as of right, and stating the information required for assessment?
- Should there be provision for residential use in the general Claris area?
- Is there a need for a long-term development strategy for Claris?
- The airport protection fans extend beyond the policy area. How are activities within the protection fans assessed?
- How would these issues be affected by the airport and potential noise problems?
- How can we ensure there are no adverse impacts of activities on any sites of ecological significance or sensitive areas in the vicinity?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo with the SMA, various land units and policy areas.
- Correct the inconsistencies between the planning map and policy area, but retain the same principal approach.

- Review the existing SMAs, land units and policy area that apply to Claris. Replace them with a structure plan for the wider Claris area that addresses all potential development needs.
- Introduce residential, commercial or industrial land units for the Claris area.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Residential Land Unit – Great Barrier Island
- Strategic Management Areas and Policy Areas

Colour, Scale and Form of Buildings

Issue

In dealing with the exterior finish of buildings in certain land units the current Hauraki Gulf Islands District Plan contains references to the document *Colour for Structures in the Landscape* by T. Heath. Heath developed visual cues for greyness, weight and hue. Using the cues Heath carried out a study on the rural landscape of New Zealand in order to introduce a practical means of controlling the impact of structures in the rural landscape. Heath states: "…the single most important visual consideration in selecting colour for a structure is the visual relationship between the structure and its landscape background", and "…colour in itself cannot be considered in isolation". These are important considerations when regulating colour.

Various community interest groups have developed a sense of ownership of current controls and strive to ensure that the Council rigorously upholds recommended colour combinations. Community awareness and the value of colour controls have been heightened as a consequence. Research suggests that the current administration of the District Plan gives too much emphasis to recommended colour combinations. This approach is not achieving the intent of the Plan.

A research paper prepared for Massey University concludes that colour is an effective tool to control the visual effects of buildings but colour cannot be considered in isolation. If a regulatory approach is adopted it must be formulated to reduce subjectivity and allow easy application by the decision-maker.

Research suggests that the effectiveness of current regulations for colour control in the Hauraki Gulf Islands could be improved, particularly in the areas of interpretation and subjectivity of assessment.

Possible Approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Consider a number of regulatory approaches used by various local bodies throughout New Zealand.
- Develop permitted activity standards for development that comply with planning unit standards/architectural design guidelines; or alternatively
- Develop permitted activity standards for development where exteriors and roofs could be painted with external colours that have an acceptable reflectance value.
- Allow a variation to the standard colour palette or reflectance value by way of a discretionary activity.
- Remove reference to T. Heath.
- Remove controls and assessment criteria relating to colours.
- Introduce controls on reflectivity rather than colour.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Landscape Assessment, Outstanding Natural Landscapes
- Ridgelines
- Design Issues

Crime Prevention through Environmental Design

Issue

CPTED stands for Crime Prevention Through Environmental Design. It is based on the concept that crime and fear of crime can be minimised through effective planning and designing of our built environment.

CPTED is only one approach to crime prevention and needs to be considered in a wider crime prevention context that also includes law and order and education. The focus of the Resource Management Act is generally regarded as being on environmental effects rather than on such social effects as crime prevention or fighting crime.

However, residential surveys consistently rate safety and the fear of crime as important issues for Auckland City. For example, people's fear of crime can affect how they use town centres, especially after dark. A lack of activity can reduce amenity values and for this reason crime prevention is a relevant resource management issue under the Act.

CPTED principles are considered for inclusion into District Plans because they are principally concerned with the design of the built environment – including both private and public elements. The public/private interface is central to CPTED.

CPTED principles have been incorporated in both the Isthmus and Central Area sections of the District Plan. However, there is no direct reference to CPTED in the Hauraki Gulf Islands (HGI) District Plan. The District Plan review process provides an opportunity to introduce the CPTED concept into the HGI Plan to ensure that these issues are considered during the design process for future developments.

Introducing CPTED principles into the HGI District Plan would be an attempt to ensure that certain activities and/or developments are designed to reduce opportunities for crime. This can be achieved in built design and site layout through the use of appropriate landscaping; lighting; clear visibility and sight lines; appropriate building frontages and facades; and the elimination of entrapment spots or of access to them.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo with no direct reference to CPTED in the HGI Plan. CPTED tends to focus on urban areas and the design of the built environment within them. Since the Hauraki Gulf Islands are generally not urban, the application of CPTED principles may not be applicable to them. Further, crime may not be considered to be of sufficient concern for residents or visitors to the Gulf for CPTED to be introduced.
- Incorporate CPTED criteria into the HGI District Plan with a focus on requiring certain activities, which already require resource consent, to be assessed against proposed safety provisions Safety guidelines could be developed to provide guidance on how to satisfy proposed safety assessment criteria. The issue with this approach is that the existing HGI Plan is generally not activities-based. Therefore, this approach would depend on whether the new plan becomes more activities-based.
- Incorporate CPTED criteria as part of wider urban design considerations, rather than requiring specific activities to be assessed against them. If design guidelines are developed for the Hauraki Gulf Islands, or if policy areas are used for specific town centres, then CPTED criteria could be incorporated within those design guides and policy areas.

- Incorporate CPTED principles with a focus on areas within the Hauraki Gulf Islands that are more urban in nature than other parts of the Gulf, such as Oneroa. CPTED could be introduced into the District Plan process either through activities within these areas or through design guidelines.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue paper relating to:

- Design Issues

Definitions

Issue

Definitions set out the meaning of terms and expressions used within a District Plan. The current District Plan is a permissive document that focuses on the built environment and the effects of land use on that environment. Because there are limited restrictions on activities, many activities are not defined within the 'Definitions' section of the Plan. However, some activities, because of their scale, location, intensity, or operational characteristics, may require particular assessment to determine whether they are suitable, or under what circumstances they may be suitable, in certain areas. For example, taverns and rest homes are not included within the 'Definitions' section of the current Plan. However, the nature of these activities may give rise to effects that need to be considered.

Concerns have also been raised about the clarity of the wording for some existing definitions. Unclear wording can lead to difficulties for applicants and for those administering the Plan.

Given the rate of change that is being experienced in parts of the Gulf, there may be a need to define a greater range of activities. In addition, some existing definitions may need to be revised to ensure that their wording is clear, concise and relevant. Some may need to be updated to keep up with changes to legislation, or in terminology or technology.

Since the new District Plan may be the primary statutory document until 2020, there is a need to consider what the relevant issues and considerations may be for that period. For example, activity on Waiheke Island has changed considerably since the current District Plan was notified in 1993. Viticulture and the number of wineries have increased and there has been a significant increase in the development of facilities for visitors.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo. The existing definitions would remain in the new District Plan. This approach would ensure that the existing permissive nature of the plan is retained, with the majority of activities remaining permitted and the principal focus of the Plan remaining on the built environment.
- Update some existing definitions to ensure they reflect changes in legislation and current practice. The existing wording could be revised if necessary. Do not add any additional activities into the 'Definitions' section. This approach would also retain the permissive nature of the Plan, yet provide for a more robust definition section.
- A hybrid approach could be adopted. It would involve defining some additional activities in the District Plan and revising the existing definitions to ensure they are worded appropriately and correctly.
- Greater emphasis could be placed on activities that may give rise to effects because of their nature. Criteria and considerations could apply to particular activities throughout the Plan. This approach might change the permissive nature of the existing District Plan. It could still allow for revisiting some definitions to ensure that the wording is clear, concise and relevant.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Human Activity/Natural Environment
- Gross Dwelling Area

- Gross Floor Area
- Residential Development Definitions
- Visitor Facilities
- Multiple Dwellings
- Sustainability

Department of Conservation/Public Land

Issue

The Department of Conservation (DOC), Auckland City Council (ACC) and the Auckland Regional Council (ARC) own large areas of the Hauraki Gulf Islands. In particular, DOC is a major landholder on Great Barrier Island and in the Inner Gulf Islands. The ARC owns Whakanewha Regional Park on Waiheke Island and ACC owns numerous reserves throughout the gulf. In addition, in 2004 Kaikoura Island was bought through a joint venture by combining resources from the government's Nature Heritage Fund, ASB Trusts, ARC and Auckland territorial authorities. The island is to be protected as a scenic reserve under Section 19 of the Reserves Act and will be managed by a trust.

The Hauraki Gulf Islands District Plan does not take into account Crown or public ownership of land. Instead it has land units that relate to the specific characteristics of the land. This may not be the most appropriate way of managing activities or development on publicly owned land, especially DOC land, where resource consent may not be required if the provisions of Section 4 of the Resource Management Act apply.

It may be appropriate to look at combining some of the existing land units (for example, Land Units 17 to 19 and Land Unit 23) to create an ownership approach for a new land unit. Any changed approach could give a clear visual indication on the planning maps of the extent of land in public or Crown ownership for both the Inner and Outer Islands.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo – continue to apply the existing land units.
- Create a new land unit for those lots owned by DOC/ARC/ACC.
- Re-name and amend Land Unit 23 so that it applies to DOC/ARC/ACC land.
- Create a new land unit specifically for DOC-owned land.
- Combine Land Units 17 to19 and 23 into a new land unit for Crown or publicly owned land.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Land Units
- Separate Section for Great Barrier Island

Design Issues

Issue

Urban design can be described as the art of making places for people. It includes the way places work as well as how they look. As the Gulf Islands are not urban in nature, use of the term urban design may not be considered appropriate. Therefore, for the purpose of this document urban design has been referred to as 'design issues'.

Good quality design:

- aims to create a 'sense of place';
- concerns the three-dimensional design of places where people work, live, and play, and their subsequent use and management;
- is the physical design of the public realm;
- can reflect the different needs and aspirations of users and their activities;
- is about sustainability and 'people friendliness';
- provides innovative solutions for energy efficiency and renewable energy solutions;
- is the interface between architecture, town planning and related professions and integrates transport planning, environmental improvement and development potential;
- is a collaborative process bringing local interests and professionals together to maximise the quality of their environment;
- provides a framework for development as part of the local plan process, helping to create a 'vision' for local authorities, communities and developers;
- involves professional disciplines and local interests including architects, planners, developers, surveyors, landscape architects, engineers, local authorities, civil servants, communities, politicians – in fact, everyone interested in the quality of the built environment.

The underlying purpose of good design is to make areas sustainable. Present needs should be met without compromising the ability of future generations to meet their needs. Sustainable management is about not only the natural environment but also the social and economic needs of a community.

In the current Hauraki Gulf Islands Plan, controlled activity consent is required to erect, alter or add to any building within specific high amenity land units and policy areas. The controlled activity criteria refer to vegetation retention, earthworks, and driveways. They also refer to the exterior finish of buildings being complementary to the surrounding landscape (with reference to T. Heath, *Colours for Structures in the Landscape*) and the scale and form of proposed buildings being such that they are integrated with and complementary to forms in the surrounding natural landscape. The Oneroa policy area has specific design criteria and refers to the Design Guidelines for Oneroa Village (the only design guidelines in the Hauraki Gulf Islands Plan).

Excluding Oneroa, the emphasis is on buildings that blend in with the surrounding natural landscape, through integrated and complementary design and appropriate use of colours and reflectivity. The built environment and buildings that ‘stand out’ are constant issues, especially on Waiheke Island. Design issues for the Hauraki Gulf could focus on expanding existing visual assessment criteria for buildings in places of high visual amenity.

Auckland City Council is now focusing on design issues – both the overall form and the detailed design of public spaces. The uses and scale of buildings, and, importantly, how they relate to the street and the rest of the neighbourhood, are also considered. Council has recently established the Urban Design Panel (UDP) to provide an independent urban design peer review. The panel plays a key role in facilitating and promoting quality urban design projects, and high quality environments. A variant of the UDP, the design panel, reviews some Hauraki Gulf Islands consents.

Given the focus on design issues, should design criteria have greater emphasis in the Gulf Islands?

The Hauraki Gulf Islands Development Code (which has not yet been formally adopted), also provides guidance on low impact development and how to achieve good environmental outcomes that protect and enhance the special nature of the Gulf. The foreword to this is a non-statutory document indicating that the District Plan will be amended to state that compliance with the standards of the Code will satisfy the performance criteria required by the Plan. This was inserted into plan change 23, which is not yet operative. (As part of the review it could be further investigated as to whether it is appropriate to include references to non-statutory documents in a District Plan.)

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Place further emphasis on design issues in the District Plan. This may be achieved through greater reference to design issues in the controlled activity criteria. The criteria could focus on expanding existing visual assessment criteria for buildings in places of high visual amenity.
- Develop design guides that apply to greater areas of the Hauraki Gulf. Design guides could focus on the residential and/or commercial areas. They could be statutory or non-statutory documents.
- Refer to the Hauraki Gulf Islands Development Code if appropriate.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- CPTED
- Colour, Scale and Form of Buildings
- Ridgelines
- Landscape Assessment, Outstanding Natural Landscapes
- Non-statutory Documents

Earthworks – Farm Tracks

Issue

Farm tracks on Great Barrier Island come under Clause 6B.1.3.6 – Earthworks, in the Hauraki Gulf Islands District Plan, which contains the following additional provisions for farm tracks:

> "C. Earthworks to construct farm tracks in Land Units 3 and 5 on Great Barrier Island which do not comply with (A) above are a permitted activity where:
> i) the tracks are required for farming activities; and
> ii) the earthworks comply in all respects with the standards set out in (F) below."

(A) contains the standard earthworks limits that in Land Units 3 and 5 would permit up to $50m^2$ of earthworks on land with a slope greater than 1 in 6, and up to $400m^2$ on land with a slope of less than 1 in 6. (F) requires the use of sediment control measures, no depositing of material on public roads, no more than $200m^3$ of cleanfill to be transported by public road to or from the site, and any surplus material to be disposed of in a legally authorised manner.

The additional provisions for farm tracks were inserted into the District Plan by the Council's decision of 18 December 2004 on submissions received to plan change 24, which amended the earthworks' controls. Several of the farmers on Great Barrier Island were concerned about the need to obtain resource consents for earthworks involved in the construction of farm tracks. Taking a pragmatic approach, the hearing panel decided to go some way towards meeting this concern.

It is likely that some Great Barrier farmers consider that the farm track provisions are still too restrictive because they apply only in Land Units 3 (alluvial flats) and 5 (foothills and lower slopes).

On the other hand, some staff consider that the farm track provisions are too imprecise. Possibly there should be a definition of "farm track". It is also unclear what standard of access is proposed and the extent of earthworks that is envisaged.

It can also be argued that it is difficult to justify having special exemptions for earthworks for farm tracks on Great Barrier Island. In terms of effects, it is the nature of the earthworks, rather than their purpose, which is of relevance.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo. Retain the existing provisions or provisions of a similar nature.
- Retain the existing provisions, but clarify them by including a definition of "farm track".
- Extend the existing provisions to other land units where farming occurs.
- Remove the existing provisions. Make no extra provision for farm tracks – the standard earthworks controls apply.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue paper relating to:

- Definitions

Essentially Waiheke

Issue

'Essentially Waiheke - A Village and Rural Communities Strategy' was adopted by Council in October 2000. The main purpose of this document is to "establish a community approved framework for Waiheke's development and to signpost the directions towards a sustainable future, where opportunities for development are facilitated and the Island's community values and outstanding natural environment are respected and nurtured."

This document was formulated after extensive consultation with the Waiheke community over two and a half years. It is a non-statutory document that is very popular with the Waiheke community. The principles and actions of the strategy are broad and wide-ranging. Sections of the Waiheke community have been supportive of incorporating Essentially Waiheke into the Hauraki Gulf Islands (HGI) District Plan.

A review and evaluation of Essentially Waiheke has been undertaken. The review included the development of a matrix listing key strategies and actions within Essentially Waiheke and describing Council's progress in achieving these actions, as well as outlining what is planned for the future. Where the analysis has highlighted that changes should be made to the actions within Essentially Waiheke, these changes have been referenced in the matrix.

The review and recommended changes went to the Waiheke Community Board in February 2005.

Currently the HGI Plan does not refer to Essentially Waiheke because the Plan was adopted before Essentially Waiheke was developed. What status should Essentially Waiheke have in the HGI Plan? Should it be referred to, or incorporated in whole, in part or not at all?

In addition, since a number of the actions within Essentially Waiheke either explicitly refer to or relate to the HGI Plan, it is important that these actions be considered.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- The status quo, in which there is no reference to Essentially Waiheke in the HGI plan. (This would not be supported by the community.)
- Consider the actions that relate to the function of the HGI Plan.
- Insert the entire Essentially Waiheke document into the existing HGI Plan.
- Incorporate only the central principles of Essentially Waiheke into the HGI Plan. These principles are environmental protection, economic development and employment, strong communities, protection and enhancement of Waiheke's character and principles of location.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Waiheke
- Non-statutory Documents

Financial Contributions

Issue

The Resource Management Act 1991 (RMA) allows the Council to collect financial contributions in a number of ways for a wide variety of purposes. Financial contributions can be made not only in cash but also in land, works and services. A resource consent for any subdivision or land use consent may include a condition that a financial contribution be made, up to the value of a maximum amount specified in, or determined in accordance with, the District Plan. Financial contributions are provided for in Part 9 of the existing Hauraki Gulf Islands (HGI) Plan. The ability to apply financial contributions is provided for in Section 108 of the RMA. Section 111 of the RMA requires the consent authority that has received a cash contribution to deal with that money in accordance with the reason for which the money was received.

In the HGI Plan, financial contributions are taken for two reasons:

- To provide a fair and efficient way of collecting resources to meet the demand for public infrastructure that is generated by private development. This typically includes roading, sanitary and storm water drainage, public open space (reserves) and car parks. The concept can be extended to other community facilities such as libraries, swimming pools and community centres. By requiring financial contributions, new developments help provide for the increased demand they place on the infrastructure instead of all residents paying through rates.
- To provide another means of ensuring that development proceeds in an orderly and efficient way without detrimentally affecting the natural and physical environment or the community. Contributions combine with market mechanisms to influence development patterns by ensuring that the true (public and private) costs of development are faced. This can lead to better use of resources. Communities can also use voluntary contributions, such as special rating areas, to fund specific developments or environmental improvements in their neighbourhoods.

The Local Government Act 2002 allows for a different regime called development contributions. This regime provides an alternative means of recovering growth costs from those who create new development. Development contributions are paid by people and organisations who apply for service connections, building consents, and resource consents (subdivision and land use consents).

Development contributions are entirely separate from financial contributions (which are managed under the Resource Management Act 1991). A single development may therefore be charged a mixture of development contributions and financial contributions for different purposes, for example storm water or open space. They will not be charged under both policies for the same purpose. For example, if we assume that financial contributions policies are already in place for open space and for storm water, then, where a decision is made to introduce development contributions policies for these, the development contributions will be applied instead of (not as well as) the existing financial contributions policies.

