PROTECTING THE HAURAKI GULF ISLANDS

Raewyn Peart and
Cordelia Woodhouse

EDS
ENVIRONMENTAL DEFENCE SOCIETY

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TABLE OF CONTENTS

LIST OF FIGURES

LIST OF ACRONYMS

AUP	Auckland Unitary Plan
DOC	Department of Conservation
EDS	Environmental Defence Society
EEZ Act	Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
EMU	Ecosystem management unit
EPA	Environmental Protection Authority
GIFT	Gulf Innovation Fund Together
HGMPA	Hauraki Gulf Marine Park Act 2000
NZCPS	New Zealand Coastal Policy Statement
ONL	Outstanding natural landscape
QEII	Queen Elizabeth the Second
RMA	Resource Management Act 1991
RPS	Regional policy statement
Sea Change	Sea Change Tai Timu Tai Pari

1. INTRODUCTION

Aotearoa New Zealand's distinctive natural landscapes are an integral component of our individual and national well-being. For Māori, they provide a deep cultural connection with the past and future through whakapapa. Landscapes provide physical and spiritual respite, historical links and havens for biodiversity. They are a source for creative endeavour, a key component of the New Zealand brand, and a major drawcard for tourists.

A tourist is commonly defined as someone who travels and visits places for pleasure and interest.[1] This includes both international and domestic visitors, and for the Hauraki Gulf islands, includes those visiting from Auckland as well as from further afield. It generally does not include part-time residents, such as those who own a holiday home on the islands. Nor does it include people travelling purely for business purposes.

Despite the importance of landscapes to New Zealand, we are still seeing poor landscape outcomes. In order to address this matter, the Environmental Defence Society (EDS) has initiated a project to investigate how existing legislative and policy tools could be more effectively deployed to manage important natural landscapes, as well as how a new 'protected landscapes' model could be adopted to achieve better landscape protection in New Zealand.

The project involves case studies of landscape protection in Te Manahuna/Mackenzie Basin, Te Pātaka o Rākaihautū/Banks Peninsula, Waitākere Ranges and the Hauraki Gulf Islands. It also includes an investigation of potential linkages between tourism and landscape protection. All the case studies will be integrated into an overall synthesis report, which will contain a broader exploration of the concept of landscape in the New Zealand context, to be released later in 2020.

This case study focuses on three of the Hauraki Gulf islands with permanent settlement: Aotea/Great Barrier Island, Waiheke Island and Rākino Island. These islands each have a unique character and settlement pattern and face different, but in some cases overlapping, challenges.

The case study is based on a review of the available literature supplemented by interviews with some 30 key informants. The interviews were undertaken on a confidential basis to encourage frankness. We have included some quotes from these interviews to provide 'colour' to the analysis below. However, we have not identified the source in order to maintain the confidentiality of the respondent. Some quotes are from published sources, and where this is the case, we have footnoted the reference.

The report is structured into three main parts. Part One provides the overall context for the case study. This includes a description of the Hauraki Gulf and the overall statutory management framework that applies to the area, including an analysis of the effectiveness of the Hauraki Gulf Marine Park Act 2000 in protecting the landscapes of the Hauraki Gulf. Part Two of the report includes the island case studies including a description of their Māori and natural heritage; historical, current and future pressures; statutory and non-statutory management responses; and key issues and opportunities. In order to assess the effectiveness of landscape management on the islands, we have investigated a wide range of pressures impacting their natural environments. Part Three of the report draws together the key findings of the study and recommendations.

Man O'War Bay, Waiheke Island *(Craig Potton)*

Harataonga, Aotea/Great Barrier Island *(Craig Potton)*

ENDNOTES

1 Cambridge English Dictionary

PART ONE: OVERALL CONTEXT

2. THE HAURAKI GULF

"The Hauraki Gulf has a quality and diversity of biology and landscape that makes it outstanding within New Zealand. The islands of the Gulf are valued as habitats of plants and animals, once common, now rare, and are often the only places where these species exist naturally."[1]

The Hauraki Gulf/Tīkapa Moana/Te Moananui-o-Toi is a place of outstanding landscapes, rich indigenous biodiversity and spiritual importance to Māori. It is an area used by many to live and work, for recreation and for the sustenance of human health, wellbeing and spirit.

The Gulf covers 1.2 million ha of ocean stretching from Pākiri in the north-west, around the seaward side of the Mokohinau Islands and Aotea/Great Barrier Island and down to the south of Whangamatā on the eastern side of the Coromandel Peninsula (see Figure 2.1). The inner Gulf is sheltered to the east by Great Barrier Island, and to the west and south, by the mainland. This means it is exposed only to the northern winds prompting its name: 'the northern wind' – hau (wind) and raki (north).

