

# **Planning and Regulatory Committee**

**Tuesday, 11 December 2007  
Commencing at 9.30 am**

**Item 2: Urgent Business**

**Item 2A: Appeal To Regional Policy  
Statement Change 9 -  
Hauraki Gulf Marine Park Act 2000**

**SUPPLEMENT TO A MEETING OF THE PLANNING AND REGULATORY COMMITTEE TO  
BE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,  
HENDERSON, WAITAKERE, ON TUESDAY, 11 DECEMBER 2007,  
COMMENCING AT 9.30 AM**

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**2 URGENT BUSINESS**

Council received a notice from the Environment Court on 4 December 2007 of the requirement to report back on 21 December 2007 in regard to the appeal to the Regional Policy Statement Change 9 - Hauraki Gulf Marine Park Act 2000. Additionally, negotiations between all of the parties to the appeal have been more successful than anticipated, meaning that it has become more likely that agreement will be reached. The 21 December 2007 reporting date offers the opportunity to settle this appeal before Christmas. If settlement is not reached by then, the next opportunity to settle this appeal is not likely to arise until the end of February/early March 2008.



**2A APPEAL TO REGIONAL POLICY STATEMENT CHANGE 9 - HAURAKI GULF  
MARINE PARK ACT 2000**

**GLOSSARY**

The Auckland Regional Council	(ARC)
The Hauraki Gulf Marine Park Act 2000	(HGMPA)
The Auckland Regional Policy Statement	(RPS)

**PURPOSE OF THE REPORT**

This report seeks the Planning and Regulatory Committee's approval to progress and potentially settle an outstanding appeal to the Auckland Regional Policy Statement (RPS), through the signing of a consent order based upon some draft provisions presented here.

**BACKGROUND**

The Auckland Regional Council (ARC) notified Proposed Change 9 to the RPS on 26 September, 2005, pursuant to the provisions of the Hauraki Gulf Marine Park Act 2000 (HGMPA), which requires that all local authorities with jurisdiction over the area covered by the HGMPA notify a plan change within five years of the commencement of the HGMPA, to give effect to Sections 7 (Recognition of national significance of Hauraki Gulf) and 8 (Management of Hauraki Gulf). The Waitakere City Council is also bound by this requirement, but is waiting until the provisions of the RPS are made operative.

The proposed plan change did little more than introduce reference to the HGMPA, and the Council lodged submissions and further submissions seeking that greater discussion of the HGMPA and its requirements be included in the plan change.

Evidence in support of these submissions was presented to the ARC on the 31 August 2006, along with an offer to help the ARC progress the required work. Councillor's on the ARC's hearing panel were very receptive to the Council's submissions, and tended to agree with the Council that the proposed plan change was not adequate to address the requirements of the HGMPA.

The ARC released its decision on submissions on the 19 February, 2007. Instead of making changes to the RPS, the decision notice records the ARC Committee's recommendation that "...Officers...determine a future project/work programme on the premise that further changes to relevant ARC Regional Plans (such as the *Regional Plan: Coastal*) will be developed, in order to address these fundamental issues raised by the submitters." The ARC has also identified that better integration between all constituent parties to the Hauraki Gulf Forum could be achieved.

The Council agreed that such a project was desirable, but maintained that it would be appropriate to incorporate into the RPS some of the explicit requirements of the HGMPA to ensure they were at the forefront of decision makers minds, and on 13 March 2007, the Planning and Regulatory Committee authorised the lodging of an appeal seeking more comprehensive discussion of the requirements of the HGMPA. The Auckland City Council and the Gulf District Plan Association became parties to the appeal.

Since March, there have been meetings and correspondence between all parties to the appeal, and in October some draft provisions were prepared, largely by Waitakere City Council officers, in response to the issues raised by all parties, and these were circulated. On 3 December 2007 the Environment Court advised that it required a report back on this matter by the 21 December 2007.

Potentially, if agreement is reached on the provisions, which Council officers consider is reasonably likely, the appeal could be settled through consent order on the 21 December 2007.

## **STRATEGIC CONTEXT**

Section 8 of the HGMPA requires the Council to have particular regard to a range of matters traversing natural, cultural, social, historic and economic issues, including the relationship of tangata whenua to the resources of the Gulf. The Council must also 'give effect' to the requirements of both the HGMPA and the RPS, in its District Plan.

The HGMPA applies to all of the land in the catchment of the Hauraki Gulf, and includes the eastern foothills of the Waitakere Ranges and most of the urban parts of the City. Thus, there is significant inter-relationship with the Waitakere Ranges and Foothills Protection Project, including the Waitakere Ranges Heritage Area Bill, as well as the management of catchments in the urban area generally.

The northern strategic growth is also within the catchment of the Hauraki Gulf (as defined by the HGMPA), and the Council has been mindful of the requirements of the HGMPA when preparing Plan Changes 13-16, with particular emphasis on stream restoration and water quality issues.

## **PROPOSED PROVISIONS**

The draft provisions prepared reflect the above matters, with an objective and policy derived from the wording of the HGMPA:

### **Objective X**

To recognise the national significance of the Hauraki Gulf, its islands and catchments and to provide for the protection, and where appropriate enhancement, of those resources, features, characteristics and associations which contribute to this national significance.

## Policy X

Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 will be given effect to in the preparation of the relevant planning documents of the region, and had regard to when considering resource consent applications.

Three new methods are also proposed. The first two of these reflect the ongoing project to identify in detail how the HGMPA should be provided for in statutory documents, and through better integration between the Forum's constituent parties. The third reiterates the requirements of the HGMPA in relation to resource consents, to ensure these requirements are evident to all decision makers and given extra weight as an RPS requirement:

1. The ARC will (jointly with the Forum) work on a project to identify how the provisions of the HGMPA should be provided for in the relevant statutory documents of the Hauraki Gulf, including how to give effect to Sections 7 and 8 of the Act as a NZCPS and a deemed NPS;
2. The ARC will work with the Forum to achieve integrated management of the Hauraki Gulf, and identify methods for improving the integration between the Forum's constituent parties on initiatives and actions to implement the Act, including both statutory and non-statutory method;
3. Local authorities will have regard to the provisions of Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 when considering resource consent applications within the catchment of the Hauraki Gulf.

## RESOURCES

Only staff resources are required to progress this matter.

## CONCLUSION

There is the potential for an appeal to the RPS lodged by the Council to be resolved before Christmas, with provisions that satisfy the Council's appeal. It is recommended that the Planning and Regulatory Committee authorise Council officers to continue negotiations with the other parties with a view to settling the appeal through the introduction of the above provisions, or similar, into the RPS.

## RECOMMENDATIONS

1. That the Appeal To Regional Policy Statement Change 9 - Hauraki Gulf Marine Park Act 2000 report be received.
2. That approval be given for the signing of a consent order to satisfy the Waitakere City Council's appeal against the decision of the Auckland Regional Council in relation to Regional Policy Statement Plan Change 9 - Hauraki Gulf Marine Park Act 2000.

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