Auckland City will shortly consult on its development contributions policy which may be in place for 1 July 2005 for the isthmus. There is no immediate plan to implement a development contributions strategy for the Hauraki Gulf islands, so financial contributions, through the district plan process, are likely to be the principal means for recovering the costs of development in the coming years.

Financial contributions cannot be levied under any revised section of the District Plan until that particular section of the Plan is operative. Therefore the existing financial contributions section of the District Plan will be used to mitigate the impact of development until the new financial contributions section is operative.

The financial contributions section of the current District Plan needs to be reviewed in light of case law decisions, best practice and amendments to the Resource Management Act. In determining how various costs will be met, the Council has to give regard to what is a fair sharing of costs between existing residents and new residents. This matter is not easy to resolve, for just as new residents and businesses place additional demands on local services and environments, they also contribute to a growing rating base that will fund service expansion and environmental protection. Bearing in mind the contribution that new residents and businesses will make as ratepayers, the Council has to consider the share of the costs of growth from them in the form of financial contributions.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Review the existing financial contributions section in light of case law decisions, best practice and amendments to the Resource Management Act. Consider the sharing of the costs of growth through financial contributions.
- In conjunction with the review of the financial contributions section of the Hauraki Gulf District Plan, develop a development contributions policy, in accordance with the Local Government Act 2002. Both contributions policies could work together to ensure that the appropriate mechanism is used to levy a contribution.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Multiple Dwellings
- Separate Section for Great Barrier Island
- Definitions
- Subdivision
- Waiheke
- Visitor Facilities

Great Barrier Island Airfields

Issue

Transportation and accessibility are extremely important issues for Great Barrier Island. The island is accessed by air and ferry services. The regular car ferry takes approximately four hours and brings over the majority of supplies, including fuel. There are two airfields on Great Barrier, at Okiwi and Claris. Claris is the principal airfield and is currently being widened and lengthened. Night flights are not permitted from either airfield.

Under the Auckland City District Plan, Okiwi Airfield is within Strategic Management Area 12 – Whangapoua and is zoned Land Unit 3 – Alluvial Flats. Under Land Unit 3, commercial airstrips are a listed discretionary activity. Claris Airfield is within SMA 6 – Kaitoke, Land Unit 2 – Dune Systems and Sand Flats and the Claris policy area. Under Land Unit 2, commercial airstrips are a listed discretionary activity. Neither airfield is designated under the District Plan.

The 'Gulf Island Transport Strategy', published by the Auckland City Council, sets out strategic directions for transport on Great Barrier Island. The strategy states that Claris Airfield is and will continue to be the main airfield for the island. However, the document recognises that Okiwi Airfield is a vital link to the northern part of the island and has some potential for growth, particularly from tourism. The Okiwi airstrip upgrade in 2001 has improved the serviceability of the airfield and will allow its greater use, especially over the winter months, although the airfield is often closed during wet weather.

Currently there is no provision for Okiwi Airfield in the District Plan, although some initial work and consultation was undertaken on a plan change to provide for it. The Claris Airfield is provided for by the Claris policy area. However, commercial airfields are still listed discretionary activities within Land Unit 2.

Given the increasing importance of air travel to Great Barrier Island, consideration needs to be given to ensuring that both Claris and Okiwi airfields can operate effectively within the structure of the District Plan.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Introduce a policy area to Okiwi Airfield and maintain the existing policy area at Claris.
- Designate both sites as airfields so that there is no requirement to comply with District Plan rules.
- Upgrade the infrastructure so that night landings are provided for at Claris Airfield.
- Create an "Airfield" Land Unit, with each airfield having individual planning provisions.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Strategic Management Areas and Policy Areas

Gross Dwelling Area

Issue

"Gross dwelling area" means the total area of all floors contained within the exterior walls of any dwelling or visitor facilities, excluding stairwells or any private garage located within those exterior walls.

The permitted activity standards in the current District Plan state that, except as provided for in the Particular Rules for Land Units 13 and 14, the gross dwelling area of all buildings located on a lot less than 2000m^2 shall not exceed 10 per cent of the area of the lot on which they are located. (Note that 10 per cent is an overall figure, which does not relate to how the dwelling is constituted internally.)

This rule is imposed on lots less than 2000m^2 to ensure that the potential volume of effluent that may be generated can be disposed of on-site. The limits recognise the relationship between wastewater volume and site capacity for effluent assimilation. A proportional relationship exists between habitable floor area and wastewater volume and this relationship has been used to set the maximum gross dwelling area. The rule corresponds with the residential lot size for subdivision, which is 2000m^2 The gross dwelling area limit does not apply on lots greater than 2000m^2.

Wastewater is also controlled through Clause G13, Foul Water, of the Building Code, and by the Regional Council through Technical Publication 58. Some dwellings within the Hauraki Gulf require consent from both Auckland City Council and the Auckland Regional Council (ARC) for on-site wastewater disposal.

Where there is potential for "gross dwelling area" infringements, applicants are required to provide an engineer's report that illustrates how wastewater can adequately be disposed of on-site. Such potential infringements are reviewed by building officers, who comment on the appropriateness or otherwise of the proposed system. The building officers' comments are included in the planner's report.

Building officers assess wastewater aspects because the First Schedule of the Building Code, Clause G13, Foul Water, requires an adequate on-site disposal system for foul water. Assessment of the same issue is thus required under both the Building Code and the District Plan. Furthermore, a discharge permit may be required from the ARC because of inability to comply with Technical Publication 58. Therefore, wastewater issues are often assessed under the Building Code, the District Plan and Technical Publication 58. Given this, is there a need to consider wastewater issues through the District Plan when they are already assessed under the Building Code and Technical Publication 58?

If the assessment of adequate on-site disposal area is to be retained in the District Plan, consideration needs to be given as to whether or not the existing gross dwelling area controls are the most appropriate or should they be updated i.e. by changing the 10 per cent limit and amending the definition of gross dwelling area to remove the reference to "visitor facilities" as per Environment Court Decision A116/2004. Alternatively, the gross dwelling area provisions could be removed and replaced with controls of a different nature i.e. on a per person basis.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Modify the gross dwelling area provisions and definitions in the District Plan so as to potentially correct and/or update the existing provisions.
- Remove the gross dwelling area rules from the District Plan. Replace with alternative provisions such as controls on a per person basis

- Remove the gross dwelling area rules from the District Plan. Allow for wastewater to be controlled through the First Schedule of the Building Code, Clause G13, Foul Water and through Regional Planning documents.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Definitions
- Wastewater Reticulation
- Subdivision

Gross Floor Area

Issue

The term "gross floor area" is commonly used in District Plans. It is usually defined as being the sum of the gross area of the several floors of all buildings on a site.

"Gross floor area" is a development control used in the current District Plan in Land Unit 14 – Visitor Facilities ("gross floor area" should also be applied in Land Unit 25 – Wharf as per Environment Court Decision A116/2004). However, although the term "gross floor area" is used, it is not defined within the current District Plan and therefore consideration needs to be given as to whether or not a definition should be included in the new version of the District Plan.

"Gross floor area" is a development control that is generally used to limit the bulk of commercial buildings and/or to determine the required parking spaces for a particular activity. However, in the current District Plan the "gross floor area" development control is not applied in Land Unit 13 – Retailing which is the land unit applied to the principal areas of commercial and retail development in Western Waiheke (Oneroa, Ostend, Onetangi and Surfdale) or the areas where such development could expand in the future.

There are rules for dwellings within Land Unit 13 that state that any dwelling shall not have a gross dwelling area exceeding 10 per cent of the lot area. This principally relates to the disposal of wastewater. However, although commercial buildings form the majority of buildings within Land Unit 13, there are no gross floor area rules that relate to them.

Commercial buildings within Land Unit 13 are controlled by the standards for permitted activities. The principal way of controlling the bulk of these buildings is by limiting their height and lot coverage. There is no gross floor area rule or floor area ratio, common in other District Plans for controlling the bulk of commercial buildings – should a "gross floor area" control be introduced into Land Unit 13 – Retailing?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo, where "gross floor area" is used, to a limited extent, in particular land units and is not defined.
- Introduce a "gross floor area" definition into the District Plan and use it as a mechanism to control the bulk of commercial buildings throughout the Gulf Islands and/or to determine the required parking spaces for an activity. (Currently there are no commercial land units within the Outer Islands. Therefore, alterations to gross floor area definitions and how any associated rules may be applied would not affect the Outer Islands.)
- Remove reference to gross floor area in the District Plan and use other bulk and location controls to manage the development of commercial buildings.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Definitions
- Oneroa
- Visitor Facilities
- Parking

Hauraki Gulf Marine Park Act

Issue

The Hauraki Gulf Marine Park Act (HGMP Act) requires that territorial authorities make changes as necessary within five years of its enactment to ensure that the provisions of the District Plan do not conflict with its objectives and its recognition of the national significance of the Hauraki Gulf. Plan change 39 to the Operative District Plan was notified in order to meet these requirements. The amendments to the Resource Management Act changed Section 55 of that Act to require that a local authority "give effect to" a provision in the national policy statement.

Section 9 (5) of the HGMP Act states that "…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…." Therefore the review of the District Plan must ensure that the provisions "give effect to" the HGMP Act.

Section 8 of the HGMP Act lists objectives for the management of the Hauraki Gulf. Careful consideration will need to be given to this section given that the words "the protection and, where appropriate, the enhancement of…" are used in sub-sections (a), (b), (c), (e), and (f). This indicates a higher threshold than that which is currently provided for in plan change 39 of the Plan.

Impacts from land-based activities in terms of the HGMP Act could be considered, keeping in mind the increasing impacts on these waters from the Auckland Isthmus.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Include a specific section in all s32 assessments on how the provisions will give effect to, and meet the objectives of, Section 8 of the HGMP Act.
- Undertake a separate s32 report on how the plan gives effect to the HGMP Act.
- Include general criteria in Part 6 (or equivalent) of the Plan regarding the HGMP Act.
- Provide specific reference to the Act in Part 2 or equivalent.
- Review the impact of the HGMP Act on permitted activities and objectives and policies.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Residential Land Unit – Great Barrier Island
- Strategic Management Areas and Policy Areas

Helicopters

Issue

Auckland City has limited control over the use of aircraft when the aircraft are flying. Section 9 of the Resource Management Act 1991, which requires that land must be used in a manner that complies with district plans and regional plans, specifically controls the extent to which Council can control the use of aircraft. Section 9(2) states: "…the application of this section to overflying by aircraft shall be limited to any noise emission controls that may be prescribed by a territorial authority in relation to the use of airports." An airport is defined as any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement or servicing of aircraft.

In addition, Council cannot issue excessive noise direction (request to stop excessive noise) because Section 326 of the Act specifically excludes "aircraft being operated during, or immediately before or after flight" from the meaning of excessive noise.

Rule 6B.1.1.6 of the District Plan limits aircraft landing throughout the Gulf Islands. It restricts the number of inward and outward movements to four each in any seven-day period, with no more than 10 movements in any 30-day period. It also states that aircraft shall not land in Land Units 11, 12 and 20 or in any policy areas with the exception of Claris.

As a discretionary activity (Rule 6C.1.1.6) in Land Units 1, 2, 4, 7, 9, 11, 12, 13, 17, 19 and in all policy areas (except Claris airfield) the number of movements can be increased to 16 movements (eight inward and eight outward) in a month. The landing of aircraft in Land Units 3, 5, 6, 8, 10, 14, 15, 16, 18, 20, 21, 22, 23, 24, and 25 is assessed in accordance with the requirements of 6E and 6F.1.1.2 for those wanting to develop commercial airstrips. It is assessed in accordance with 6F.1.1.7 for those wanting to develop helipads and farm airstrips.

Helicopters are used for commercial functions and by private individuals to go to and from their homes. Their movement and noise have caused concern amongst some residents of the Gulf Islands.

Aircraft involved in emergency, police or rescue operations are specifically excluded from having to comply with the permitted standards contained within rule 6B.1.1.6.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo in relation to aircraft movements.
- Limit aircraft movements in more land units.
- Add reasons and explanations to Rule 6B.1.1.6 to make it clear that the noise of helicopters is controlled by the number of movements they are permitted in a week (four inward and four outward) or a month (10 in total), and by the restriction that they can fly only during daylight hours.
- Develop some simple assessment criteria for the increase in monthly movements in Land Units 1, 2, 4, 7, 9, 11, 12, 13, 17, 19 and in all policy areas where increased movements are provided for as a discretionary activity by Rule 6C.1.1.6. These could include a requirement that landing areas be located in a position that would have the least noise effects on neighbouring properties and could include restrictions on night flying.
- Remove from Part 6F of the Plan those rules that are also covered by civil aviation requirements, for example, height restrictions, and remove the reference in 6F.1.1.2 to the airstrip in Onetangi, which no longer exists
- Use New Zealand Standard NZS 6805: 1992 – Airport Noise Management and Land Use Planning, which provides a guide to protecting adjacent landowners from the noise effects of farm and

commercial airstrips. NZS 6807: 1994 – Noise Management and Land Use Planning for Helicopter Landing Areas could be used as a guide to develop rules to protect neighbours from the noise of helipads.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Land Units
- Separate Section for Great Barrier Island
- Strategic Management Areas and Policy Areas
- Definitions

Heritage

Issue

Heritage resources cover many aspects of our environment, and include buildings, sites, objects, trees, landscapes, landforms, archaeological and geological sites and ecological areas. District Plans have a responsibility to secure the preservation and maintenance of these resources for the experience and enjoyment of present and future generations as well as preserving their intrinsic values and finite characteristics.

The Hauraki Gulf has a rich legacy of widely appreciated elements, both natural and built. However, recent research into heritage issues within the Hauraki Gulf indicates that the current District Plan poorly defines and protects heritage values. The Hauraki Gulf Islands Plan review offers an opportunity to introduce a thorough and robust heritage system and protection mechanisms for the Hauraki Gulf.

Heritage resources are an essential part of the Hauraki Gulf's environmental and cultural values. Their retention adds to the body of cultural experience and is part of an essential cultural framework that helps inspire and bind the community. Conservation of heritage resources is an important way to enhance the identity and amenity the Hauraki Gulf offers both its residents and visitors.

The Resource Management Amendment Act 2004 elevated all heritage to being a "matter of national importance", and hence escalated its significance in relation to other issues covered by that legislation. The amendment also emphasises the need for territorial authorities to maintain indigenous biological diversity. As biodiversity and ecology fit within the broad heritage spectrum there is now greater emphasis on this issue than there was when the current District Plan was written.

In managing the use and development of the district's natural and physical resources, the Council is required to have particular regard to the recognition and protection of the heritage value of sites, buildings, places or areas. To give effect to this obligation, the Plan may:

- identify those heritage resources worthy of preservation; and
- adopt suitable measures to secure the preservation of identified heritage resources.

Therefore, the Plan should attend to the protection of a number of heritage features: natural, cultural and scientific. A detailed heritage assessment and related provisions have not previously been included in the HGI District Plan. New evaluation systems have been established for the different disciplines to recognise heritage values in the Gulf in the context of its particular history and scale of value. Since the Hauraki Gulf is so extensive it will not be feasible to undertake a full assessment of all heritage aspects for the whole of the Gulf. It is instead necessary to focus on particular parts of the Gulf where development pressures are most acute, particularly Waiheke and Rakino Islands.

Auckland City's heritage division, along with a team of specialists in the various areas of heritage, have been engaged in a zero-based site survey and review of all Gulf heritage, concentrating initially in the inner islands of Waiheke, Rakino, Rotoroa, Motutatpu, Motukorea, Rangitoto, Motuihe and Pakatoa.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo. Roll over the existing heritage provisions within the current District Plan. This would provide limited protection for heritage resources in the Hauraki Gulf and would not include new data from surveys.

- Continue the heritage assessment of the entire Hauraki Gulf and develop an appropriate assessment system for each of the heritage aspects. Criteria would be determined for each heritage aspect so that trigger points for resource consents could be developed. Monitoring would be through resource consents granted. This would ensure that the inclusion of any heritage system did not differentiate between the Inner and Outer Islands. However, it is unlikely that there would be sufficient resources or time to complete a full heritage assessment for the entire Hauraki Gulf prior to notification of the Hauraki Gulf Islands Plan review.
- Implement the completed heritage assessment of the Inner Gulf islands and complete the development of appropriate assessment system for each of the heritage aspects. This would mean heritage aspects that are the most at threat through development pressures would be afforded protection through the District Plan. A plan change could later be introduced for the Outer Islands when resources became available. This approach would differentiate between the Inner and Outer Islands and leave the heritage resources of the Outer Islands with limited protection until a plan change was developed.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Iwi Heritage
- Separate Section for Great Barrier Island
- Vegetation

Home Occupation

Issue

"Home occupations" are described in the definitions sections of the District Plan as: "… the use of a lot for an activity which is secondary and incidental to the use of the lot for residential purposes, where the activity

(i) is performed by a member of the household residing in a dwelling on the lot;

(ii) is carried on either wholly within the dwelling or within an accessory building erected or modified for the purpose, provided that the activity shall not occupy more than one-third of the floor area of all buildings on the lot;

(iii) employs not more than one person residing elsewhere than on the lot;

(iv) involves no retail sales from the lot other than of:
- handcrafts produced on the property
- fruit, vegetables or other natural products grown on the property;

(v) generates or causes no objectionable noise, smoke, smell, effluent, vibration, dust or other noxious or dangerous effects, or significant increase in traffic."

The purpose of having "home occupations" is to allow people to work from home, but to ensure that any work undertaken from the home is ancillary to its principal use as a residence. "Residential purposes" is defined in the District Plan as any use of land or buildings for a dwelling or for purposes ancillary or incidental to a dwelling, and includes any home occupation and homestay accommodation. Non-residential activities in residential land units are non-complying activities. The purpose of these rules is to ensure that residential amenity is maintained.

Any review of the District Plan needs to consider the shape of the Gulf Islands communities in the next 10 to 15 years. With changing technology and lifestyles, working from home is becoming easier and more acceptable. Also, home occupations may be considered more desirable in the Gulf Islands as transport into commercial areas may be considered time-consuming and expensive. With home occupations the lifestyle can still be enjoyed without the attendant travel.

Essentially Waiheke seeks to provide the opportunity for people to work from home, provided that the activity does not create adverse effects for neighbours. Impacts from home occupations may include noise, traffic, carparking and loss of residential amenity. Should home occupations be encouraged further, in line with Essentially Waiheke, consideration will need to be given to any possible adverse effects.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Maintain the status quo.
- Delete the reference to a floor area control, as this has been tested by the court and was not upheld as a valid approach.
- Provide for a wider degree of home occupations through the District Plan process.
- Provide specific parking controls for home occupations.
- List activities that are not included in the definition of home occupations to provide clarity of what is not acceptable.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Non-statutory Documents
- Essentially Waiheke
- Residential Development Definitions
- Definitions

Human Activity/Natural Environment

Issue

As the first plan notified under the 1991 Resource Management Act, the Hauraki Gulf Islands (HGI) Plan accepted the challenge of the new legislation and adopted an effects-based regime in an area of the city that was the least modified by human activity. While the Plan recognises the rights of residents on the Hauraki Gulf Islands to earn a living, achieve quality of life and enjoy the place they choose to live in, it also recognises that careful land management is necessary to protect and sustainably manage the natural environment of the islands. This approach saw the plan win an award from the NZ Planning Institute.