Within the Gulf there are more than 65 islands, many of which are protected and managed by the Department of Conservation (DOC) as public conservation land. Of the islands in the Hauraki Gulf that are larger than 10ha, 43 per cent are predator free including Rākino Island (but not Waiheke or Aotea/Great Barrier islands), making it an area particularly rich in native bird and other life.[2]


Stony Batter, Waiheke Island

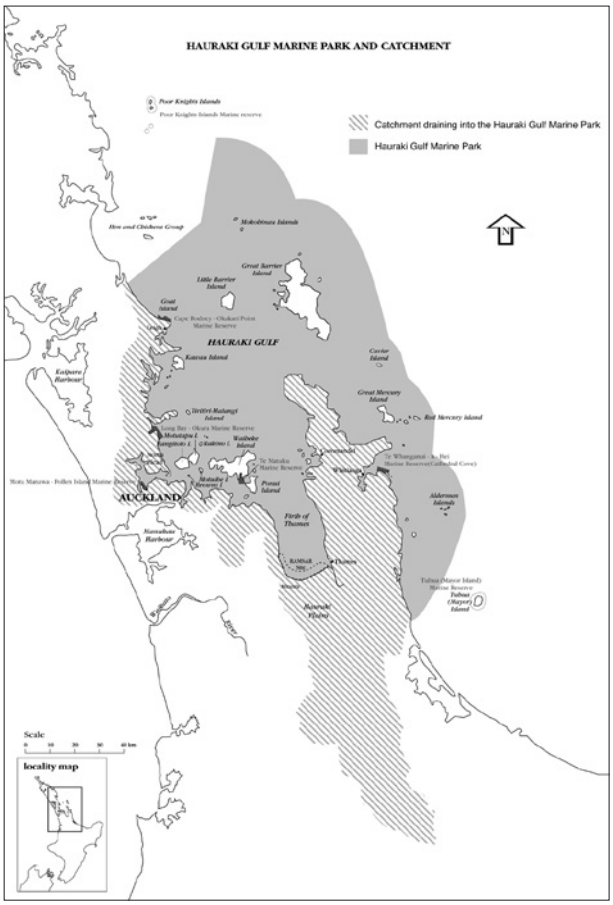


Figure 2.1 *Hauraki Gulf Marine Park and catchments*

2.1 Geological formation of islands

The Hauraki Gulf was formed following the last ice age, over 20,000 years ago, when the sea levels were 130m lower than present levels.[3] At that time, the seabed of the Gulf would likely have been low lying plains dominated by the volcanic cones of Aotea/Great Barrier and Te Hauturu-o-Toi/Little Barrier.[4] The other islands of the Gulf would have been the hills and ridges punctuating the plains. Around 600 years ago Auckland's youngest volcano, Rangitoto, erupted in the middle of the main channel into the Waitematā Harbour. Rangitoto now forms a focal point when looking out from Auckland into the Hauraki Gulf, and links the scenery and geology of the isthmus with that of the Gulf.[5]

With the melting of glaciers after the last ice age, the seas rose and flooded the river valleys, with the coastal hills becoming islands. The resulting marine environment of the Gulf now ranges from deep ocean areas to shallow seas; bays, inlets and harbours scattered along the coastline; and the broad intertidal flats of the Firth of Thames.[6] On the eastern coast of Aotea/Great Barrier Island, white quartz sand was thrown up from the sea to

create beaches and dune barriers. These extensive dunes now provide important habitat for a variety of plants and birds such as the northern New Zealand dotterel/tuturiwhatu and variable oyster catcher/torea-pango.

The Hauraki Gulf islands contain a wide variety of other habitat types, including coastal broadleaf forest and wetlands, resulting in a varied landscape high in natural character and conservation values. The specialness of the Hauraki Gulf and its islands was recognised when the Hauraki Gulf Marine Park Act (HGMPA) was passed to protect it in 2000.

2.2 Early Māori settlement

> "The Hauraki Gulf is often referred to as 'pataka kai' a food basket in the literal and metaphysical sense: a place where spiritual and physical sustenance is gathered."[7]

The Hauraki Gulf is an area of high cultural and spiritual significance to mana whenua. It is spoken about as the landing place of Kupe's waka that carried the first Polynesian voyagers to Aotearoa from Hawaiki over 800 years ago.[8] The story goes that, following Kupe's navigational directions, a number of subsequent explorers arrived in the Hauraki Gulf. They included Toi (Toitehuatahi) who named the islands of the Gulf 'nga poito o te kupenga o Toi Te Huatahi' (the floating fishing net of Toi Te Huatahi). Toi was followed by explorers and settlers carried on the *Tainui, Arawa, Aotea, Takitimu* and *Mataatua* waka.[9]

The Hauraki Gulf islands were situated at the crossroads of the busiest waterways in Aotearoa, linking the Bay of Plenty and the Bay of Islands, as well as being the east-west passage across the isthmus joining the Pacific and Tasman Seas. It was also an area rich in forest and marine resources and with fertile soils. As a result, early settlement groups would often be displaced by turbulent interactions with those passing through. It is likely that the smaller islands were the location of temporary settlements which provided a base for seasonal harvesting. Larger groups permanently settled on the more extensive islands, such as Aotea/Great Barrier and Waiheke, where evidence of numerous kāinga, gardens, food storage areas, middens and pā can still be seen in the landscape.[10] The rich historical association of mana whenua with the Hauraki Gulf, since the time the first waka arrived many centuries ago, has resulted in it being a taonga of utmost cultural and spiritual significance.

> "If the vitality of the Gulf's mauri (life principle) is impaired through environmental degradation, then so is the spiritual wellbeing of tangata whenua".[11]

2.3 Early European settlement

Europeans first encountered the Hauraki Gulf when, in November 1769, Captain James Cook and his crew anchored off Cooks Beach in Mercury Bay (as the beach and bay are now called) while observing the passage of Mercury. He later sailed down to the Firth of Thames and wrote about the "noble" timber of the Waihou River "which he believed would furnish plenty of materials either for the building of defences, houses or vessels".[12] These comments attracted the attention of European traders who sailed to the area in search of logs to be sold for profit as ships' spars. However, it was not until after 1840 when Auckland was established on the invitation of Ngāti Whatua o Ōrākei, that exploitation of the Gulf's rich natural resources accelerated.

The European settlers stripped much of the remaining indigenous forest and drained most of the wetlands, turning many of the Gulf islands into extensive pastoral farms. They also brought with them the Norway rat and ship's rat and later introduced mustelids (ferrets, stoats and weasels) amongst a multitude of exotic species. These introduced mammals predated on New Zealand's indigenous terrestrial fauna (native birds, bats, lizards, frogs and invertebrates). The introduction of possums and rabbits, for sport and in an attempt to develop a fur trade, also led to wide-scale destruction of vegetation. Fortuitously mustelids, possums and Norway rats did not make their way to Aotea/Great Barrier Island and possums did not reach Waiheke Island.

Ngāti Paoa waka

ENDNOTES

1 Hauraki Gulf Marine Park Act 2000, Preamble, Clause 1
2 Hauraki Gulf Forum, 2011, 13
3 Hauraki Gulf Islands District Plan, Annexure 1c
4 Hauraki Gulf Forum, 2011, 22
5 Hauraki Gulf Islands District Plan, Annexure 1c
6 Hauraki Gulf Forum, 2011, 15
7 Hauraki Gulf Forum, 2014, 10
8 Peart, 2016, 22
9 Hauraki Gulf Islands District Plan, Annexure 1a
10 Hauraki Gulf Islands District Plan, Annexure 1a
11 Hauraki Gulf Forum, 2009, 15
12 Hauraki Gulf Islands District Plan, Annexure 1a

3. STATUTORY MANAGEMENT FRAMEWORK

3.1 Resource Management Act

The Resource Management Act 1991 (RMA) is the main piece of legislation in New Zealand that sets out how the environment should be managed. It is underpinned by the principle of sustainable management, and seeks to "promote the sustainable management of natural and physical resources".[1] Under the RMA, sustainable management is broadly defined as follows:

> (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—
>
> (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
>
> (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
>
> (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment

Previously an 'overall broad judgment' approach was adopted in interpreting the sustainable management purpose of the RMA. The Supreme Court in *Environmental Defence Society v New Zealand King Salmon* rejected this approach and determined that the definition of sustainable management must be read as an integrated whole.[2] Although the Act does not create primacy for environmental protection (through the setting of environmental bottom lines), other policy and planning documents developed under it may do so.

The reasoning of *Environmental Defence Society v New Zealand King Salmon* has been subsequently applied in a number of cases. Of particular importance is *RJ Davidson Family Trust v Marlborough District Council* which concerned an application for a resource consent. In that case the Court of Appeal held that, if the planning document does not clearly indicate whether a resource consent should be granted or refused, then reference to the purpose and principles of the Act may be appropriate. This enables an 'overall broad judgment' approach to be applied, which may result in economic benefits outweighing provisions seeking environmental protection. The case highlights the importance of having clear and directive provisions in regional and district planning instruments to protect the environment.

Sections 6, 7 and 8 of the RMA supplement the sustainable management purpose contained in section 5 and identify matters that are of special significance for resource management.