The land management technique (or effects-based regime) used in the Plan is a regulatory system that focuses on protecting the natural environment by identifying matters that must be addressed. However, unlike the other sections of the city's District Plan (for the Isthmus and the Central Area), the HGI District Plan does little to specifically provide for or manage the effects of human activity.

Thus applicants are required to prove, by submitting extensive and detailed information, that the effects of earthworks required to access and establish a dwelling are within the permitted standard; while establishing a restaurant in an existing building requires little information to be provided to address the effects caused by visitors attracted to it. By contrast, the District Plan for the Isthmus identifies and focuses on the traffic and noise effects that visitors to restaurants may generate and specifies in which parts of the city such activities can be located. This example bears out the assertion that the focus of the HGI Plan (as currently written) has been to manage and protect the natural environment. The other side of this argument is that the Plan does not adequately address the effects that activities and development have on people. The outcome has been complaints that the effects of activities have not been adequately addressed in resource consents – primarily because the District Plan does not direct that these effects be considered

An unforeseen outcome of the current approach has been that the cost of obtaining expert assessments of the effects of earthworks and the impact of the removal of vegetation has made it difficult for some parts of the community to provide for their social, economic and cultural wellbeing. This appears to be a particular problem for the community on Great Barrier Island, where accessing such technical expertise is costly. Complaints have been received from time to time that the District Plan is too restrictive and that compliance with the plan is at a very high cost to the community – parts of which are not well resourced and able to meet such costs.

Section 35 of the Resource Management Act specifies the duty to gather information, monitor and keep records. In particular Section 35(2)(b) requires every local authority to monitor the suitability and effectiveness of any policy statement or plan for its region or district. Monitoring the effectiveness of the current approach of the Plan has been difficult, as there is very little data readily available on processed resource consents for the Hauraki Gulf Islands over the life of the Plan. It is necessary to rely on anecdotal information to determine the effectiveness of the Plan.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the effects-based approach but examine how the Plan is drafted. Remove uncertainty and lack of clarity through clear drafting with plain English. Ensure consistency within the document so that objectives, policies and rules are linked and flow logically.

- Move the Plan to a more regulated framework, with clearer guidance and greater control over activities. Such a framework could result in the development of a more prescriptive approach, with specific activities identified in the Plan for each land unit, their status made clear and the matters that must be considered in addressing such activities explicitly listed. This approach, providing more certainty, may remove the flexibility that is also valued.
- Combine the two approaches described above. Parts of the Plan, for example those parts that relate more closely to human activity (such as Land Unit 11 – Traditional Residential and Land Unit 13 – Retail) could be given a prescriptive framework with clear guidance and control on activities. The rest of the Plan could take an effects-based approach that is more clearly drafted than at present.

Note:
This issue paper is best read in association with all issue papers.

Impervious Surface Controls for Land Units 11 and 12

Issue

Apart from the controls on gross dwelling area and lot coverage that apply to land development on the Gulf Islands, there are no controls on the total area of impervious surfaces.

Impervious surfaces in a catchment decrease storm-water penetration into the soil and increase flooding and erosion of neighbouring properties and streams. Excessive areas of impervious surfaces may also cause damage to sewage disposal fields.

Land Units 11 and 12 are the significant residential land units on Waiheke Island with lot sizes averaging between 800m^2 and 2000m^2. These land units have a permitted lot coverage limit (total building coverage) of 15 per cent and a gross dwelling area limit of 10 per cent for lots less than 2000m^2. There are no controls on the area of concrete or other water-resistant surfaces that can be used for driveways, paths, parking areas, barbecue areas, outdoor living courts and so on.

As there is no infrastructure for storm water or wastewater, it is particularly important that residential lots have enough permeable surface to deal with runoff.

Soil type, degree of vegetation cover and the slope of the land moderate absorption of storm water. Soils on Waiheke Island are Waitemata sandstone/clay and in the absence of natural vegetation are easily waterlogged. Sixty-five percent of vacant sites in Land Units 11 and 12 have at least 75 per cent vegetation cover. Most existing vacant lots in Land Units 11 and 12 are 800–1500 m^2 with an average of 1100–1200m^2. Fifty-three per cent of vacant land is steep; 36 per cent is of moderate slope. (1 in 6 is a moderate to steep slope).

A slope of 1 in 6 is a threshold that is used in the Plan for the amount of earthworks that are permitted (less earthworks are permitted above a slope of 1 in 6). This could also be used as a threshold for impermeable surfaces.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo - do nothing.
- Develop a total impervious surface rule for Land Units 11 and 12 related to the slope of the land.
- Develop a total impervious surface rule for Land Units 11 and 12 that takes no account of slope: for example, 20 per cent or 25 per cent total impervious surface for all sites.
- Develop a total impervious surface rule for all land units.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Design Issues
- Definitions

Iwi Heritage

Issue

Section 6 of the Resource Management Act 1991 recognises and provides for Maori heritage sites as a matter of national importance. These sites may include:

- Wai tapu: canoe boarding places, burial grounds (urupa), battlefields, areas of spiritual significance.
- Waitapu: sacred waters including mudflats, lakes, rivers, streams and swamps.

Waahi tapu are generally defined as places sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.

A few Maori heritage sites are defined under the current Hauraki Gulf Islands (HGI) District Plan. Under the review process there is an opportunity to identify and schedule all significant Maori heritage sites in consultation with the iwi that have mana whenua.

An important concern in the recognition of Maori heritage sites is the need to ensure protection from accidental or intentional disruptive interference. This is particularly true with some waahi tapu sites, where the precise locality of certain features (for example, burial caves) is carefully guarded information.

District Plans in the past have therefore tended only to record and schedule for public information those sites which the iwi that have mana whenua have indicated are not of such a highly sensitive nature. In order to protect any significantly sensitive sites, the Council, in consultation with iwi, can identify the area in which these significant waahi tapu are located. Auckland City now has the ability to precisely identify these sites, and implement a system of precise locations, but limited information published information about the nature of each site. The district plan would list protected sites and indicate in general the types of activity which may be permissible (or not) on any particular site. This would give an owner clarity both as to location and in regard to what can be done by way of change. In addition, 'predictive areas' can be determined which are larger areas which may include clusters of protected sites within which further archaeological remains are likely to be discovered. These areas would require caution and supervision if any change was proposed. In consultation with tangata whenua for the Gulf, these approaches are able to be taken for the plan review.

The recognition and protection of heritage sites valued by iwi that have mana whenua can result from the provisions of the District Plan. Inappropriate or disruptive interference to highly sensitive sites can be avoided. The identification of sites is up to iwi and their willingness to engage in this process.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo. Roll over the existing Maori heritage provisions within the current District Plan. This would provide limited protection for Maori heritage resources in the Hauraki Gulf.
- Attempt a Maori heritage assessment of the entire Hauraki Gulf, in consultation with the iwi that have mana whenua using the current assessment system. Any activity proposed for that defined area could be required to apply for resource consent so that the Council may be sure the specific waahi tapu is not disrupted or interfered with. Monitoring would be through resource consents granted. This would ensure that the inclusion of any Maori heritage system does not differentiate between the Inner and Outer Islands. However, it is unlikely that there are sufficient resources or time to complete a full Maori heritage assessment for the entire Hauraki Gulf prior to notification of the HGI Plan review.

- Continue with the current Maori heritage assessment of the Inner Gulf islands, in consultation with the iwi that have mana whenua using the current assessment system. Any activity proposed for that defined area could be required to apply for resource consent so that the Council may be sure the specific waahi tapu is not disrupted or interfered with. This would mean Maori heritage aspects that are perhaps the most at threat through development pressures are afforded protection through the District Plan. A plan change could be introduced for the Outer Islands when resources become available. This would differentiate between the Inner and Outer Islands and leave the Maori heritage resources of the Outer Islands with limited protection until a plan change is developed.
- Ensure that iwi remain engaged in the review process to provide recognition and protection of identified sites.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Heritage
- Definitions

Land Unit 20 – Landscape Protection

Issue

Land Unit 20 - Landscape Protection covers a limited area of land encompassing some 332 ha lying between and adjacent to the main residential areas on Waiheke Island, as well as most of Rakino Island. The resource management strategy for Land Unit 20 seeks to ensure the continuation of rural open space and rural land use activities within the land unit, as a means of providing visual and physical buffers between villages. It is intended that the predominantly rural character of this land unit be preserved in order to maintain a buffer of open countryside between the villages on Waiheke Island and to preserve the rural landscape of Rakino Island, where small rural lots dominate and enclose the existing residential subdivisions on the central ridges. The land unit fulfils an essential function in securing the maintenance of the rural character of land between urban areas so that sustainable management of the Western Strategic Management Area can be achieved.

Land Unit 20 is characterised by a mixture of pastoral farming activities on flat to rolling land; pockets of native bush; intensive horticultural uses; horse grazing activities; and lifestyle residential activities. There are some wetlands and streams within the land unit. Some of the better soils of the Inner Islands are found within this land unit.

While one of the principal functions of Land Unit 20 under the current Plan is to act as a buffer zone or green belt, it has been subject to significant development pressures in recent years. Visitor facilities, wineries, restaurants and large dwellings have been established recently. Because of the permissive nature of the current Plan many of the activities such as wineries and restaurants do not require consent for their establishment. Resource consent is required only for the building, or earthworks associated with that building. It may therefore be necessary to define and control more activities in Land Unit 20.

The nature of Waiheke Island has changed since the existing Plan was notified and made operative. Large increases in property prices have led landowners to seek to establish significantly sized dwellings to maximise development. Furthermore, given the good quality of the soils in Land Unit 20 and the location of the land unit on Waiheke in the Western Strategic Management Area (reasonably close to the ferry terminal) it is considered well served for viticulture, with attendant restaurants, wine tasting, and in some instances visitor facilities. (This is also an issue in Land Units 21 and 22). By comparison, other rural land units (5-10) are located at the eastern end of Waiheke Island and are too far away from the ferry terminal for it to be economic to establish restaurants and visitor facilities. Also, there is little land that is zoned Unit 14 – Visitor Facilities left to develop. Residential and commercial land units are unsuitable and wineries and visitor facilities can often be too large for retail land units.

There have also been subdivisions and residential encroachments into Land Unit 20. While the permanent population of Waiheke Island in particular may not have grown significantly in recent years, there is an increased demand for residential and rural residential development, possibly as holiday houses.

These economic pressures, in tandem with permissive planning controls, have resulted in considerable commercial development occurring within Land Unit 20. Because of subdivision or the establishment of commercial activities within Land Unit 20 some parts of it may no longer serve as a rural buffer. Indeed some of the landscape of Land Unit 20 may have been so developed that it is no longer appropriate for it to retain a Land Unit 20 zoning.

Land Unit 20 on Rakino Island does not appear to be subject to the same amount of pressure for development as Land Unit 20 on Waiheke Island. If the provisions of Land Unit 20 are changed, there may be scope for differentiating between those areas of Land Unit 20 on Rakino Island and those on Waiheke Island.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Restrict more activities within Land Unit 20 so that restaurants, wineries and other commercial activities require resource consent. Retain all existing Land Unit 20.
- Re-zone some of the existing Land Unit 20 or other land units for commercial (visitor facility, wineries, restaurant) activities.
- Review Land Unit 20 land on Rakino Island to determine whether this classification is appropriate.
- Remove Land Unit 20 from Waiheke Island and/or from the Plan in its entirety.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Landscape Assessment, Outstanding Natural Landscapes
- Definitions
- Waiheke
- Rakino Island

Land Units

Issue

For the purposes of resource management the Hauraki Gulf Islands have been broken down into land units based on common features of the physical and natural landscape. The District Plan states that each land unit has a combination of predominant natural and environmental factors such as slope, vegetation, drainage patterns, water systems, aspect, geology, soils, and propensity to erosion or other natural hazards.

There are 26 land units in total. Rules are included in the Plan that relate explicitly to each land unit. Each land unit has a set of objectives and policies that, together with the relevant rules and assessment criteria for applications, provide the link to Strategic Management Areas as well as integration with the management of adjoining land units.

Delineation of Land Units 1 to 10, comprising the Outer Islands and the Eastern Waiheke Strategic Management Area (SMA 19) is based on common features of the physical and natural landscape. However, delineation of other land units is based not only on the physical and natural landscape but also on settlement patterns, infrastructure, existing land uses and subdivision patterns and activities. For example, Land Units 13, 14 and 15, which are Retailing, Visitor Facilities and Industrial respectively, were defined not so much by the underlying natural environment as by activities and existing and likely future land uses.

The land unit approach used in the Hauraki Gulf Islands Plan is different to the zoning approach used in many other District Plans. It is principally a permissive approach that seeks to control the effects of the built environment (within a natural environment framework), rather than the activities themselves. Assuming the land unit approach is continued, could the number of land units be decreased given the similarity of features in some of their physical and natural landscapes?

Some rural land units are very similar in nature, as are the rules relating to them. For example, some areas of Land Units 8 – Regenerating Slopes and 10 – Forest and Bush Areas, are virtually indistinguishable. Consideration could be given to combining Land Units 5-10 into, perhaps, two land units. Land Unit 2 – Dune Systems and Sand Flats, and Land Unit 3 – Alluvial Flats are similar.

Administration of the current Plan has shown that some parts of the Hauraki Gulf are incorrectly defined by the land unit denoted in the Plan. The correct land unit therefore needs to be applied.

The Western Waiheke Strategic Management Area has been subject to the greatest development pressures since the inception of the current Plan. It is also the principal area of the Hauraki Gulf where land units are based on settlement patterns, infrastructure and activities, rather than common features of the physical and natural landscape. Could these land units be better defined and perhaps combined to reflect their underlying influences? For example, Land Units 21 and 22 are defined more by their settlement pattern than landscape issues. Do they, along with Land Unit 20, require separate definition?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo with 26 land units.
- Retain the same number of land units but review the existing areas to determine whether the correct land unit has been applied.
- Combine some of the land units that have similar characteristics.
- Create new land units to reflect the changing nature and future direction of the Hauraki Gulf.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Department of Conservation/Public Land
- Strategic Management Areas and Policy Areas
- Sustainability

Landscape Assessment, Outstanding Natural Landscapes

Issue

Currently the District Plan does not contain any method of assessing landscapes or the impacts of activities on landscapes.

Section 6 of the Resource Management Act requires that:

> "In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
>
> (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:…"

As there is no current method of assessment and no definition of "outstanding natural landscapes", the process of assessment in relation to landscapes can be subjective.

One of the biggest issues that will face the management of the Gulf Islands will be distinguishing in the District Plan what comprises an outstanding natural landscape. This must be consistent with any regional policy documents that relate to the issue. For example, the public will need to consider what status ridgelines will have in terms of being landscape features

Another key issue relating to Section 6 is what constitutes an inappropriate, or, conversely, appropriate use in an area of outstanding landscape. Such uses will need to be identified in the Plan.

The primary focus is on protection of these areas. It is possible that, in areas that have been identified as outstanding natural landscapes, subdivision could be discretionary, but with no reduction in minimum lot size. Alternatively, subdivision in these areas could be made non-complying or prohibited.

Effects of buildings in landscapes are not always assessed, especially in Land Units 1-10, which are generally located in the most sensitive areas of the Gulf Islands. In addition, the presence of vegetation and the impact development or activities such as forestry, can affect the landscape and its value.

Cumulative effects are sometimes difficult to address. They are effects that arise in combination with other effects on the site, or other effects in the surrounding environment. The District Plan can address them as part of its assessment criteria, but the assessment criteria need to be very specific.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Maintain the status quo, continuing to assess buildings without defined criteria and only where resource consent is currently required by the Plan.
- Identify and insert an overlay of outstanding natural landscapes and regionally important landscapes into the District Plan.
- Ensure that any identified landscapes are consistent with regional policy documents.
- Add an appendix to the Plan that outlines good solutions for buildings in sensitive landscapes, with particular focus on colour, form and mitigation of visual effects, and on the context of the particular development.
- Allow for innovative design solutions where these fit the landscape context.

- Give strong guidance in the Plan to ensure appropriate use if a flexible approach is taken to Section 6. It is arguable that Section 6 restricts only inappropriate use, and that a prohibited activity status restricts all use or change.
- Ensure that very clear policies and objectives define when a discretionary or non-complying activity is appropriate, and when it is inappropriate.
- Recognise outstanding natural landscapes in the objectives and policies throughout the Plan and ensure these are followed through to the rules.
- Consider the importance of ridgelines, native vegetation, buildings and rural land uses such as vineyards or forestry when assessing the components of landscapes.
- Identify the values of cultural landscapes, such as heritage sites and modified rural uses.
- Address cumulative effects as an important component of landscape assessments.
- Loosen the assessment criteria in relation to landscapes and allow a 'free' approach to design.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Design Issues
- Definitions
- Subdivision
- Land Units
- Ridgelines – Location of Buildings
- Colour, Scale and Form of Buildings
- Human Activity/Natural Environment
- Vegetation
- Rakino Island
- Sustainability
- Heritage

Matiatia

Issue

As the primary entry and exit point for residents and visitors to Waiheke Island, Matiatia wharf and the surrounding area is part of the essential infrastructure on the Island. Evidence given to the Environment Court in December 2004 estimated that 1.7 million trips are made through Matiatia every year.

The current facilities at Matiatia include the wharves, bus parks and turnaround, car parks (both privately and publicly owned), the Harbourmaster's Restaurant, and facilities for car and kayak rental operators.

The land on the valley floor at Matiatia is classified Land Unit 25 – Wharf, in the Hauraki Gulf Islands (HGI) Plan. Within these provisions, an outline plan of development is used to define the location of particular activities at Matiatia.

In June 2002, Waitemata Infrastructure Limited (WIL) lodged a private plan change application (plan change 38) to re-classify the land on the valley floor at Matiatia from Land Unit 25 – Wharf to Land Unit 27 – Matiatia.

In summary, the provisions of plan change 38 provide for and include:

- A mix and range of activities and uses. Permitted activities include residential units, commercial facilities, conference and events facilities and restaurants and retail premises.
- Development and threshold controls which address issues such as height, lot coverage, noise, earthworks, parking, wastewater, yards, temporary activities and the amount of gross floor area (GFA) that can be constructed.
- An environmental code and design code to guide the built form of development and manage potential effects of the development on the surrounding environment.