Matters of national importance are listed in section 6 and decision-makers must 'recognise and provide' for them. Outstanding natural landscapes (ONL) are identified under section 6(b) and their protection is a matter of national importance. Other matters of national importance include protection of the natural character of the coastal environment, wetlands, lakes and rivers

Home Bay, Rākino Island

(section 6(a)), protection of significant indigenous vegetation (section 6(c)), the relationship of Māori and their culture with taonga (section 6(e)) and the protection of historic heritage from inappropriate subdivision, use and development (section 6(f)).

An ONL must be both natural (meaning a product of nature) and outstanding. The criteria for identifying a landscape as outstanding include:[3]

- Natural science factors (geological, topographical, ecological, and dynamic components of the landscape)
- Aesthetic values
- Expressiveness (legibility)
- Transient values
- Whether the values are shared and recognised
- Value to tangata whenua
- Historical associations

Natural character, a matter of national importance to be preserved under section 6(a) of the RMA, is not the same thing as a natural feature or landscape.[4] However, there is a considerable degree of overlap between the two concepts. The preservation of natural character and the protection of it from inappropriate subdivision, use and development is central to the management of landscapes within the coastal environment.

Natural character concerns the expression of natural elements, patterns and processes in the landscape. A common broad-brush description is that natural character consists of the *physical* naturalness of an area (in terms of non-living and living features) and its *perceived* naturalness in terms of how people perceive and experience the physical elements.[5] The New Zealand Coastal Policy Statement (NZCPS) includes a list of matters that natural character may include, which provides context for its interpretation under the RMA.[6]

Once natural character is identified, it must then be assessed against a scale of naturalness. Natural character is commonly rated on a seven-point scale from very low (ie highly modified), low, moderate-low, moderate, moderate-high, high and very high (ie virtually unmodified). The category of 'outstanding' natural character was first introduced by the 2010 NZCPS.[7]

A number of the Hauraki Gulf islands are partially overlaid with both ONL and outstanding natural character designations. In particular, Aotea/Great Barrier Island is largely classified as an ONL. Waiheke and Rākino islands both have ONL designations, but these are not as extensive (see Figures 3.1, 3.2 and 3.3). In particular, the protection on Waiheke Island is largely restricted to the less developed eastern end, and very little of Rākino Island is identified as an ONL. Across all three islands, areas of high and outstanding natural character are scattered around the coastlines, overlapping with ONLs in these areas.