A hearing of the plan change 38 was held in the Environment Court in December 2004. The Environment Court released an interim decision on the 31st March 2005. In summary, the key findings of the interim decision are as follows:

- "The provision of existing Land Unit 25 are outdated and inappropriate in many ways, especially as regards the important "Waiheke gateway" function the land provides"
- "It is possible that 12,000m^2 GFA of development would generate more than WIL's authorized/allocated wastewater discharge of 97m^3/day to the Owhanake treatment plant. While that could possibly be addressed with recycling of treated effluent for certain purposes, there are some uncertainties presently surrounding that activity that militate in favour of limiting permitted development to 10,000m^2 at the present time"
- "The activity status for development up to 10,000m^2 GFA should be permitted (subject to buildings and structures requiring controlled activity consent"
- "The activity status for consent purposes between aggregate 10,000m^2 and 18,500m^2 GFA should be full discretionary"
- "Plan Change 38 should not espouse or emphasise non-notification of the discretionary activity applications, but instead sections 93 to 94D RMA should be left to play their part"

The Environment Court has directed the parties to agree the final detail provisions of plan change 38 by the 30th of May 2005. The final detail of the provisions should be in-line with and give effect to the findings set out above and the other findings set out in the interim decision. If all matters cannot be

agreed, the Environment Court will hold a further hearing to determine the final detail of plan change 38.

Possible approaches

The approach should be determined once a final decision has been issued by the Environment Court, however submissions are able to be made on the approach taken when the Proposed District Plan is notified.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Waiheke
- Parking
- Strategic Management Areas and Policy Areas

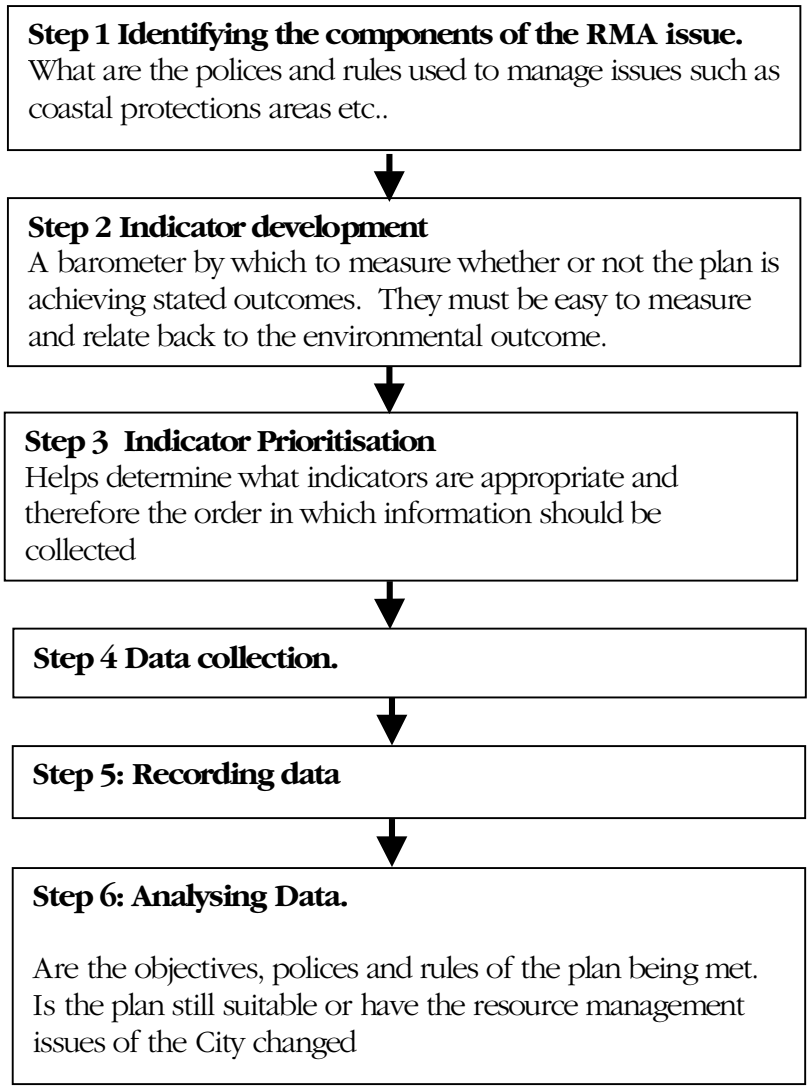
Monitoring

Issue
Monitoring is an essential component in determining the effectiveness and suitability of the Council's policies and plans.

Aside from being a statutory requirement under s35 of the Resource Management Act, district plan monitoring is also good business practice as it enables Council's to gain an overview on how effective the district plan is in achieving stated environmental outcomes and where improvements can be made.

Monitoring the plan's provisions will ensure that they remain up to date and respond to the changing environment.

The approach that has been endorsed by the Council is as follows:



You may have a better or alternative approach. If so, we would like to hear from you.

Note:
This issue paper should be read in association with all issue papers.

Multiple Dwellings

Issue

"Multiple dwellings" is defined as "the provision of more than one dwelling on a lot". They are provided for in Land Units 3, 5, 6, 8, 10, 11, 12, 20 and 22 as a listed discretionary activity.

The rising price of coastal property and changes to lifestyles could lead to multiple dwelling developments, which would put pressure on the coastal environment.

Section 6F of the Hauraki Islands District Plan provides guidance on the intent of multiple dwelling criteria. Section 6F.1.18 A states:

"A. Applications will only be considered by the Council under the following circumstances:

(i) Where the resultant number of dwellings will be no greater than that which would occur if the lot was subdivided in terms of the relevant rules for the land unit or policy area as specified in Part 8 (SUBDIVISION) of the Plan, or

(ii) Where application is made at the same time for subdivision resulting in the amalgamation of lots such that the resultant density of dwellings on the new lot created would be no greater than that which could be achieved through the siting of a dwelling on each of the original lots, or

(iii) Where the dwellings are for the purpose of providing for papakainga housing, or

(iv) Where the land was owned co-operatively by a number of individuals prior to 29 September 1992."

Criterion A links directly with the subdivision standards contained in Part 8 of the Plan, so effectively they act as a density provision. In practice, if an application does not meet the minimum lot sizes provided for in Part 8, it is treated as a non-complying activity.

The structure of the rules and associated standards and assessment criteria makes them difficult to administer. The activity of a multiple dwelling is provided for under the land unit rules as a listed discretionary activity. Reference to Section 6F then states that applications will only be considered by Council in the following circumstances (refer above). As such, the status of an application that does not meet the subdivision standards is open to interpretation. As the multiple dwelling criteria are more restrictive, in practice most people avoid applications for a multiple dwelling and use the visitor facility provisions within the District Plan to gain a second dwelling on the property. For this reason, very few multiple dwelling consents have been issued under the current administration of the Plan.

The lot coverage criteria contain an error in referencing Table 3 (Part 6C) as being the discretionary standards. The opportunity is now available to reference the permitted standards (ie Part 6B) and thereby better control building coverage associated with multiple dwellings.

In some cases, large rural sites may need caretaker's accommodation. Should caretaker's accommodation be treated in the same way as other multiple dwellings, or should there be provision for caretaker's unit or a minor dwelling unit?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Maintain existing multiple dwelling rules, but ensure that density provisions form part of the rule and are not an additional standard contained further on in the text. For example:

  Controlled

  - Construction or relocation of dwellings (within the density limits specified under Table 2, Part 8 Subdivisions); and/or

Discretionary

- Additional dwellings exceeding the density limits specified under Table 2, Part 8 Subdivisions)

- Simplify assessment criteria, in particular by deleting or refining lot coverage criteria and/or providing specific assessment criteria for additional dwellings that exceed the specified density limits (refer Isthmus text).
- Insert further assessment criteria addressing the matter of multiple dwellings in the coastal zone, where there may be increasing development.
- Provide for caretaker and farm manager accommodation. Could state maximum floor areas to keep such accommodation low-scale.
- Amend the current rules to delete reference to subdivision standards. Insert a density or intensity control.
- Provide for a minor dwelling unit in specific land units.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Visitor Facilities
- Definitions
- Subdivision
- Landscape Assessment, Outstanding Natural Landscapes
- Financial Contributions
- Residential Development Definitions

Multiple Land Units on one Title

Issue

For the purpose of resource management, the Hauraki Gulf Islands have been broken down into land units based on common features of the physical and natural landscape. Each land unit has a combination of predominant natural and environmental factors such as slope, vegetation, drainage patterns, water systems, aspect, geology, soils, and propensity to erosion or other natural hazards, such that each land unit should be clearly and visibly recognisable as being different from any other land unit.

There are 26 land units in total and rules are included in the Plan that relate explicitly to each land unit. Each land unit has a set of objectives and policies, which, together with the relevant rules and assessment criteria for applications, provide the links to Strategic Management Areas as well as integration with the management of adjoining land units.

Delineation of Land Units 1 to 10, comprising the Outer Islands and the Eastern Waiheke Strategic Management Area (SMA 19), is based on the prevailing environmental factors within a given area. Within these rural land units there is potential for having more than one land unit on one title, because the borders of the land units follow natural and environmental features rather than property boundaries. This raises issues regarding which land unit applies on titles subject to multiple land units. Application of the appropriate land unit is important because different land units have different rules about land use and subdivision consents.

Before plan change 23, Rule 8.5.1.6 stated that where any proposed lot included more than one land unit, the subdivision rules that applied to that lot should be those for the land unit which comprised the greatest part of the proposed lot. As plan change 23 did not include a similar rule, in future there will be no guidance regarding which land unit will apply when a site has multiple land units and an application is made for subdivision consent. In practice it is likely that the same approach will still be used. For land use consents, the location of the consenting issue determines which land unit applies. For example, if a dwelling requires consent and is located on a title that has multiple land units on it, the rules of the land unit that underlie the dwelling are used.

The Isthmus Plan generally discourages split zoning. However, Section 3.4.1 states that where split zoning occurs and any uncertainty arises as to the precise location of the zone boundary, this will be determined by the Council. In doing so, regard will be had to the apparent indicated location of the boundary, the scale of the planning maps and the express purposes of the Plan. Where a site is affected by split zoning, the provisions of each of the particular zones concerned will be applied independently to each part of the site with a different zoning.

This approach is easier to apply in the Isthmus where the structure of the plan (zoning, rather than land units) and a modified urban environment lends itself to delineating zones along property boundaries.

Unless there is a move away from the land unit approach, especially in Land Units 1-10, it will be difficult to delineate land units along property boundaries. However, if there is a rationalisation of rural land units, then the issue of multiple land units on one title is likely to become less important.

Alternatively, the inclusion of a rule similar to that which used to be included in the subdivision section of the District Plan could provide direction regarding the approach that should be taken when there is more than one land unit on one title.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain status quo.
- Move away from a land unit approach based on common features of the physical and natural landscape, so that titles can be located within a particular zone.
- Rationalise the rural land units so that there is less possibility of multiple land units on one title. Include a rule that provides direction regarding the approach that should be taken when there is more than one land unit on one title.
- Do not rationalise the rural land units. However, include a rule that provides direction regarding the approach that should be taken when there is more than one land unit on one title.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue paper relating to:

- Subdivision
- Land Units

Natural Hazards

Issue

Section 31B of the Resource Management Act outlines the function of territorial authorities including the "control of any actual or potential effects of the use, development, or protection of land, including for the purpose of: …the avoidance or mitigation of natural hazards…"

Work by Auckland City on identifying natural hazards in the Hauraki Gulf Islands has only just begun. Studies have been completed on flooding in the Blackpool, Oneroa and Surfdale catchments. Flooding assessment in the Onetangi catchment is underway and due for completion by May 2005. One of the issues raised by these studies is the potential for water pollution from septic tanks and disposal systems located within flood-prone areas.

On their natural hazards web site, Auckland Regional Council have identified the following hazards on Waiheke, Great Barrier and other islands: flooding (1 in 100 year storms); coastal (from erosion, inundation, coastal cliff or slope instability); slope instability (rainfall induced, earthquake induced and general from soil/rock type); ground shaking hazard (e.g. estuarine deposits are high hazard, alluvium, basalt, ash tuff are medium hazard); and soil liquefaction (e.g. estuarine deposits are high hazard, bedrock is low hazard).

The hazards are identified only at a scale of 1:50,000 so there may be some doubt as to their accuracy. Areas are readily identified, but the boundaries of those sites are not clearly defined.

There may be no need to have comprehensive provisions for natural hazards in the District Plan, because many of the issues relating to natural hazards are adequately dealt with by the provisions of Sections 35 and 71 of the Building Act 2004 and by the provisions of the Local Government Official Information and Meetings Act (LGOIMA), under which Land Information Memorandums (LIMs) can be applied for. The Council is required by the LGOIMA to make available in Land Information Memorandums any information it has on any special feature or characteristic of the land concerned, including any natural hazards on that land. Members of the public usually request LIMs before they purchase property.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Given the provisions in the Building Act and in the Local Government Official Information and Meetings Act, the Plan could address the subdivision or use of land if the subdivision, development, or use of that land (with or without buildings) is likely to increase the erosion, inundation, subsidence or slippage of that land or any other land, or is likely to pollute any land (for example, the flooding of a septic tank or disposal field in a flood).
- The Plan could indicate that natural hazards are also dealt with by the Building Act and Building Regulations when building consents are applied for.
- Revise Rules 6B.1.3.4 and 6C.1.3.4.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue paper relating to:

- Protection Yards

Network Utilities

Issue

Network utilities are an important issue for the Gulf Islands. The reticulation of utilities varies for different islands within the gulf. For example, electricity reticulation is available on Waiheke but not on Great Barrier Island. Do the people on Great Barrier Island want electricity reticulation? Is it economically feasible from a network utility provider's perspective? Network utilities are an important consideration for future development on the islands and need to be appropriately provided for in the District Plan.

Under the current Hauraki Gulf Islands (HGI) District Plan, network utilities are permitted activities provided that they meet the permitted activity standards for the relevant land unit in which they are to be located. Utilities that do not meet the standards require a resource consent.

The subdivision rules in the HGI District Plan require reticulation of services to be underground, but provision is made for overhead reticulation in certain circumstances, particularly in rural areas.

Currently, the rules in the HGI District Plan for network utilities are dispersed throughout the Plan. Should there be a separate network utilities section?

The main issue for the Gulf Islands is for the future provision of network utilities and how they are to be integrated into the landscape. Any future development will bring a greater need for utility services and provision should be made for them in the Plan. Network utility equipment can have significant visual and amenity effects on streetscapes, reserves and coastal areas, particularly if it involves overhead reticulation of services or telecommunication masts and antennas. This is particularly important in the Gulf Islands where visual amenity is a concern around coastal areas and significant ridgelines.

Nevertheless, it is recognised that network utilities play an important part in providing for the future economic and social wellbeing of the Gulf Islands. For example, broadband Internet and wireless services could enable people to work from home.

The user generally pays for the cost of providing such services. However, the costs have the potential to increase if network utility providers are required to design or locate services that take into account visual and amenity effects. A balance needs to be achieved that takes into account environmental, economic and social benefits and costs.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo, with network utility provisions provided in the relevant land unit in which the utilities are to be located.
- Introduce separate network utility provisions for the Inner and Outer Islands.
- Introduce a separate section on network utilities (similar to Isthmus section) in the HGI Plan.
- Provide a definition of network utilities.
- For the location and placement of utility equipment, introduce the concepts of:
    - Overhead network utilities
    - Aboveground network utilities
    - Underground network utilities
- Develop a code of performance standards for network utilities that have 'permitted activity status' in road reserves.

- Ensure that provisions take into account any government legislation and changes relating to network utilities.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Ridgelines – Location of Buildings
- Landscape Assessment, Outstanding Natural Landscapes

Noise of Generators – Great Barrier Island

Issue

Noise from generators, particularly diesel and petrol generators, is a common reason for complaint on Great Barrier Island. The District Plan has noise levels for generators – a L_{10} level of 55dBA during the day and 45dBA during the night. These are values that New Zealand Standard NZS6802: 1991 (Assessment of Environmental Sound) states are "the desirable upper limit of exposure to environmental noise for the reasonable protection of community health and amenity". The later 1999 standard (NZS6802: 1999) also suggests that daytime levels of 45-55dBA Leq and 35-45dBA Leq at night "should not be exceeded during any measurement sample time at any point within the boundary of a zone, site, or area required to be protected, for example, the notional boundary of a rural dwelling." (Note that the new Plan should replace L_{10} with Leq (the time average level) to be consistent with NZS 6802:1999.)

Most problems with generator noise are related to the age of the generators used on Great Barrier Island and the fact that most are housed in structures that are insufficiently insulated to reduce the noise to the standards of the District Plan. The problem is greater in areas such as Tryphena where houses are relatively close together, especially if the generator is used after 10pm, when night levels apply. Arguably, in situations where the generator will be used after 11pm the present night level of 45dBA should be even lower, because of the low background noise levels on Great Barrier Island.

Information pamphlets on reducing generator noise have been available at the service centre for a number of years.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Instigate proactive measurement of generator noise and provide information to those who exceed the noise limits.
- Insert location and insulation controls into the District Plan.
- Review the noise level controls for generators.
- Require that the location of generators be shown as part of any resource consent application.
- Insert discretionary activity controls for generators into the District Plan.
- Undertake more enforcement of lower noise levels.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue paper relating to:

- Separate Section for Great Barrier Island
- Residential Land Unit – Great Barrier Island

Non-complying Activities

Issue

The Hauraki Gulf Islands (HGI) District Plan identifies activities as being either permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. Non-complying activities are described in section 77B(5) of the Resource Management Act 1991. Particular restrictions for non-complying activities are in Section 104D. They state that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effect of the activity will be minor, or the application is for an activity that will not be contrary to the objectives and policies of the relevant District Plan. There is considerable case law regarding non-complying activities. A non-complying activity is defined in the current District Plan as an activity that contravenes the Plan but is not listed as a prohibited activity. Non-complying activities are generally considered the hardest activities for which to obtain resource consent.

The current Hauraki Gulf Islands Plan is considered a permissive rather than a prescriptive document. Only specific activities that do not meet discretionary thresholds are considered non-complying activities. Two problems arise. Firstly, there is a lack of consistency as to which activities trigger the non-complying threshold; secondly, were the permissive nature of the existing plan to change, should all non-specified activities default into non-complying activities?

Although the HGI Plan is a permissive document, Rule 2.2.3 states that any activity that is not controlled by a specific rule in this Plan shall be required to obtain a resource consent for a non-complying activity. This rule does not sit comfortably with the permissive nature of the current Plan because the first rule for each land unit states that any activity shall be a permitted activity where it (a) conforms to the standards and terms contained in Part 6B, and (b) meets the requirements of rules that are listed.

Therefore, while there is some inconsistency, the existing HGI Plan was drafted on the assumption that non-specified activities would be treated as permitted activities. Changes to the Resource Management Act now mean that if a plan does not specify the classification of an activity, that these activities are discretionary activities. By having to specifically classify activities as non-complying, this would make the plan more prescriptive in nature.

Part 6C of the current Plan outlines the standards for discretionary activities. For example, Rule 6C.1.2.2 – Daylight Control states that no building shall exceed a height equal to the recession plane angle by more than 10 per cent. This rule effectively pushes infringements where height in relation to boundary is greater than 10 per cent into a non-complying activity status. The majority of non-complying land use consents processed by HGI planning staff are for height in relation to boundary infringements. The cut-off point at which discretionary becomes non-complying for height in relation to boundary infringements is low. Concerns have been raised that if the written approvals of those neighbours affected by the height in relation to boundary infringements are obtained, there is little point in making these applications non-complying.

Currently only some development controls and other standards can create non-complying activities, whereas others (for example, height) remain discretionary activities regardless of the degree of infringement. Should there be a non-complying threshold for all activities that do not comply with the standards for discretionary activities?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo, where some activities are pushed into a non-complying status.

- Change the permissive nature of the current Plan and incorporate a non-complying default activity status. This could be achieved by listing activities and identifying them as being permitted, controlled, restricted discretionary, discretionary or prohibited. With the exception of prohibited activities, all activities could be considered to be anticipated in the various land units, subject to an assessment of effects for each specific case, as they would have been identified and assigned an activity status. Where an activity is not provided for in the plan, it could be considered appropriate for the status to be non-complying, as the plan has not otherwise anticipated that activity to occur in that particular land unit.
- Retain the permissive nature of the document but place a non-complying ceiling for those controls considered to generate sufficient effects over and above the discretionary threshold. For example, a non-complying threshold of 12 metres could be used for height infringements.
- Emphasise robust objectives and policies for non-complying assessments.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Human Activity/Natural Environment
- Subdivision
- Land Units

Non-statutory Documents

Issue

The principal mechanism for controlling development throughout the Hauraki Gulf Islands is the District Plan. Section 73 of the Resource Management Act (RMA) 1991 requires territorial authorities to prepare a District Plan. A territorial authority prepares and changes its District Plan in accordance with its functions under Section 31, the provisions of Part II of the RMA, its duty under Section 32 of the RMA and any regulations. When preparing or changing a District Plan a territorial authority must have regard to the regional policy statement, any regional plan, management plans and strategies prepared under other acts.

The regional policy statement is the primary instrument by which the integrated management of a region's significant resources is to be achieved. Therefore, both regional plans and District Plans must comply with it. Non-statutory documents such as The Rakino Way and Essentially Waiheke are adopted Council policy and have widespread support amongst the community. However, while desirable, there is no requirement for territorial authorities to have regard to non-statutory documents when preparing a District Plan.

Section 104(1)(c) of the Resource Management Act allows consideration of any other matter the consent authority considers relevant and reasonably necessary to determine the application. While it may be appropriate to consider non-statutory documents when assessing a resource consent application, there is no requirement for the consent authority to do so.

The main purpose of 'Essentially Waiheke - A Village and Rural Communities Strategy' is to establish a community-approved framework for Waiheke's development and to signpost directions towards a sustainable future, where opportunities for development are facilitated and the Island's community values and outstanding natural environment are respected and nurtured.

Concerned residents have queried some planning decisions they considered contrary to Essentially Waiheke. Questions have been asked about whether it would be possible to include reference to Essentially Waiheke or The Rakino Way in the Hauraki Gulf Islands District Plan through a plan change or the review process.

However, the recent Environment Court decision No. A054/2004 notes that extreme caution must be taken in referring to documents in a District Plan that have not been through the processes of the First Schedule of the RMA, and which could at any time be changed without any reference to those processes.

Furthermore, given the broad nature and wording of documents such as Essentially Waiheke, if they were to be included or referenced in the District Plan it is unlikely that they would restrict some of the developments that have caused concern to residents.

The Local Government Act (LGA) provides an alternative statutory process that the Council can use to control various matters. For example, signs are controlled through the Part 27 – Signs of the Consolidated Bylaw, which is managed through the LGA. Is the LGA an appropriate vehicle for dealing with non-Resource Management Act documents such as those identified above?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo, whereby there is limited reference to non-statutory documents in the District Plan.

- Incorporate some of the relevant issues that are currently in documents such as Essentially Waiheke into the District Plan.
- Review whether the Hauraki Gulf Island Development Code should be referred to in the District Plan.
- Re-develop the relevant non-statutory documents through the District Plan review process and refer to them in the District Plan.
- Consider the Local Government Act as a means of process for managing issues and documents not controlled by the Resource Management Act.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Essentially Waiheke
- Rakino Island
- Waiheke

Oneroa

Issue

Oneroa is currently the largest commercial retail area in the Hauraki Gulf Islands, and has been identified in Essentially Waiheke as the main town centre for Waiheke Island.

It has been difficult to establish the character of Oneroa. However, recent development has allowed for better use of open space, and development of viewshafts to Oneroa Bay. For Oneroa to compete as a successful village centre, the District Plan needs to encourage vibrant development that will attract both current residents on the island and visitors to the island. To attract residents and visitors Oneroa needs to grow. To accommodate growth over the next 20 years, Oneroa township will need either to expand or to intensify. This may be achieved through increased residential growth in the town centre, so it has a resident population. Another alternative may be backpackers or visitor facility units. Recent wastewater reticulation in the area will assist growth.

To make Oneroa more attractive, better links, walkways and flow of the village down to the waterfront at Oneroa Bay could be encouraged. This might better establish a maritime and beach link, and cement Oneroa's status as a unique island village. However, most of the existing policy area is on the southern side of the ridgeline. In terms of aspect this is the coldest part of the village, with southerly winds.

The Oneroa design guidelines are currently in a non-statutory design guideline document and thus are unable to be enforced. They may need to be reviewed and more specific guidelines put in place. Such guidelines could encourage the Waiheke vernacular (architectural 'language' or style) and form a statutory appendix to the Plan.

Controls on the clearance of vegetation in the Oneroa policy area are not consistent with vegetation rules elsewhere in the Plan, which protect only native species. In addition, removal of exotics cannot be prevented. Whilst the area is expected to have higher amenity, this is generally not contributed to by exotic plant species on private land, but rather by built form, open spaces and street planting. This policy could be reviewed to determine whether there should be specific controls on vegetation removal in the policy area.

Attempts to remove service providers (for example, banks and real estate agents) from street frontages have been unsuccessful. This concept could be removed from the Plan, as there are a large number of such services that front on to Ocean View Road.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Maintain the status quo with existing rules and policy area.
- Formalise the purpose and function of service lanes, with design guidelines addressing amenity and frontage onto the service lanes.
- Encourage the establishment of high-intensity visitor facilities in the village centre (such as backpackers or hotels).
- Recognise the importance of views from public places (as opposed to private property views) when providing for any changes to the height of buildings in the area.
- Provide for art pieces (sculptures, installations) as a permitted activity on private land up to a certain size (or on public land with Council approval) to encourage vibrancy of the village.
- Consider further mixed use development in the town centre to encourage people to live within the village, perhaps allowing apartments above ground level.
- Remove rules relating to service providers fronting on to Ocean View Road.

- Investigate options for altering the policy area boundaries by pushing to the west up Ocean View Road.
- Investigate options for intensifying development within the existing policy area boundaries.
- Move the existing policy area to the northern side of the ridge and down to the waterfront, resulting in a warmer 'feel' for the village and establishing links with the sea and beachfront.
- Remove the policy area altogether and let growth of the township occur as the market demands.
- Increase the amount of Land Unit 13 – Retailing in the surrounding area.
- Create better statutory-based guidelines as an appendix to the Plan.
- Review the activity status and necessity for all rules within the policy area where these are duplicated elsewhere, or have not been effective in achieving desired outcomes.
- Remove the policy area rules and Land Unit 13 zoning and create a specific Oneroa Land Unit.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Strategic Management Areas and Policy Areas
- Land Units
- Wastewater Reticulation
- Design Issues
- Waiheke
- Vegetation

Onetangi Policy Area

Issue

The Onetangi policy area applies to the area outlined on policy area map 6. The underlying zoning is Land Unit 14 and 17, so both public and private interests apply. Development in the Onetangi policy area is currently controlled via policy area 6 controls and those contained in the land units. (Policy area controls take precedence according to the current Plan.)

For Onetangi, the Hauraki Gulf Islands District Plan currently seeks to:

- Address seasonal impacts, for example, sewerage, refuse, effluent.
- Meet the needs of the visitor industry.
- Maintain the historic context of the existing hotel building.
- Recognise the need for traffic management and adequate parking to service the beach area.

An associated policy area map provides the blueprint for future direction.

The existing policy area controls are difficult to administer and in some cases are outdated and ultra-vires. For example:

- There are inappropriate roading patterns – through a wetland area.
- Public car parking areas or pedestrian walkways on privately owned land cannot be required unless there is a designation in place or Council owns the land.
- There are cross boundary issues between reserve and privately owned land.
- Development controls exist that are inconsistent and contrary to the policy area criteria. There is difficulty in administering height controls and there are conflicting coverage controls between Land Unit 14 and policy area 6.
- Landscape modification through filling has implications for adjoining Council-owned wetland.
- Provision of activities is limited – there is no retail component and the existing shop has been converted to a restaurant.
- Policy area criteria are quite subjective, for example: "The physical environment is enhanced and the design of any buildings is complementary to the shape, form and external appearance of the old Onetangi Hotel and the general character of the policy area and the coastal environment". It is difficult to determine compliance with criteria of this nature.
- Due to anomalies with the Land Unit 14 controls (dwellings not defined as discretionary activities) many of the Land Unit 14 sites have been unit titled and sold off individually. This has failed to meet the needs of the visitor industry on the island.
- There is no relationship between reserve and land unit as a result of the location of a future road and the landform modification that has occurred.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Council could purchase and designate sites as public space and reserve areas; and define roading patterns.
- The preparation of a concept plan and site-specific controls for the policy area.
- Develop design guidelines with appropriate bulk and location controls that support the concept plan. Incentives could be provided for compliance and reserve contributions. Include development controls within the concept plan areas to ensure consistency.
- Remove the policy area.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Strategic Management Areas and Policy Areas
- Design Issues
- Visitor Facilities
- Definitions
- Subdivision

Ostend Policy Area

Issue

Development in the village of Ostend is currently controlled via policy area 7, being "Okahuiti, Ostend, Tahi" contained in Part 7 of the District Plan.

For 'Ostend Village' the Plan currently seeks to:

- Consolidate Ostend's commercial area;
- Identify servicing and car parking areas around a ring road formation;
- Realign and reconstruct the main route through Putiki Road. The plan states that this will not occur until more than 60 per cent of that part of the policy area that is classified Land Unit 13 is developed for commercial activities.
- Maintain 7.5 metre building line restrictions that exist along both sides of Belgium Street.

The associated policy area map classifies broad land units, linkages, car parking areas and the proposed aerial route.

A large part of Ostend Village remains either undeveloped or not developed to its maximum potential. The provision of a consolidated approach to development of the village could be by way of a design guideline. The guideline could provide the opportunity for consistent form, scale and location of buildings whilst allowing for a sense of 'character' within the village.

Auckland City owns two large, relatively undeveloped sites on the northern side of Belgium Street. A supermarket proposal will be lodged with Council in the near future. As it encompasses a large undeveloped area of Ostend, it has the potential to set a benchmark for future development in the village.

The policy area controls in relation to roading alignments are now outdated. Recent advice received from TARS on the proposed supermarket development indicates that the main route will not be directed through Putiki Road, but will be maintained as it is currently, along Belgium Street. The policy areas maps indicate Belgium Street will be closed.

The policy area map provides a general blueprint for development, but this remains difficult to implement because some aspects are ultra-vires. For example, many areas shown as 'parking' are located on privately owned land. The council cannot require public use of private land unless the land has been designated for that purpose. This also applies to pedestrian linkages.

Planting and landscaping areas are not identified, although referenced on the maps.

Building line restrictions exist along Belgium Street, but in the long term the restrictions may have an implication for urban structure and streetscape appeal of the village (which requires verandahs, car parks that are less dominating, and more provision for public open spaces). The current approach to development is for buildings to be set back with areas for car parking dominating.

The assessment criteria provide little guidance in achieving a consolidated and consistent approach to development in the village.

The boundaries are not clearly defined and commercial activities have crept into buffer areas.

By introducing controls, for example a concept plan for development, there will be an opportunity for the provision of a consistent and consolidated approach to development. (Alternatively, refer to Section 10 of the Queenstown Lakes District Plan for an example of town centre rules.)

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo
- Development of a village concept plan and associated design guideline (similar to Oneroa Village).
- Development of a concept plan for Ostend Village. This could include:
  - Defining future roading options for Belgium Street, including designating principal and secondary roading options for through traffic;
  - Identifying appropriate streetscape improvement programmes including median barriers, pedestrian linkages, street planting, lighting, street furniture, lighting and signage strategies;
  - Provision for service orientated development in conjunction with supermarket/ Council service centre;
  - Providing appropriate uses and controls along buffer zones like Waitai Street and Putiki Road, with possible landscape buffer strips;
  - Designating appropriate areas as car parking and open space;
  - Providing guidelines on building form and pattern and location that are designed to enhance the village character of Ostend. Theses could be similar to those in place for Oneroa.
- Imposition of District Plan controls to support a concept plan, together with the provision of incentives for compliance and/or disincentives for non-compliance. Remove the policy area.
- Remove the ultra-vires parts of the policy area but retain other provisions.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Strategic Management Areas and Policy Areas
- Design Issues
- Parking
- Roading
- Non-statutory documents

Parking

Issue

Rule 6B.1.1.2 of the District Plan controls parking within the Gulf Islands. It requires any lot used to provide for a dwelling as a permitted activity to contain at least one vehicle parking space formed with an all-weather surface, except where the work necessary to provide such a space would require a resource consent. Any other activity shall provide for at least one car parking space per 50m² of gross floor area of the building that is devoted to that activity.

Do the existing rules within the District Plan place sufficient control over parking issues? Many other plans specify turning circles, control the width and depth of car parks and require the number of car parks to be dependent on the activity (for example restaurant, offices, garden centre). Is there sufficient concern over parking issues in the Gulf Islands to introduce such controls?

The main parking issues in the Gulf Islands appear to relate to commercial areas such as Matiatia and Oneroa, and activities such as restaurants, vineyards and conference centres rather than residential locations. Should parking plans for specific centres be developed? Should, the requirement that only one car park be provided per 50m² of gross floor area be altered? This rule is complicated by the fact that there is no definition in the Plan of gross floor area, so enforcement of the rule is difficult.

Given the lot sizes in the Hauraki Gulf Islands, there is usually sufficient space to provide for on-site parking and manoeuvring. While this is not provided for on all sites, it is less necessary because there are few vehicles on the roads. Also, some sites are steep and difficult to access and sometimes parking is provided for in the unformed legal road (road reserve). Consideration also needs to be given to the relationships between on-site parking and manoeuvring and on-site wastewater disposal, storm water and impervious surfaces.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo, with little emphasis on parking issues in the Plan.
- Place greater emphasis on parking issues through the introduction of requirements, for example, on the width and depth of car parks and tracking curves.
- Alter the existing permitted activity requirement of one car park to be provided per 50m² of gross floor area. Include a definition of GFA.
- Consider an activity-based approach relating to required car parking.
- Impose a rule for a maximum number of car parks in areas where parking is an issue, in order to encourage alternative modes of transport.
- Introduce specific parking plans for commercial areas such as Matiatia and Oneroa. (These are non-statutory)
- Integrate parking and roading and provide a separate 'Transportation' section in the District Plan.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Roading
- Gross Floor Area
- Traffic Generation
- Non--statutory Documents

Protection Yards

Issue

The Hauraki Gulf Islands (HGI) District Plan requires protection yards for coastal, wetland or other water systems where any part of a lot abuts these features. The Plan requires yards where "any part of a lot (which) abuts the mean high water springs (MHWS) tide mark or any wetland/water system (including rivers, streams lakes and wetlands…"

The application of the rule relating only to 'lots' that 'abut' these features does not capture those properties that may be separated from such areas by a road, paper road or reserve. This allows development and activities to be located closer to the water features than anticipated by the rule. There can be an impact on water quality or the functioning of a wetland during construction, and structures or activities within close proximity can be affected in the short and long term by flooding. Any rule relating to protection yards needs to ensure it achieves the desired outcome.

There is also debate as to what constitutes a wetland. Is a drain through a property a wetland, or is there a threshold when the drain becomes a wetland? If the drain is seen as a wetland it will influence the ability to develop a property.

The Auckland Regional Council identifies wetlands at a regional level. Should all wetlands be protected or only regionally identified wetlands?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Change the wording of the rule so that it applies to any land within the distance specified in Table 1 from MHWS, or any wetland/water system (including rivers, streams, lakes and wetlands). This change would not have any impact if rules for the Inner and Outer Islands were separated.
- Introduce a protection yard to be identified on planning maps. Different widths of yards could be created depending on the type of margin they apply to, for example, coastal yards as distinct from wetland yards. This option would involve detailed mapping work. There may be problems in identifying all areas, and, given the size of the Gulf Islands, there may be a potentially high cost for time and accuracy.
- In conjunction with the options above, the activities that could be undertaken within the yards could be listed, to protect these areas from inappropriate development.
- Create a protection yard rule that relates only to water features of a minimum size. This would require a specialist to define an appropriate size, and would mean that some smaller features would not have any protection yard.
- Protect those wetlands identified by the Auckland Regional Council.
- Review the definitions of wetlands.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue paper relating to:

- Definitions
- Natural Hazards

Rakino Island

Issue

Within the Hauraki Gulf Islands, Rakino Island displays some unique qualities as a result of historic subdivision patterns. Vegetation is generally unproductive pasture with pockets of coastal pohutukawa. Some revegetation is occurring. The island is serviced by a ferry. Solar power is the main energy source.

The predominant land units on Rakino Island are Land Unit 20 – Landscape Protection, and Land Unit 11 – Traditional Residential. Land Unit 11 sites are consolidated along the ridgelines.

No ridgeline controls exist on the island, so development within Land Unit 11 sites is 'permitted' subject to general rules. This can be a problem when addressing the objectives and policies relating to Rakino that seek to manage location, design, scale and use of buildings. Development within Land Unit 20 sites is controlled by District Plan criteria.

The Land Unit 20 sites are predominantly 10-acre blocks and consist of unproductive pasture. Very little of the island, if any, is grazed by stock. Successful revegetation has occurred in some areas, for example at Maori Garden Bay as part of the Golden Heights development. Some re-planting programmes have been unsuccessful because of the exposed nature of parts of the island. The absence of esplanade reserves indicates that little subdivision of the Land Unit 20 sites has occurred recently.