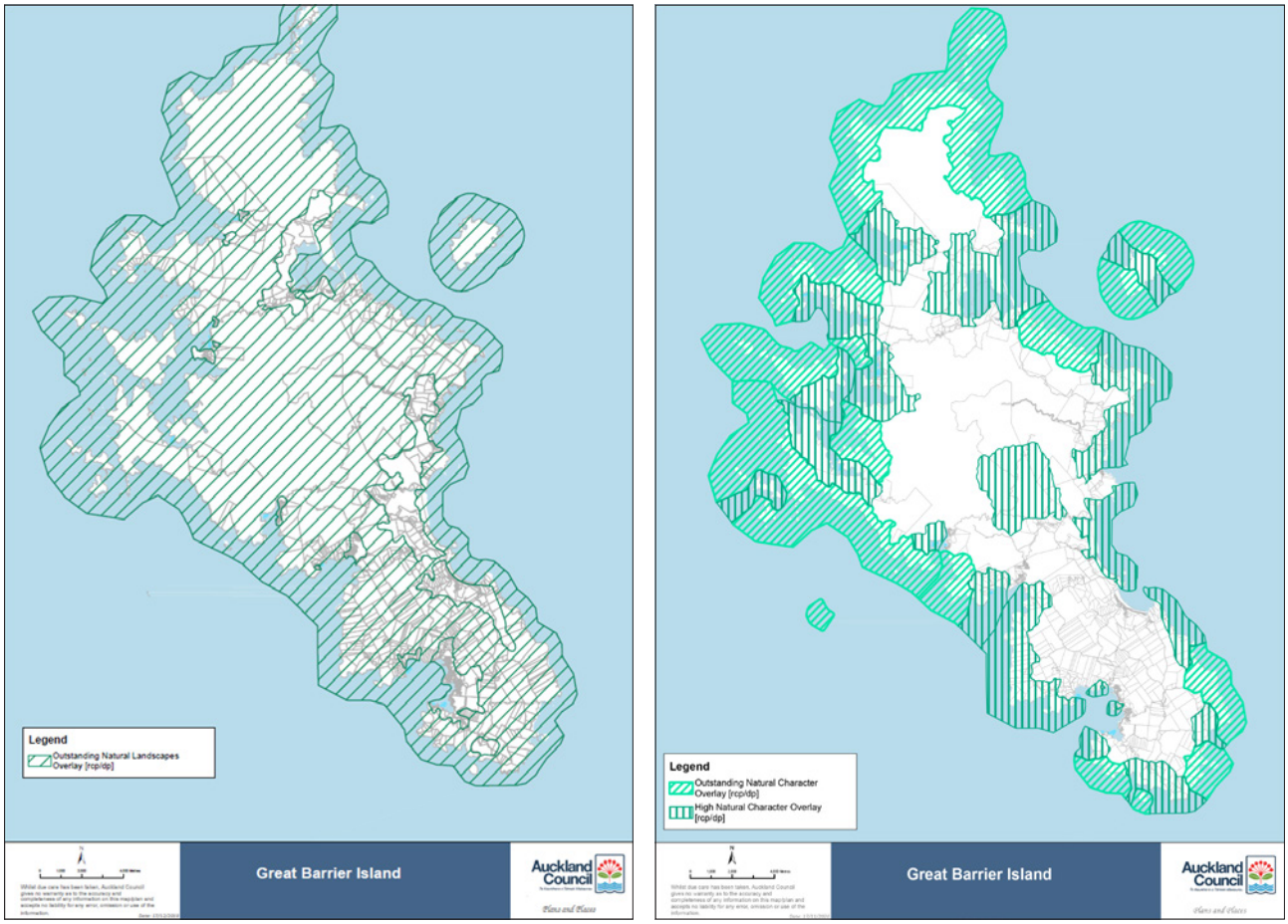


Figure 3.1 *Extent of the ONL and natural character overlays on Aotea/Great Barrier Island*