Other land units on the island include Land Unit 23 – Conservation Islands, and Land Unit 25 – Wharf.

Dwellings built over the past five years have been predominantly for holiday purposes. A number of landowners have used the visitor facility provisions provided for in the Plan. Approaches have varied from lodge-type developments to separate residential-style buildings.

A number of sites on the island are landlocked and can be accessed only by sea or over land by gentleman's agreement. This has resulted in some issues between neighbours regarding the use of the foreshore and more intensive land uses such as visitor facilities.

One of the key community issues identified in The Rakino Way is the protection and enhancement of the island's character and environment.

In terms of the island's heritage items, it is noted that the Gray homestead located in Home Bay is not currently protected.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Maintain the status quo.
- Apply a special land unit to the Rakino rural land units, introducing a special subdivision control based on revegetation and enhancement of the landscape. Some revegetation programmes have been successful and may enhance the island long-term. Revisit the appropriateness of the Land Unit 20 and Land Unit 11 classifications.
- Apply ridgeline (or similar) controls to Rakino.
- Apply design controls to all development on Rakino to manage the location, design and scale and use of buildings so that they are in harmony with the natural landscapes.
- Allow provision for landowners to provide visitor facilities of an appropriate scale and form.

- Require coastal amenity controls/appropriate coastal protection yards to prevent residential development dominating coastlines and a number of relatively unmodified bays on the island, which are used by recreational boat owners.
- Review the heritage items on the island and include any new items as appropriate.
- Acknowledge the contents of The Rakino Way throughout the review process.
- Initiate subdivision-based revegetation for landscape enhancement.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Design Issues
- Heritage
- Landscape Assessment, Outstanding Natural Landscapes
- Non-statutory Documents
- Ridgelines – Location of Buildings
- Subdivision
- Land Unit 20 – Landscape Protection
- Definitions

Residential Development Definitions

Issue

The Hauraki Gulf Islands District Plan currently provides a number of definitions relating to residential uses. Some aspects of the definitions for "accessory buildings", "residential purposes", "dwelling", "housekeeping unit" and "visitor facilities" are related. The wording of these definitions can be subjective and difficult to administer. For instance, the definition of "dwelling" states that where there are separate buildings they are required to be integral. This is very subjective and does not provide certainty for Council staff or the public.

There is often a desire to have family live in a separate small dwelling on a site. Currently this would be assessed as a multiple dwelling. However, as the plan does not provide for this type of extended family living in a 'minor unit', a "visitor facility" is often utilised as a means to get a second, self-contained facility. In some cases the facility is never used for its stated purpose. Should the District Plan contain a provision for a small unit on a site for the exclusive use of family? While this may be an approach to deal with family housing, there might be issues of enforcement if such a provision was incorporated into the Plan. Should a financial contribution be taken for these dwellings, and should there be subdivision limitations for these dwellings?

Plan change 101 to the Isthmus Plan (now operative) amended the definitions of "residential unit" and "accessory building". An accessory building cannot include a kitchen sink or dishwashing facility. Should a similar approach be taken in the Hauraki Gulf Islands District Plan?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Create a new definition of "minor residential unit" with clear, non-subjective boundaries.
- Amend the current definitions relating to residential uses to remove subjectivity.
- Define what makes a building "self-contained".
- Define "kitchen".
- Amend definitions to be consistent with Isthmus Plan change 101.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Visitor Facilities
- Definitions
- Multiple Dwellings
- Home Occupations
- Financial Contributions
- Subdivision

Residential Land Unit – Great Barrier Island

Issue

The primary areas of existing residential development on Great Barrier Island are located at Tryphena, Medlands and Claris-Kaitoke. The Tryphena and Medlands residential areas each have Strategic Management Areas (SMAs) and policy areas overlaying the land unit classifications. Land Units 3, 5 and 8 are applied to the majority of sites within these areas.

There is other residential development at Okupu, Whangaparapara, Port Fitzroy and Okiwi. Land units 5 and 8 are applied to most sites in these areas. There is also a policy area overlaying the land unit classifications at Port Fitzroy.

The issues around the need for a residential land unit can be assessed in two parts; the need to provide more land for residential development and the need to provide better District Plan provisions for existing residential development.

More land for residential development

Great Barrier is not a 'growth area' and has a declining population. Therefore, it would seem that there is no pressing demand for more land for residential development. The exception to this may be the increasing number of "off islanders" purchasing land for holiday homes, which may mean that there is a demand for more land for residential development around holiday home areas such as Medlands.

Better District Plan provisions for existing residential development

Since residential land use is a permitted activity the issue is around the development controls associated with residential development and not the provision for residential activity per se.

The development controls in some land units are not well suited to the form and density of much residential development. For example, the lot coverage control of 500m^2 in Land Unit 8 – Regenerating Slopes does not seem to be the most appropriate given that the average lot size is around 800m^2 (that is, 62 per cent coverage).

The requirement for controlled activity consents in the policy area for all earthworks and vegetation clearance would seem to add little value, particularly if the permitted standards for earthworks and vegetation clearance have already been meet.

There are a number of layers of control on some residential areas – land unit rules, policy areas, SMAs and sites of ecological significance/sensitive areas. Are all layers necessary?

The requirement for controlled activity consents for buildings in the policy areas may be of some value, but consideration should be given as to whether a restricted discretionary consent could be required instead; and to providing better assessment criteria.

While there are different areas defined within policy areas, the same general controlled activity rules and criteria apply equally within all of the areas. It may be appropriate to incorporate some more specific controls in some areas or to exclude some areas to achieve a more targeted set of controls.

If a 'residential land unit' were introduced into the existing residential areas it would be introduced on a 'cadastral' basis rather than a 'landform' basis. Therefore, there would be issues as to how the land unit would integrate with surrounding land units.

A 'residential land unit' is an activity-based land unit. There may be issues with introducing one activity-based land unit without others, for example commercial or industrial land units. Would there be implications for rates if land was classified residential?

Policy areas do not apply to all residential development areas, so policy areas may or may not be appropriate.

If Land Unit 12 – Bush Residential was introduced to Great Barrier Island, consideration would need to be given to whether the development controls in Land Unit 12 are appropriate for the form and density of development on Great Barrier.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

More land for residential development

An assessment of the areas where more residential development may be appropriate from a visual perspective has previously been undertaken. It identified some limited areas around Okiwi, Claris and Tryphena.

Better District Plan provisions for existing residential development

- Retain status quo with land units, policy areas and SMAs.
- Introduce a residential land unit. This could be Land Unit 12 (as applied to Waiheke Island) or a land unit specifically prepared for the form and density of residential development on Great Barrier Island. It may or may not be overlaid by a policy area.
- Modify policy area provisions so they are more specific and targeted. They could also be modified so that they no longer overlie the land unit provisions but rather become a land unit themselves, with specific development controls for residential (and possibly commercial) development within the policy area.
- Modify land unit provisions to better reflect the form and density of residential development on Great Barrier Island.
- Modify both land unit and policy area provisions – a combination of the above.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section Great Barrier Island
- Noise of Generators – Great Barrier Island
- Strategic Management Areas and Policy Areas
- Residential Development Definitions

Retirement Villages

Issue

New Zealand has an aging population, with an increase in number of people in the 65+ age group expected to increase by 111,000 in the Auckland Region by 2021.

Currently, there is no provision for retirement villages or pensioner-style housing in the Hauraki Gulf Islands District Plan.

Council is in a position to provide for the aging population through provision for Retirement Villages in the District Plan. There is the opportunity to recognise retirement villages as being distinct from normal residential use. Density in terms of dwellings is generally higher for retirement villages, however each living unit is usually smaller than a standard dwelling. In addition, the retirement villages may require ancillary activities, such as restaurants, workshops, common areas and healthcare service.

Currently there are two retirement villages located on Waiheke Island. There are none located elsewhere in the Gulf.

Difficulties have arisen in the past with the retirement villages and how these are assessed. Currently, any application is assessed as a multiple dwelling on a single site. The assessment criteria do not specifically deal with the issues that arise from retirement villages, such as the use of larger scale buildings, sustainable design principles or social impacts on the surrounding areas.

Large-scale developments have the potential to utilise better sustainable development practices, incorporating better design, energy efficiency and alternative energy solutions.

Various District Plans in the Auckland Region allow for retirement complexes or villages, however these are generally referred to hand in hand with intensification. However, there is justification for "social responsibility" in allowing for activities such as retirement villages.

So long as the activity meets the general development controls in the district plan, allowing a degree of intensification by way of retirement villages in areas that have already been modified is a more efficient use of the land resource.

Plan Change 26 (Auckland City Isthmus plan) has controls on retirement villages – these could be modified for the HGI plan, with specific reference to landscape effects

It is possible that retirement village units are unit titled and sold off. What could be done to ensure the provision of this style of housing/activity is protected?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Activity requiring resource consent (discretionary activity with additional assessment criteria)
- Special "spot" zoning (such as Land Unit 11a – Retirement Villages) for existing villages, plan change required for new proposals. In this zone, residential use is permitted only for the purpose of a retirement village, otherwise non-complying. Ancillary uses permitted up to a certain threshold.
- Maintain the status quo and assess as multiple dwellings

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Residential Development Definitions
- Multiple Dwellings
- Definitions
- Land Units

Ridgelines – Location of Buildings

Issue

The Hauraki Gulf Islands (HGI) District Plan notes significant ridgelines on the planning maps and contains rules about the location of buildings in relation to these ridgelines. Inaccuracies exist between where the ridgelines are shown on the planning maps and where they are on the ground. In addition, the "location of buildings" controls can be open to interpretation and are not achieving the intent of the rule. Examples of difficulties with the rules include the facts that:

- There is ambiguity as to where the "visual impact" of a building on a ridgeline is to be viewed from when it is assessed.
- Depending where it is viewed from, a 'permitted' building, located below the ridgeline and within 100 metres either side of the ridgeline, can still have a visual impact on the ridgeline.
- Under the 'permitted' provision, a building is allowed to be above the ridgeline provided that the highest point of the building is below any trees and shrubs that mitigate its effect. The rule does not preclude planting of trees that will mitigate an impact, but which will take a considerable period of time to have an effect.
- Under the permitted activity provision a building can be built on or above the ridgeline by eight metres, while discretionary rules permit a structure to be no more than four metres in height above the ridgeline.

In 2000 the Council undertook an investigation of the existing rules relating to significant ridgelines (see Plan Rules 6B.1.2.6 "Location of Buildings" and 6C.1.2.6 "Location of Buildings"). A plan change was developed (HGI plan change 21). However this was later withdrawn due to problems with the accuracy of the planning maps that denoted significant ridgelines. At the same time the Council identified several additional significant ridgelines with the intention of adding them to the planning maps (HGI plan change 32). This plan change was also withdrawn due to the problem with map inaccuracies.

A legal opinion states that the exact location of the significant ridgeline is deemed to be as defined on the planning maps. There is no discretion for this to be changed when a site visit shows that the physical location of the significant ridgeline differs on the ground. This raises issues about defining the exact location accurately on the planning maps.

Other considerations include the differences in landform between Great Barrier Island and Waiheke Island. Does Great Barrier need its own set of rules? Similarly, Rakino Island does not have any significant ridgelines, but the location of buildings can have undesirable effects on the landscape.

District Plans use different methods in protecting the landscape and ridgelines. Plans including landscape protection methods that may be appropriate to consider for the Gulf Islands are the Far North, Queenstown Lakes, Banks Peninsula, and Thames Coromandel District Plans.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Revisit previous plan change provisions.
- Ensure that maps are re-drawn to improve accuracy.
- Replace rules with an approach similar to Queenstown Lakes District Council, requiring that "structures do not break the line and form of any ridges, hills and prominent slopes" in identified areas.
- Develop guidelines and rules for the siting of buildings similar to the principles used in the Banks Peninsula District Plan.

- Remove significant ridgelines from the planning maps and delete "location of buildings" controls.
- Introduce separate ridgeline and location of buildings controls for Great Barrier Island.
- Introduce ridgeline controls for Rakino Island.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Landscape Assessment, Outstanding Natural Landscapes
- Design Issues

Roading

Issue

In comparison with more urban District Plans, there is little reference to issues of roading and access within the current Hauraki Gulf Islands District Plan. Transportation references are focused on ferry and air access to the Gulf Islands, rather than transport issues on the islands.

However, there are some statements in the Plan about the need to recognise local patterns and standards of roading on the islands. These are important in terms of the levels of development that can be achieved. The Plan also states that, while an appropriate level of roading access is desired, it is inappropriate to meet the same standards for roading as apply in the urban context of the Auckland Isthmus.

The roads in the District Plan are classified in the planning maps into principal and distributor roads. However, there are no rules that relate to the classification. Paper road are also scattered around the gulf islands. There is no section in the District Plan that deals specifically with transportation issues.

There are, however, specific rules in the District Plan that relate to roading issues. As an example, Rule 2.4.2 – Roads, states that for the purpose of the Plan, where existing formed or designated (and dedicated) roads are not included on the planning maps within the boundaries of any land unit, such roads shall be deemed to be included within the adjacent land unit(s). Where there are different land units on either side of the road, the stricter of the standards for those land units outlined in Parts 6B and 6C of the Plan shall apply. While there are some instances where this level of control assists in the mitigation of effects, it can also be seen as an unnecessary hurdle, especially where resource consents may be required. Should this rule be revised?

At a regional level, transport issues focus on such matters as how to support and promote an efficient public transport system and how to maintain accessible links between areas. Of primary concern in the Gulf Islands is how to sustain the existing roading and transportation infrastructure most efficiently and how to avoid, or reduce, the effects that roading has on the local environment.

Should greater emphasis be placed on roading and transportation issues in the District Plan? With the increasing popularity of some of the Gulf Islands as places to live and visit and the attendant increase in vehicle numbers this may be necessary. Cycling and walking are also means of transport in the Gulf Islands and consideration may need to be given to providing for cycleways and better pedestrian facilities.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo, with little reference to roading issues within the District Plan.
- Review the existing transportation and roading references in the District Plan. Determine whether existing objectives, policies and rules are appropriate.
- Introduce a transportation section to the District Plan to better address transport issues.
- Review the classification of roads and build requirements around them.
- Place greater emphasis on cycleways and pedestrian facilities.
- Review the appropriateness and legality of Rule 2.4.2 – Roads, which states that where existing formed or designated (and dedicated) roads are not included on the planning maps within the boundaries of any land unit, such roads shall be deemed to be included within the adjacent land unit(s).
- Review the appropriateness of reference to AUSTROADS standards.

- Include references to the Hauraki Gulf Islands Development Code in the District Plan.
- Include links to the Auckland Regional Land Transport Strategy (ARLTS).

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Temporary Activities and Small Buildings
- Parking
- Traffic Generation
- Non-statutory Documents

Separate Section for Great Barrier Island

Issue

In reviewing the Hauraki Gulf Islands (HGI) District Plan, consideration needs to be given as to whether or not the current structure of the Plan is sufficient to address the specific issues faced by each of the Islands.

In particular, the issues facing Great Barrier Island are significantly different from those facing Waiheke Island, so it may be necessary to create a separate section in the Plan for Great Barrier, to allow the specific issues to be addressed.

The key differences between Great Barrier and Waiheke are:

- The population on Great Barrier is small and declining while that on Waiheke is large and increasing.
- Employment is not as readily available on Great Barrier as on Waiheke and there is no opportunity for commuting.
- Substantial areas of land on Great Barrier are in Department of Conservation ownership.
- While disposal of wastewater is an issue on both islands, Great Barrier also has no reticulated power supply, so generators are required.
- Great Barrier is less accessible because of irregular ferry sailings and the length of the trip.
- Tourism on Great Barrier focuses on adventure whereas tourism on Waiheke centres around wine, weddings and events.
- Development on Waiheke is of a greater intensity and density than that on Great Barrier.
- There are significantly larger areas of outstanding natural landscape on Great Barrier than on Waiheke.
- Some Great Barrier residents feel more positively about development than do some Waiheke residents.

Further work could be undertaken in order to establish exactly what the implications of these differences are in terms of planning controls for Great Barrier as compared to Waiheke. If the differences require a significantly different planning approach for Great Barrier from that used on Waiheke (perhaps excluding land units, policy areas and Strategic Management Areas) then a separate section may be necessary. Alternatively, if the differences do not require a significantly different approach (just different permitted standards for Great Barrier) then this may be accommodated within one section in the Plan.

Further to the above, a separate section may not be the answer to all concerns associated with the provisions of the Plan as they relate to Great Barrier. For example, it may be the provisions in the land units and policy areas that are not appropriate rather than the structure of the Plan itself.

Despite the differences that exist between Great Barrier and Waiheke Islands, there are also a number of landforms and activities that are similar between the two islands (regenerating slopes, residential activity, community activities).

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo – retain existing provisions within the District Plan (i.e. Land Units 1-10 on Great Barrier Island).
- Create a separate section within the HGI Plan that specifically relates to Great Barrier Island.

- Provide separate development controls for Great Barrier – adjust the development controls in the land units as they relate to Great Barrier.
- Retain the existing Plan with a wider range of land units.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Residential Land Unit - Great Barrier Island
- Noise of Generators – Great Barrier Island
- Land Units
- Strategic Management Areas and Policy Areas
- GBI Airfields
- Human Activity/Natural Environment
- Heritage
- Iwi Heritage
- Sustainability

Strategic Management Areas and Policy Areas

Issue

District Plans vary immensely throughout New Zealand. Even within Auckland City Council the three sections of the District Plan are very different in their approach, with each reflecting what was considered the best approach to resource management given the natural and physical resources of the area.

There are a number of questions that need be considered as part of any District Plan review, regarding the structure of the existing document and whether that should be carried through into the new District Plan. The current Hauraki Gulf Islands Plan was structured in a particular manner that was considered best to achieve the sustainable and integrated management of the Gulf's natural and physical resources. Through any review process it is important to determine whether that structure worked and if it should be maintained

The planning structure adopted as a basis for resource management methods in the Hauraki Gulf Islands Plan is the division of the district into Strategic Management Areas (SMAs). This permits the identification of physical, social and development characteristics. Common objectives and policies have been developed for each SMA. The rationale is that these provide a coherent basis for management of the areas through the application of rules. Strategic Management Areas are divided into land units and policy areas.

Land units are based on common features of the physical and natural landscape. Each land unit has a combination of physical and environmental characteristics by which it is distinguished. Rules and standards apply to the various land units, together with the criteria for assessment of applications.

Policy areas apply to a number of locations that exhibit a need for a more pronounced strategic approach to resource management in addition to the control regime presented by the use of SMAs and land units. Policy areas provide additional objectives and policies to be considered during the consent process.

While Strategic Management Areas can be broadly described as those geographic units which have a commonality for reasons related to elements of the physical and natural environment, policy areas are identified on the basis of a number of other factors such as existing subdivision patterns, existing development levels and types, and activities and development limitations.

The District Plan states that land units are identified by a combination of predominant natural and environmental factors such as slope, vegetation, drainage patterns, water systems, aspect, geology, soils, and propensity for erosion or other natural hazards. However, this really applies only to Land Units 1-10. Other land units are defined not only by the common features of the physical and natural landscape but also by settlement patterns, infrastructure, existing land uses and subdivision patterns and activities. Land units can therefore use a similar approach to policy areas in defining an area.

If land units reflect not only natural and environmental factors but other issues as well, is there a need for further delineation, specifically into policy areas? If land units can address the same issues as policy areas, do policy areas have a purpose? Do they add value to understanding and administering the District Plan, or can their provisions be incorporated within the relevant land unit?

If policy areas are still required, are they applied to the appropriate areas? Currently policy areas apply to the main Great Barrier residential areas, the principal Waiheke commercial areas and Rangihoua Park. The policy area maps for the Waiheke commercial areas represent more of a vision for future development than additional controls. Many of the criteria for the Oneroa policy area are design-

orientated, which could be otherwise addressed through design guides. Some policy areas control all earthworks activity and vegetation removal. Is this an appropriate level of control? Regarding Great Barrier, if the policy areas seek to provide for a degree of residential development, then would a residential land unit be more appropriate for Tryphena, Medlands, Claris and Port Fitzroy?

If SMAs are required, is it necessary to have 19 SMAs (which are supposed to be broad geographic units), when there are only 26 land units (which are supposed to be more specific)? Fourteen of the SMAs principally relate to Great Barrier Island. Is there a need for 14 SMAs on Great Barrier when there are only 10 land units that apply to Great Barrier? It is likely that the number of Great Barrier SMAs could be reduced considerably without any deterioration in the approach to resource management.

The Plan states that SMAs bring integration at an area-wide strategic management level. However, with such a large number of SMAs it is doubtful if they provide strategic integration, and/or direction. On Great Barrier they divide the island to a greater degree than land units. Is there a case for reducing the number of SMAs if they remain?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Rationalise the number of SMAs so that they represent an area-wide theme, rather than breaking them up into specific areas.
- Rationalise the number of policy areas so that they apply to areas of particular significance that cannot be specifically provided for in the relevant land unit.
- Remove SMAs and policy areas from the District Plan and allow for land units to provide relevant resource management directions for the Gulf.
- Remove objectives from policy areas and SMAs and include them in the Issues and Strategy section of the Plan.
- Remove controls relating to earthworks and vegetation removal in policy areas and let the underlying land unit rules apply instead.
- Review controls relating to earthworks and vegetation removal in the context of an overall review of policy areas.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Land Units
- Oneroa
- Onetangi Policy Area
- Ostend Policy Area
- Tryphena Wharf
- Waiheke
- Human Activity/Natural Environment

Subdivision

Issue

The subdivision provisions in the District Plan for the Hauraki Gulf Islands have recently undergone a review (plan change 23). The review concentrated on rural and rural residential land units. Due to the policies articulated in Essentially Waiheke the plan change did not address the issue of residential lot capacity. Nor did the subdivision review reconsider commercial or industrial areas, or the land units related to wharf activities and reserves. The District Plan review will allow for consideration of these areas.

Most submissions to the plan change came from residents of Waiheke Island, who were very strongly opposed to relaxing subdivision controls to allow a greater density of development. Many were concerned over the accelerated rate of development on Waiheke that had already occurred and strongly supported retention of the existing Waiheke character.

Another major request from submitters on Waiheke Island was that there be more consultation with the community so that it can be fully involved in planning for the future of the island.

Two major factors influence lot sizes in residential subdivisions in the village areas. The first is the ability to dispose of wastewater to ground rather than by reticulation. The second is the maintenance of Waiheke's spacious low-density character. Reticulation is seen as a factor that would allow Council to increase residential density on Waiheke, which is generally not wanted.

Technology has advanced so much that disposing of wastewater to ground need not be an issue, as there are a number of methods that will achieve effective wastewater disposal at lot sizes far less than $2000m^2$. If greater emphasis was placed on the spacious low-density character of Waiheke at $2000m^2$, rather than the ability to dispose of wastewater, the impediment of reduced lot sizes being a deciding factor in relation to reticulation could be removed.

Some might consider that a 'no further subdivision' approach in certain areas may be warranted, especially in areas that have outstanding natural landscapes. Land Unit 20 sites hold a value to the community as a rural green belt and an area that separates the villages, retaining the village character.

The submissions from Great Barrier Island fell into two categories:

- Those strongly in favour of allowing subdivision to a smaller lot size.
- Those strongly in favour of staying with the status quo or tightening the controls in order to maintain visual amenity and ecological quality.

As a result of submissions the hearing panel decided to generally retain the existing subdivision controls regarding rural and rural residential land units.

When developing assessment criteria, a balance is often required between the effect of development on the land, and meeting the needs of the property owner. Examples of this include bush clearance for fire safety, recreational areas, gardens, vineyards and access.

The Hauraki Gulf Islands District Plan also has the opportunity to be innovative in relation to working towards more sustainable energy resources, both on the islands and on a wider national scale. Currently, the sustainability of Auckland's energy requirements is in question. Waiheke has the ability to address energy consumption through requiring renewable energy sources as part of any new subdivision.

If smaller lot sizes were allowed on Great Barrier Island would this encourage the better management of land and provide opportunity for cottage industry and attract additional permanent population?.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Maintain the status quo; do not review anything in relation to subdivision.
- Review only those matters relating to subdivision that were not subject to plan change 23.
- Review all subdivision objectives, rules and policies.
- Remove the reliance on wastewater for maintaining large lot sizes in residential areas. Rely more on the special low-density character of Waiheke as the key reason for maintaining large lot sizes. This would allow for reticulation of wastewater without reduced site sizes becoming an issue, resulting in a better environmental outcome.
- Recognise the objectives and policies of Essentially Waiheke and The Rakino Way.
- Consider the extent to which non-complying and prohibited activity status can be applied to subdivision.
- Keep subdivision activity as a discretionary activity or non-complying activity so that it can be subject to notification and third party involvement.
- Review whether current subdivision provisions meet the needs of property owners on Rakino Island.
- Great Barrier Island has some particularly sensitive areas, such as the Awana catchment. In areas such as this, a specific management plan approach could be introduced, requiring public consultation.
- Recognise the importance of natural landscapes and the adverse effects of subdivision on them.
- Review the appropriateness of land unit zonings in reflecting natural characteristics and vulnerabilities of different areas.
- Strengthen the subdivision rules relating to the protection of significant environmental features and consider different methods for protection of these areas.
- Ensure that the Code of Island Subdivision and Development is kept up-to-date and included alongside the review process.
- Introduce passive solar heating, solar water heating and renewable power generation standards for subdivision.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Land Units
- Separate Section for Great Barrier Island
- Department of Conservation/Public Land
- Strategic Management Areas and Policy Areas
- Definitions
- Non-statutory Documents
- Multiple Land Units on one Title
- Waiheke
- Wastewater Reticulation
- Sustainability

Sustainability

Issue

The Hauraki Gulf Islands District Plan review is an opportunity to look at how we contribute to the social, economic, cultural and environmental wellbeing of the islands, and to review the parameters under which development is undertaken. The purpose is to be able to provide for the needs of our future generations, so that development that is undertaken is sustainable. Development can contribute both positively and negatively to social, cultural, economic and environmental wellbeing. Taking account of these factors is sometimes called 'the quadruple bottom line'. These factors contribute to the purpose of the Resource Management Act.

Broadly, Auckland City Council is able to control two aspects of development in the District Plan; the use of land and the subdivision of land. The use of land includes new buildings, new activities, network utilities (such as electricity and water), and changes to existing activities. Subdivision may be in the form of new lots of land, or it maybe the division of land into unit titles or cross leases. Council is able to develop rules around the use of land and subdivision to control effects on the environment.

There are many areas surrounding development and subdivision where there is an opportunity to increase the positive contribution to the community's quadruple bottom line, particularly in the area of sustainable design.

Sustainable design looks at various aspects of a development in terms of energy consumption, efficiency of buildings, water sources, disposal of stormwater and wastewater, visual aspects of design, and the carrying capacity in the environment. In terms of wider issues, this may also extend to looking at alternative energy supplies.

The community needs to consider how it wishes to approach the issue of sustainability looking towards 2020. This may include deciding how development should occur from the smallest development up to the possibility of large scale developments such as wind farms. Should there be incentives to use sustainable design/methods and if so, what should they be?

Possible approaches

- Maintain the status quo. There is no need to review issues around sustainable design and development
- Create a "sustainable building" standard to apply to all new developments with measurable criteria relating to energy efficiency, insulation, renewable power, passive solar water heating, water supply and storage etc. Review whether any requirements conflict with the Building Act and the Building Code.
- Add a design guide for sustainable buildings as an appendix to the plan
- Consider wind farms or wind power generation as an activity and put standards or assessment criteria for these into the plan
- Investigate areas that could be suitable for wind power
- Allow controls that reduce reliance of "off island" power (Waiheke only) such as requirement for renewable energy generation for new buildings/activities
- Consider whether adverse effects of some forms of renewable energy out weigh the value of having that renewable energy (eg visual effects of windfarms, passive solar heating panels etc.)
- Develop rules that encourage low carbon emission energy generation (solar vs. diesel generators) for new development
- Look at the visual carrying capacity of the environment, if it blends better allow higher densities to occur if appropriate
- Develop a methodology for looking at the social, economic, cultural and environmental effects of an activity

- Undertake innovative approaches to policy and rules that other councils are able to benchmark in terms of sustainable design
- Encourage community based wastewater disposal systems
- Continue with land based disposal systems
- Further develop the requirements and criteria for cluster subdivision to localise effects on a visual catchment
- Investigate a "carbon neutral" approach where diesel generators are to be used – carbon sink planting as a trade-off for diesel generators
- Investigate permitted activity standard rules for new buildings that contribute to New Zealand's obligations under the Kyoto protocol – ensuring that all new buildings have efficient energy devices such as heat pumps, energy efficient lighting, double glazing etc.
- Consider introducing minimum standards for water storage and surfaces for capture of rainwater.
- Consider the use of incentives in the district plan rules where sustainable practices/design are implemented.
- Review any changes to the objectives, policies and rules to ensure that people and communities are able to continue to provide for their social, economic and cultural wellbeing, through the use of impact assessments.

Note:
This issue paper is best read in association with all issue papers

Temporary Activities and Small Buildings

Issue

Because of the definition of "building" within the Hauraki Gulf Islands District Plan, there is uncertainty as to whether or not resource consent is required for temporary buildings such as portaloos or other temporary buildings on reserves for summer. On Land Units 17 – Landscape Amenity, 18 – Outdoor Activities and 19 – Community Activities, which include nearly all reserves, the erection of, or alteration or addition to, any building is a controlled activity. The current definition of "building" also raises the question whether portaloos on building sites need resource consent.

Roads are deemed to be included within the adjacent land unit unless they are identified within the boundary of any land unit. A resource consent is not required for bus stops or taxi stands on most roads, but those adjacent to Land Units 12 – Bush Residential, 17, 18, 19, 20 (Landscape Protection), 21 – Te Whau Peninsula, 22 – Western Landscape and 25 – Wharf, will require consent, because these land units list the erection, alteration or addition to any building as a controlled activity.

There are no provisions for concerts, festivals and other temporary activities, which may exceed the District Plan noise rules and involve temporary buildings.

Some concerts and festivals can be held under existing rules because of their distance from neighbouring properties. However if intensification occurs around traditional venues for such activities as concerts and festivals, these venues may fail to meet the general noise provisions of the Plan.

Obtaining resource consent for the temporary placement of portaloos both on reserves over the summer period and on building sites can be an onerous exercise. Similarly, obtaining resource consents to erect taxi or bus shelters is an expensive and time-consuming activity, which is adequately dealt with in Section 339 of the Local Government Act. Section 339 prevents the shelter from unreasonably preventing access to any land having frontage to the road. Section 339 also requires Council to give notice in writing to any owner/occupier who may be injuriously affected by the proposal to erect a shelter, and to set aside a hearing time for anyone who does object, before proceeding with the proposal, modifying it or withdrawing it.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Amend the definition of "building" to specifically exclude small and/or temporary buildings such as portaloos and bus shelters, OR provide for portaloos, taxi and bus shelters as a permitted activity in all land units.
- Make all roads unzoned land and use Section 339 of the Local Government Act to erect shelters for bus and taxi passengers on a footpath.
- Delete Rule 2.4.2 so roads do not take on adjacent land unit rules.
- Delete Rule 2.4.2 so roads do not take on adjacent land unit rules unless a parking platform is proposed.
- Amend Rule 2.4.2 so that temporary activities are excluded.
- Replace the existing temporary activity Rule 2.6 with a comprehensive approach.
- Introduce noise levels, duration and time limits for concerts and other temporary activities based on rules used for isthmus and central area plans.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Roading
- Definitions
- Land Units

Traffic Generation

Issue

Rule 6B1.1.4, Traffic Generation, of the Hauraki Gulf Islands District Plan states that where any activity is likely to cause any adverse effects on the capacity of the adjoining road network, it shall only be permitted where the adverse effect is to be mitigated by measures to upgrade the road design and formation or to control traffic movements (including at any intersection).

The explanation for the rule is that some activities can have a significant effect on the volume of traffic using a roading network and also on the flow of traffic. The rule is used in conjunction with the requirements for parking and vehicle access to ensure that access to a site and manoeuvring of vehicles does not interfere with the safe and efficient operation of the roading network.

District Plan administrators have raised concerns about the wording of the rule. To be effective to administer, rules should have a definable 'trigger point', where it is possible to determine that consent is required. Stating that consent is required where an activity 'is likely to cause any adverse effects on the capacity of the adjoining road network' is subjective terminology and its administration is based on opinion. The Courts have held (McLeod Holdings Limited v Countdown Properties Limited [1990] 14 NZTPA 362 (CA)) that rules must be certain and if a council retains a subjective discretion within a rule then that rule may be void for uncertainty. There is no guidance in the current rule to indicate what might be an 'adverse affect' on the capacity of the adjoining road network. The reason/explanation states that some activities can have a significant effect on the volume and flow of traffic. However, there is a difference between activities that can have a significant effect on the volume of traffic and any activity that is likely to cause any adverse effects on the capacity of the adjoining road network.

Other means of controlling traffic are by requiring resource consent for activities providing parking for more than 100 vehicles. Rule 12.9.1.1A of the Isthmus Plan states that any permitted, controlled or discretionary activity providing parking for more than 100 vehicles requires consent as a controlled activity. Rule 12.4.1.2 of the North Shore City District Plan states that any permitted or controlled activity which generates a turnover of vehicles that exceeds 100 vehicles per day requires consent as a limited discretionary activity.

Therefore, there are other, more quantifiable, methods for assessing the impact of traffic- generating activities.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo with ultra-vires rules.
- Remove Rule 6B1.1.4, Traffic Generation, from the District Plan. Do not replace the rule with another similar traffic rule.
- Remove Rule 6B1.1.4, Traffic Generation, from the District Plan and replace with a quantifiable rule.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Roading
- Parking

Tryphena Wharf

Issue

Tryphena wharf is the main passenger and freight terminal for Great Barrier Island and is therefore of high importance to both residents and visitors to the Island.

The land area behind Tryphena wharf and Shoal Bay Road is included in the Tryphena policy area as "Tryphena Wharf and Access Area". These provisions state that additions and alterations to buildings, earthworks, and the removal of vegetation require consent as a controlled activity. The overall intent of the provisions is to ensure that the wharf area is managed effectively and efficiently while ensuring that buildings are of an appropriate scale and location.

In addition to the provisions of the policy area, the provisions of Land Unit 1 – Coastal Cliffs apply. These provisions state that a controlled activity consent must be sought where an activity is in the Tryphena policy area; and application must be made for a resource consent as a discretionary activity where it is proposed to vary any of the standards in Part 6B.

It is important to note that the provisions of Land Unit 1 and the Tryphena policy area apply only to the land behind Tryphena wharf (1280m^2) and not to the wharf itself (which is in the jurisdiction of the Auckland Regional Council). The land area is vested as road reserve.

The primary issues associated with the functioning of the land area behind the wharf relate to the limited space that is available for parking and storage and for dropping off and picking up both passengers and freight. The winding, narrow road is also of concern.

Because this area is the main ferry terminal for freight and passengers, it is important that planning provisions do not unnecessarily constrain its future development.

While the provisions of the policy area seek to ensure that the wharf operates effectively and efficiently, they are offset by the provisions of Land Unit 1 - Coastal Cliffs, which has permitted activity standards such as a zero-metre height limit and the coastal protection yard. The need for a controlled activity consent under Land Unit 1 is questioned, because the issues to do with the Tryphena policy area are more appropriately assessed under the policy area provisions – not the Land Unit 1 provisions.

It would also seem logical that planning provisions reflect future development plans for the wharf by Traffic and Roading Services (TARS).

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Status quo - retain wharf in Tryphena policy area and Land Unit 1 - Coastal Cliffs.
- Retain existing Land Unit 1 - Coastal Cliffs and remove policy area.
- Create a new land unit only i.e. no policy area. Re-classify the wharf to a new land unit that could be either 'landform based' or 'activity based'. An example of an activity-based land unit would be Land Unit 25 – Wharf, which is applied at Rakino and Kennedy Point (it is noted that the Tryphena wharf area is not dissimilar to Kennedy Point). If Land Unit 25 – Wharf was considered appropriate it might also be necessary to update the provisions of that land unit.
- Create a new land unit and retain the policy area. Re-classify the area with a new land unit which is either "landform based" or "activity based" and retain the Tryphena policy area.
- Designate the land. Prepare a designation on behalf of TARS and designate the site for wharf purposes/car parking /storage.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Land Units
- Roading
- Strategic Management Areas and Policy Areas

Vegetation

Issue

The Hauraki Gulf Islands District Plan imposes limitations on the removal of indigenous trees and shrubs in order to protect the natural character of the Hauraki Gulf Islands, while still recognising the 'right' to clear for the purpose of establishing a dwelling or buildings and for use of the land for rural production. These limitations affect both the area and the extent of indigenous vegetation that may be cleared and the clearance of trees and shrubs above a certain height.

The extent of indigenous bush, trees and shrubs that may be cleared as of right is limited in land units to ensure that the natural values and character of the land units are not detrimentally affected. The height restrictions recognise the relative maturity of trees and shrubs above those limits and the important contribution that they make to the natural environment, landscape and amenity values of the district. In some land units indigenous vegetation may be cleared only if resource consent is obtained. This control recognises that in those units vegetation is a key element, which must be retained to protect the character and functioning of the land unit.