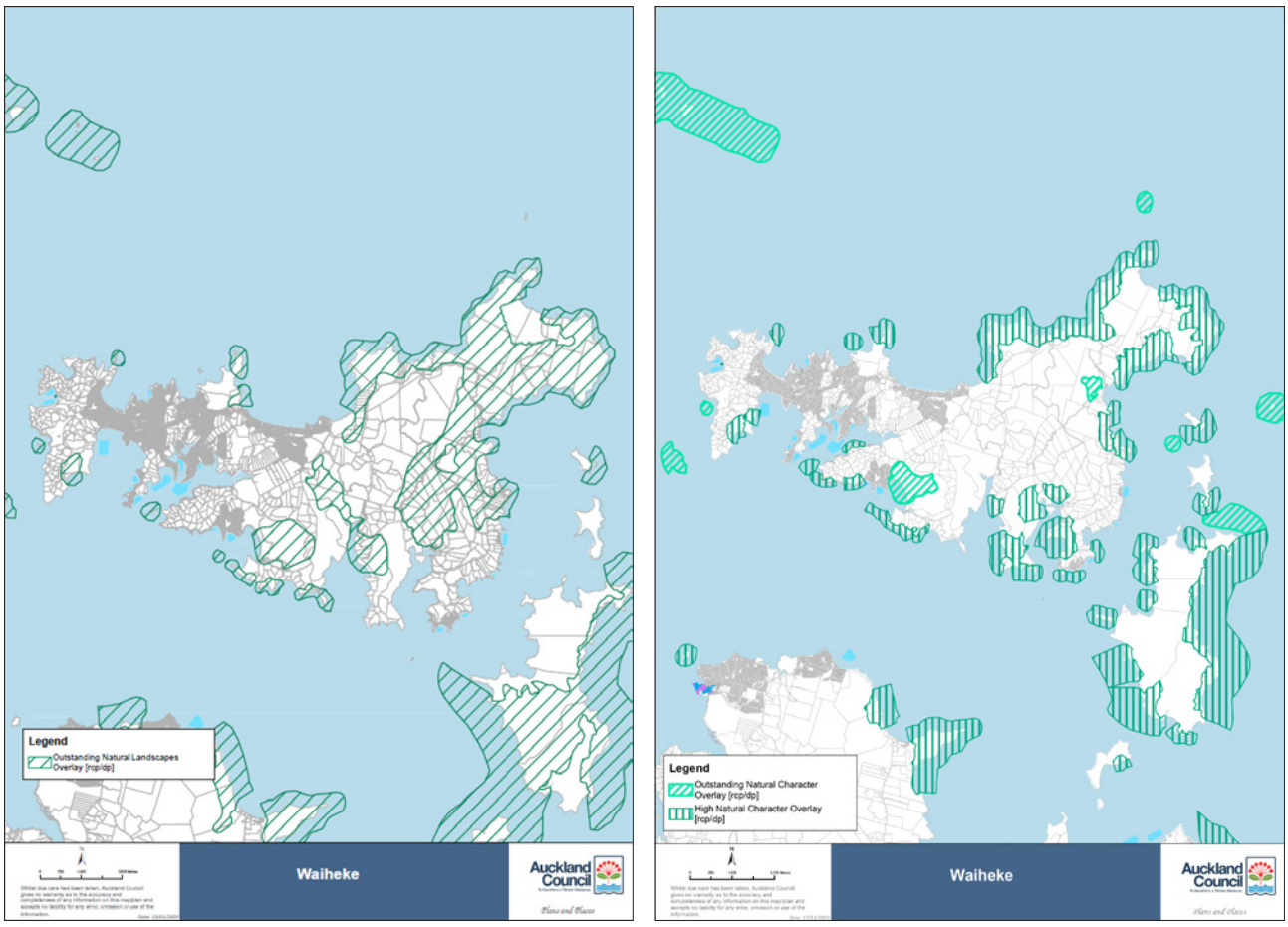


Figure 3.2 *Extent of the ONL and natural character overlays on Waiheke Island*

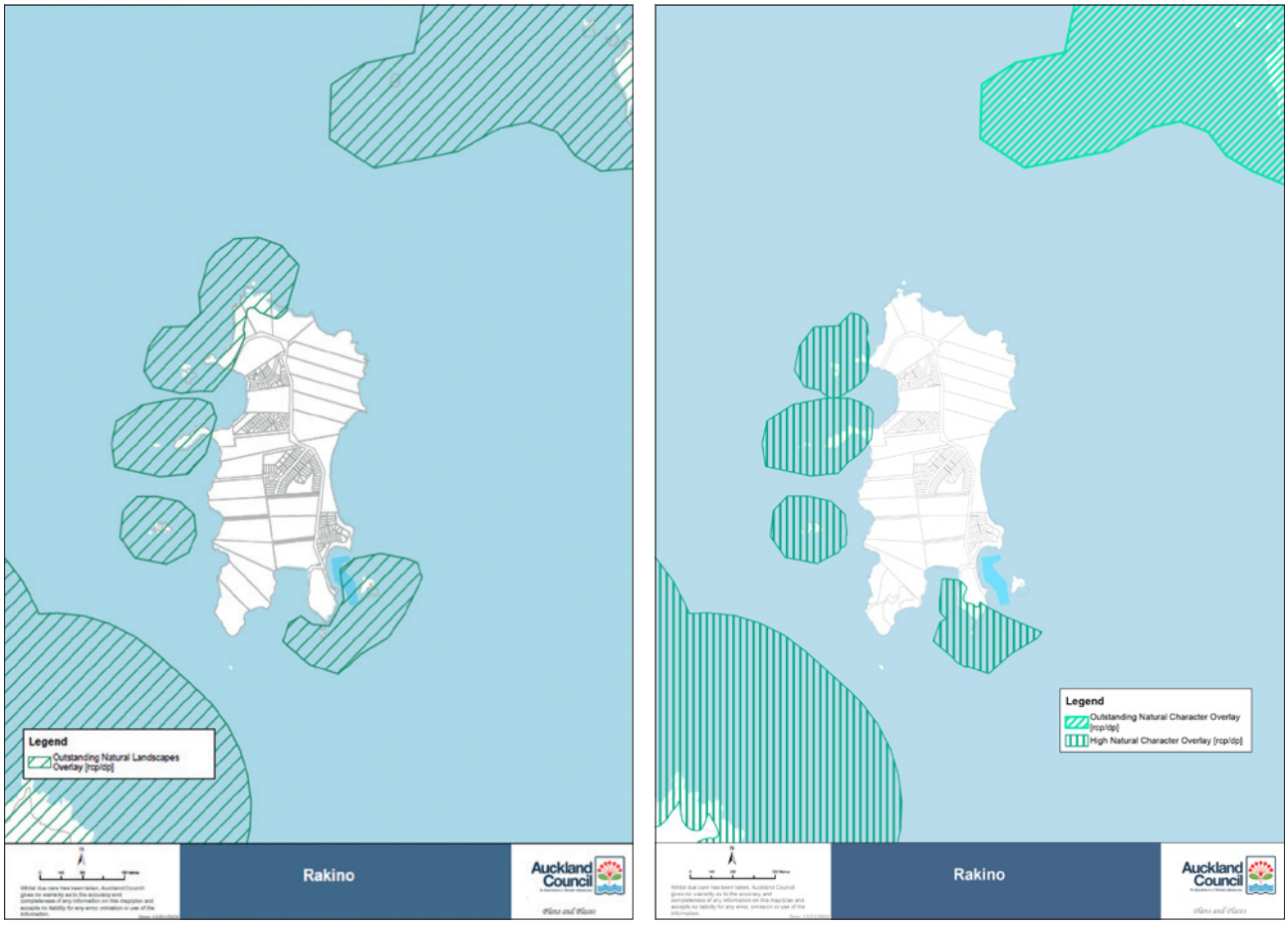


Figure 3.3 *Extent of the ONL and natural character overlays on Rākino Island*

Under the RMA, ONLs must be protected from 'inappropriate' subdivision, use and development.[8] This is not necessarily an absolute protection and allows the possibility of 'appropriate' development. What is inappropriate is heavily affected by context and so is determined on a case-by-case basis against the background of the landscape or feature that is to be preserved or protected.[9] As we describe below, ONLs and areas of outstanding natural character within the coastal environment are afforded a higher level of protection as a result of the provisions of the NZCPS.

In order to provide for the protection of landscape values as well as other resource management matters, a cascade of planning documents is created under the RMA, all of which must give effect to the provisions of the Act (see Figure 3.4). These give substance to the RMA's purpose by identifying objectives, policies, rules and methods relating to land and resource use activities. The hierarchy is intended to move from the more general to the more specific both in content and locality, with each level required to 'give effect to' (meaning implement) the level above it.[10] These documents are addressed in turn below.

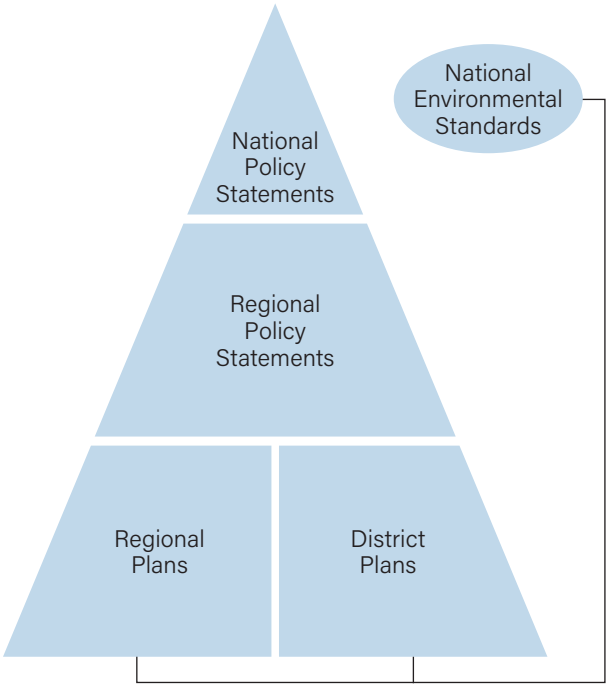


Figure 3.4 *Hierarchy of RMA plans*

Awana, Aotea/Great Barrier Island *(Craig Potton)*

3.2 National Instruments

Although the protection of ONLs has been identified as a matter of national importance in the RMA, there is no national policy statement on landscape. However the NZCPS, which came into effect on 3 December 2010 and applies to all the Hauraki Gulf islands under Policy 1(2)(b), addresses landscapes in the coastal environment.

The NZCPS requires that adverse effects of activities on ONLs or areas with 'outstanding' natural character must be avoided. As shown above, ONLs on the three islands overlap with areas of outstanding natural character. In all other areas within the coastal environment, significant adverse effects on natural character and landscapes must be avoided, and all other adverse effects avoided, remedied or mitigated.[11]

The NZCPS thereby provides a graduated scheme of protection and preservation of areas of natural character and landscape in the coastal environment, with a clear bottom line for areas identified as being outstanding. A similar bottom line is provided to protect threatened indigenous biodiversity and threatened or naturally rare ecosystems and vegetation types within the coastal environment.[12]

The NZCPS also recognises that the coastal environment needs to provide for a number of other uses such as aquaculture, port activity and nationally and regionally significant infrastructure. While the NZCPS provides for these activities in appropriate locations, there is a clear direction that this should not undermine the protection of other important coastal values.

Ōkupu, Aotea/Great Barrier Island

A spotlight on the role of the NZCPS in decision-making within the Hauraki Gulf

The 2010 NZCPS replaced the 1994 version, providing clearer direction on how to protect and manage New Zealand's coastal environment.[13] The NZCPS now contains directive policies that require the avoidance of adverse effects on matters of national importance. For example, Policies 13 and 15 direct that adverse effects of inappropriate development on outstanding natural character and ONLs in the coastal environment be avoided. Policy 11 contains a similar direction for the recognition and protection of indigenous biodiversity.

The Supreme Court in *Environmental Defence Society v New Zealand King Salmon* considered the meaning of 'avoid' in the relevant provisions of the NZCPS, and as it is used in section 5(2)(c) of the RMA ("avoiding, remedying, or mitigating any adverse effects of activities on the environment"). It held that avoid had the ordinary meaning of "not allow" or "prevent the occurrence of".[14] In that sense, Policies 13 and 15 (the 'avoidance policies') provide something of an environmental bottom line.[15] This directive language provides a strong degree of protection for outstanding areas within the coastal environment. It creates a strong obligation on decision-makers to avoid, rather than remedy or mitigate, the adverse effects of inappropriate development on these areas with the determination of what is inappropriate being assessed against the backdrop of what is sought to be protected.