Plan change 25 was notified in 2002 and became operative in 2004 in relation to protected vegetation. To ensure controls were more consistent with stated objectives and policies it recommended either a reduction or an increase in the amount of vegetation clearance permitted for various land units. Consent thresholds could then be better linked to the adverse environmental effects – such as erosion, loss of natural habitats and ecological factors – of clearing indigenous vegetation. Particular sectors of the community, particularly farmers, felt disadvantaged because of the strict clearance controls and the cost of obtaining a resource consent. As well, indigenous vegetation clearance requirements were too onerous for large sites and too liberal for smaller sites.

Plan change 25 is now operative, but concerns have been raised regarding vegetation controls for the Hauraki Gulf. Some consider the controls to be overly prescriptive, focussing too much on native vegetation and not providing for vegetation removal for building platforms or access. The controls for policy areas require that all indigenous vegetation be retained other than that necessary to provide for the erection of buildings and their use. In addition, there has been confusion over the extent of the area to be cleared and its relationship to the height at which trees become protected.

It may also be appropriate to include controls within the drip line of protected trees, as damage to roots could lessen their length of life. Controls could restrict the storage of machinery or materials, or building within the drip line.

There is also the aspect of vegetation clearance in the form of firewood harvesting in relation to Great Barrier Island. Should there be an ability to clear vegetation where it is for personal use, for example heating or cooking? Should there be controls on commercial firewood harvesting?

Where vegetation is cleared, or where a development proposes new landscaping, should there be a requirement to undertake weed control measures? Should any proposed development have a landscape plan? Should there be requirements for eco-sourcing of native plants when implementing landscape plans or planting replacement trees?

Should there be provisions that specifically deal with vegetation and fire hazard?

Should rules consider vegetation removal for solar energy purposes?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Clarify that all native vegetation higher than 3 metres is protected by the District Plan, apart from specific exclusions on Great Barrier Island.
- Alter the existing rules by increasing the height and girth of vegetation for which a requirement for consent is triggered. General tree protection rules could also be introduced for exotic species over a particular height and girth. The specific requirements for the policy areas could be replaced with more general provisions providing Gulf-wide protection for both native and exotic species over a certain height and girth.
- Provide for greater differentiation between the permitted activity standards for the Inner and Outer Gulf. On Great Barrier Island only, manuka up to 6 metres in height may be removed in any land unit. There has traditionally been a differentiation between vegetation on Great Barrier Island and other parts of the Gulf (possibly due to the relative abundance of vegetation on Great Barrier).
- Remove vegetation controls that protect all vegetation over a particular height and girth and increase the number of trees that are scheduled. Also, through the heritage provisions, increase the degree of ecological protection.
- Alter the existing rules to control work within the drip line of generally protected trees.
- Provide specific rules relating to firewood harvesting for personal use.
- Require weed management plans to be provided as part of any vegetation clearance or landscape plan.
- Introduce a requirement for native trees to be eco-sourced.
- Provide rules or guidance to manage fire hazard.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Separate Section for Great Barrier Island
- Strategic Management Areas and Policy Areas
- Heritage
- Sustainability

Visitor Facilities

Issue

The Hauraki Gulf Islands District Plan currently provides for visitor facilities within:

- Land Units 6, 9, 14-19, 21, 22, and 25 as permitted activities, as long as such developments comply with the standards for permitted activities in Part 6B (General Rules) of the Plan.
- Land Units 2, 3, 5, 8, 10-13 and 20, 23, and 24 as listed discretionary activities.

Visitor facilities are not permitted within Land Units 1 and 4.

There is a significant number and variety of visitor facilities currently available on Waiheke Island. They include baches, homes, apartments, backpackers, home stays, bed and breakfasts, motels and farm stays. A web search established 178 listings for accommodation on Waiheke.

Home stays are specifically provided for under the definition of "dwelling" where it states: "…and includes home stay accommodation where lodging is provided or intended to be provided within the dwelling for reward or payment". Therefore home stays are considered to be a separate matter (refer Residential Development Definitions for comments on home stays).

ACC City Planning staff have identified a number of areas of concern with the current rules for visitor facilities:

- Land Unit 14 sites that were intended as visitor facilities are being converted to residential apartments (residential dwellings are not provided for as a discretionary activity).
- In other land units, visitor facility provisions are used to circumvent the multiple dwelling/subdivision rules.
- There is conversion of existing 'dwellings' to 'visitor facilities', which in some circumstances allows for a residential dwelling to be constructed as of right.
- It is difficult to enforce the use of visitor facilities for their intended purpose.
- The definition of "visitor facility" and its assessment criteria are subjective.

In some instances a visitor facility gains approval and is built before any private dwelling. This can create adverse cumulative effects as the dwelling is often permitted as of right and the development is not assessed in its entirety. Should there be a link between visitor facility and residential activity to avoid these situations?

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Remove the "visitor facility" definition.
- Amend the definition of visitor facilities to provide strict guidelines for visitor facilities.
- Alter the assessment criteria and activity status for visitor facilities and provide controls on size, scale, form, design, location, intensity, landscape effects, parking, reserve sensitivity etc.
- Introduce an intensity level provision. Visitor accommodation meeting this provision could be treated as discretionary with anything more intensive being non-complying. (The Isthmus Plan uses a similar mechanism.)
- Change the activity status for residential activities in Land Unit 14.
- Remove existing Land Unit 14 classifications but provide for Land Unit 14 through the private plan change process.

- Introduce a specific visitor facility strategy within the Plan, including associated outcomes. The strategy could consider the wide range of visitor accommodation facilities that are provided on the island, from camping grounds to luxury lodges (to be determined by the consultation process). This approach would make the purpose of the visitor facility clear and allow for easier administration.
- Create a link between visitor facility and residential activity.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Land Units
- Residential Development Definitions
- Multiple Dwellings

Viticulture

Issue

While there is some viticulture on other islands in the Gulf, it is principally located on Waiheke Island. Winemaking began on Waiheke in the 1970s. Since then a number of wineries have been established and the Island is becoming well known for its wines. While viticulture has been established for some time on Waiheke, grape growing and the number of wineries have increased considerably since the inception of the current Hauraki Gulf Islands (HGI) District Plan. The growth of viticulture has contributed to the growth of the tourism industry, with many people visiting Waiheke for its vineyards.

The growth of viticulture has given rise to some associated environmental effects. Viticulture and grape processing can create discharges to air, land and water. Vines may require spraying which may impact people and properties around the vineyard due to spray-drift. The proposed Air Land and Water Plan has rules retarding the use of agrichemicals and preventing spray-drift. Wineries have associated traffic, aural and visual effects. In more recent times resource consent applications relating to vineyards have included applications for restaurant and conference facilities, which can also have adverse effects. Issues associated with viticulture need to be considered as part of the District Plan review.

Viticulture has tended to be located in Land Units 20, 21 and 22. These are generally rural land units with strong landscape consideration requirements. The provisions of Land Unit 20 – Landscape Protection seek to preserve its predominantly rural character in order to maintain a buffer of open countryside between the villages on Waiheke Island. In Land Unit 21 –Te Whau Peninsula there are many areas of high amenity and environmental value within the coastal environment. The general purpose of Land Unit 22 is to encourage the continued management of land for rural and conservation purposes while permitting comprehensive developments involving the provision of low-density accommodation. Given the number of lifestyle block developments in these land units, there may be some conflict between residential and commercial land uses.

The current District Plan does not define "viticulture" or "wineries" and hence does not require resource consent for their establishment and operation. Restaurants, which have been established in conjunction with many vineyards, are permitted activities within Land Units 20, 21 and 22. As the existing plan focuses on the built environment, any resource consents are required for the building, earthworks associated with the building and so on, rather than the activity of operating a winery. Given the growth of this industry, particularly on Waiheke Island, and the attendant effects associated with it, there may be need for greater definition and control through the District Plan process.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo.
- Place greater control on the effects of viticulture and wineries in the Hauraki Gulf through the District Plan.
- Define "wineries" in the definitions sections and require consent for them in particular land units.
- Add a new, comprehensive definition with an appropriate activity status, which would apply to combinations of activities such as viticulture, accommodation, restaurant and conference activities.
- Develop assessment criteria for wineries. Restaurants and entertainment facilities within Land Units 20, 21 and 22 could be required to obtain resource consent.
- Revise the parking requirements associated with viticulture activities to ensure that an adequate amount of parking is provided within the site.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Parking
- Definitions
- Human Activity/Natural Environment

Waiheke

Issue

The review of the Hauraki Gulf Islands (HGI) District Plan will provide the parameters for development and protection of the Gulf until approximately 2020. Medium population projections for Waiheke from Statistics New Zealand estimate that there will be 11,600 people on Waiheke by 2021. This is an increase of 3,290 people from the 8,310 people on Waiheke in 2004. Using Statistics New Zealand high population projection, the population could rise to 12,350 by the time the reviewed plan is operative.

Part Two of Essentially Waiheke contains key strategies and actions, thresholds and criteria for the management of future predicted growth in Waiheke. It suggests that a key time to consider how growth should be managed on Waiheke will be when 90 per cent of the sites zoned Land Unit 11 and Land Unit 12 are occupied. Essentially Waiheke advocates managing growth by a new village once the 90 per cent threshold is met. (A review of the key actions and strategies of Essentially Waiheke has been undertaken and has resulted in some minor changes to some of these actions and strategies.)

The Council's 2004/05 Waiheke Residential Landuse Survey identified that 85 per cent of sites within Land Units 11 and 12 were occupied. While this is below the 90 per cent threshold, it is prudent to begin initial investigations and community discussion as to whether Waiheke can accommodate additional growth above the existing District Plan allowances. Key considerations in the management of growth on Waiheke include:

- Its effect on the existing character and amenity of Waiheke.
- Its effect on ferry services and the flow-on effect to Matiatia in relation to, for example, parking.
- Its effect on land prices and the affordability of housing on Waiheke.
- Its effect on roading infrastructure – major upgrades of existing roads may be necessary and there may be new roading requirements.
- Wastewater disposal – the current system of on-site disposal of wastewater through septic tanks has implications for minimum lot sizes in residential development. Other wastewater considerations include:
    - Current support for on-island, individual responsibility for effluent disposal, as indicated in Essentially Waiheke.
    - The possibility of localised collection, treatment and disposal systems.
    - Potential health and environmental issues if on-site disposal systems fail.
- The location of any proposed new ferry terminal.

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Provide for limited growth (status quo). Retain existing land units and subdivision controls.
- Reduce existing flexibility in the HGI Plan to ensure that it is more difficult to obtain consent for non-complying applications, for example by tightening up the objectives of the subdivision section.
- Provide for more houses within Land Units 11 and 12 by relaxing the rules for permitted lot sizes to allow more houses per site and by allowing residential activity in village centres.
- Expand the boundaries of all existing villages by extending the boundaries of Land Units 11 and 12 or extend the boundaries of only the smaller 'villages' – Orapiu and Kennedy Point.
- Develop a new village as a separate area within Waiheke to accommodate some or all of the expected growth. Provide for commercial and retail activities within the new village.
- Develop a composite option taking account of all the above.

Note:
While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Strategic Management Areas and Policy Areas
- Land Units
- Human Activity/Natural Environment
- Hauraki Gulf Marine Park Act
- Essentially Waiheke
- Non-statutory Documents
- Subdivision
- Financial Contributions
- Residential Development Definitions
- Retirement Villages
- Sustainability

Wastewater Management

Issue

The communities of the Hauraki Gulf rely on rainwater capture as the primary method of water supply. Limited bore water is also available. While water supply presents a challenge in itself, the disposal of wastewater is an issue throughout the Gulf. The current district plan does not address the issue of reticulation of wastewater. However, subdivision and development controls require the management of wastewater.

Wastewater disposal in the Hauraki Gulf is controlled by the provisions of the current District Plan, Part 29 of the Auckland City Consolidated Bylaw and the Auckland Regional Council (ARC) Technical Publication 58.

Wastewater in the Hauraki Gulf is currently disposed of through a wide range of on-site disposal systems, consisting in the main of septic tank pre-treatment units and effluent soakage fields. The treatment of sewage generally involves the separation of the liquid and solid fractions of the wastes. Solids collected in the Hauraki Gulf are applied to land under discharge permits issued by the ARC. Therefore, all existing and future development must be capable of satisfactorily treating and disposing of wastewater on-site. The exception to this is the commercial portion of Oneroa village, which is connected to the Owhanake Wastewater Treatment system.

The community regards large-scale reticulated systems as generally not desirable, for reasons relating to cost, their effect on development opportunities and intensification, and their potential impact on the natural environment and amenities. There is also the view that large scale systems can pose greater problems if the system fails, rather than the notion of minimising the risk with individually installed and maintained options. Failure of any system has potential health impacts for the community.

There have been numerous reports over the past 15 years on wastewater servicing on Waiheke Island. Some have commented on the problems of using on-site wastewater treatment systems; some have recommended wide-scale reticulation; and others have challenged the rationale for reticulation. Notwithstanding these reports, wastewater remains an important issue for Waiheke Island, which has a permanent population of 7,500 and a summer population of up to 25,000.

The Gulf Islands rely upon land application for wastewater treatment and disposal. This is complicated by the clay soils that are common throughout the Gulf. Areas with clay soils can experience problems with conventional septic tank and soakage trench systems, especially where high wastewater volumes are generated. While there are methods to deal with these types of soils, problems can be exacerbated by inappropriate design, use or maintenance of disposal systems, and by increased occupancy rates and changing lifestyle expectations. Ineffective land disposal can adversely affect the water quality and amenity values of the region's water bodies. It can cause eutrophication of water bodies, public health threats and odour. Adverse effects are often greatest where on-site disposal systems are clustered around areas of high amenity, such as beach communities.

While there are concerns reported about on-site disposal systems there has also been recognition of recent industry advances in the design of treatment and land application systems, the introduction of wastewater treatment and disposal system maintenance programmes, and ongoing training of people who use them. It is also clear that the Waiheke Island community has a current commitment to retaining on-site wastewater servicing, and to making services work effectively. (It is noted that sewerage reticulation in the Isthmus can result in sewer overflows that affect bathing water quality.)

Possible approaches

You may have a better or alternative approach to those outlined below. If so, we would like to hear from you.

- Retain the status quo. The existing situation could be maintained with wastewater in the Hauraki Gulf disposed of through a wide range of on-site disposal systems. Management and servicing rules for the on-site systems would continue through the Consolidated Bylaw. Currently compliance with the bylaw is not mandatory. Biosolids would continue to be disposed of to land under discharge permits issued by the ARC.
- Retain the existing situation with wastewater in the Hauraki Gulf disposed of through a wide range of on-site disposal systems. However, change the bylaw to ensure mandatory compliance. A review of the bylaw may lead to Council managing the pump out process to guarantee the septic system is pumped out every three years. This is the current approach in Waitakare City and the majority of other local authorities throughout New Zealand.
- Reticulate only those catchments on Waiheke Island that are considered the most at risk from on-site wastewater treatment methods.
- Provide for small-scale communal treatment systems where application is made for a comprehensive subdivision. It would need to be demonstrated that this type of approach could be managed and maintained appropriately.

Note:

While this issue paper can be read in isolation, it is best read in association with the issue papers relating to:

- Subdivision
- Waiheke
- Definitions
- Gross Dwelling Area
- Subdivision
- Landscape Assessment, Outstanding Natural Landscapes
- Natural Hazards
- Strategic Management Areas and Policy Areas
- Sustainability

Future Scenarios for Waiheke

Method

Two Waiheke Island workshops were held in May to explore possible futures for Waiheke Island using a scenario-based approach. This involved looking at the main factors of change that could influence Waiheke looking towards 2020 and beyond. The purpose of these workshops is for the community to provide input into possible changes that may occur over that period. This information is then fed back to ensure that the policies that are developed are robust and provide for likely or possible future scenarios.

Unfortunately, the results of the workshops were not available to be included in this document. They will however, be available at the end of May 2005.

Glossary of Terms

Controlled activities	These are activities that require a resource consent which the Council must approve, but can put conditions on the consent.
Delineation	"Marking out" or drawing a line, this term is used to describe the boundary of a particular land unit.
Discretionary activities	These are activities that require a resource consent which Council can approve or decline, and if they approve the activity, they can put conditions on the consent.
Land units (LU)	The Hauraki Gulf Islands are separated into smaller units for the purpose of forming rules which control development. Land units are based on common features of the physical and natural landscape. Each land unit has a combination of physical and environmental characteristics by which it is clearly distinguished. Land units determine the rules and standards which apply together with the criteria for assessment of resource consent and subdivision consent applications.
Non-complying activities	These are activities that are not provided for or are activities that contravene the district plan that are not otherwise permitted, controlled or discretionary activities. Council can approve or decline a resource consent for a non-complying activity, and if they approve it, can place conditions on the consent.
Objective	Describes the intended outcomes as a result of the rules and policies.
Outstanding natural landscape	An outstanding natural landscape is one that is considered as being of national or regional significance, and contains features that make it special when compared other landscapes. The reference to natural does not require it to be unmodified by humans. The Resource Management Act requires outstanding natural landscapes and features to be protected from inappropriate development.
Permitted activities	These are activities which can be undertaken without a resource consent.
Policy	Describes the way in which Council will consider various aspects of a proposal.

Policy areas	Policy areas apply to a number of locations which exhibit a need for a more pronounced strategic approach to resource management in addition to the use of strategic management areas and land units. Policy areas provide additional objectives, policies and rules to be considered during the consent process. These are sometimes called structure plans by other Councils.
Prohibited activities	This is an activity for which no-one is allowed to apply for a resource or subdivision consent.
Resource consent	A resource consent allows a person to carry out an activity on land where the use of land is controlled by the District Plan.
Resource Management Act (1991)	The legislation that sets out the way resources are to be managed nationally, regionally and locally. The purpose of the act is to provide for sustainable management.
Rule	A rule sets out the controls or standards that should be complied with for land-use or subdivision activities.
Sensitive area (SA)	These areas are similar to sites of ecological significance, but with slightly less emphasis.
Site of ecological significance (SES)	These are areas that have been identified as having significant plant, wildlife or ecological values.
Strategic management areas (SMA's)	The District Plan divides the district into Strategic Management Areas (SMA's). These identify critical physical, social and development characteristics for each area. Common objectives and policies have been developed for each to provide a basis for management of these areas. The objectives and policies are considered as part of a resource consent, but do not strictly control it.
Structure plan	A structure plan is a method of controlling and identifying areas that are to be developed in a particular manner. It generally specifies planned locations for activities and may show areas for public use. Refer to Policy Areas.

Subdivision

This term is used to describe the division of an allotment of land into separate titles, but does not include joining together titles. Other forms of subdivision include cross-leases and unit titles.

Sustainable management

This term is used in the Resource Management Act, and it means managing resources in such a way that we provide for social, cultural and economic wellbeing, whilst:

- sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- safeguarding life supporting capacity of air, water, soil and ecosystems; and
- avoiding, remedying or mitigating adverse effects on the environment.