The impact of this is two-fold. Lower order planning instruments, such as the Hauraki Gulf Islands District Plan and the Auckland Unitary Plan (AUP), must 'give effect to' (meaning to implement) the directive policies contained in the NZCPS. For resource consents, there is a different, lesser obligation to have regard to the provisions of the NZCPS.

There have only been a handful of cases that have interpreted the provisions of the NZCPS as they apply to the Hauraki Gulf in a post *Environmental Defence Society v New Zealand King Salmon* context. In *Man O'War v Auckland Council*, it was argued that the approach taken to the management of ONLs would be inevitably more restrictive as a result of the Supreme Court's findings in *Environmental Defence Society v New Zealand King Salmon* and that, as such, a more nuanced approach to identifying what was 'outstanding' was required (ie that it be outstanding at a national level).[16] This argument was rejected by the Court, as discussed later in this report, as whether land has sufficient attributes to make it outstanding is a factual assessment based on the quality of the landscape itself, rather than the subsequent actions that may or may not be inappropriate within the ONL. The Court also reiterated that the NZCPS does not place a prohibition on development. While the area at issue was sufficiently natural for the purposes of section 6(b) of the RMA, it was not pristine or remote, and it is in this setting that any new activity would need to be assessed.[17] Importantly the case upholds the requirement for avoidance of adverse effects in these areas.

The NZCPS has also been considered in relation to a number of resource consent appeals for activities in the Hauraki Gulf. Interestingly, it has been Policy 11 of the NZCPS which has been the focus of these decisions. In *Pierau v Auckland Council*[18] resource consent to hold large and medium sized music festival events (between 500 and 3,000 people) near Te Arai Point was refused on the basis of risks to endangered or at risk biodiversity (bitterns, fernbirds and fairy tern) and its habitat. The Court held that, given the uncertainty as to the potential effects on these species, a precautionary approach was required and absolute avoidance of effects was required. With regard to natural character, the Court also held the moderate to high natural character values would not be protected by the application.

In *Waiheke Marinas Limited, the* NZCPS was recognised as a "seminal policy document" guiding the decision in that case.[19] The case concerned the development of a recreational boating marina in Matiatia Bay on Waiheke Island. Although the area was recognised as having regionally significant landscape qualities, it was not identified as an ONL. As such, the strict requirement to avoid adverse effects on ONLs and areas of outstanding natural character did not apply. However, the requirement to avoid 'significant' adverse effects of the activity, and to avoid, remedy and mitigate 'other' adverse effects remained relevant.[20] The Court held that the landscape and natural character impacts would be significant and the relevant provisions were framed to 'strongly discourage' this type of development.[21]

In the later case of *SKP Incorporated v Auckland Council,*[22] which similarly concerned the construction of a marina on Waiheke Island (but this time at Kennedy Bay), the NZCPS played less of a role. Again, the development area was not within an ONL, and as such strict avoidance of adverse effects was not required. However, the area was much more modified than Matiatia, and therefore the adverse effects on landscape and natural character values were considered to be minor. Policy 11 of the NZCPS was also discussed, in relation to little blue penguins and their habitat, but there was no evidence to suggest the species would be adversely affected by the development.[23]

It is clear from these decisions that the NZCPS adds a layer of direction to decision making, particularly in 'outstanding areas' and for the protection of indigenous biodiversity within the coastal environment. However, the real strength of the NZCPS is the need for planning documents to give effect to its provisions. This has resulted in strong planning provisions that reflect the directive nature of the NZCPS avoidance policies (eg that adverse effects from inappropriate development in the coastal environment be avoided in 'outstanding areas').

3.3 Hauraki Gulf Marine Park Act

The idea of protecting the special qualities of the Hauraki Gulf through statute has been around for many decades. The Hauraki Gulf Maritime Park Act was enacted in 1967 following concerns that the Hauraki Gulf islands needed to be protected from overseas interests, who had begun buying up islands further north in the Bay of Islands. The Act established the Hauraki Gulf Maritime Park and the Hauraki Gulf Maritime Park Board to manage the new Park. The Maritime Park only included land and did not encompass the marine area of the Gulf.

The Maritime Park began as an area of 4,926ha and included the islands of Motutapu, Moturoa, Te Hauturu-o-Toi/Little Barrier and Poor Knights as well as parts of the Mercury Island group and Kawau Island. By 1971, an additional 3,588ha had been acquired and amalgamated under the umbrella of the Maritime Park. There were three gifts of land, including the Aldermen Islands from Ngāti Hako and Ngāti Hei; four islands in the Mercury group from Ngāti Karau, Ngāti Whanaunga and Ngāti Hako; and 4ha of land on Kawau Island from Mr Goodwin.[24]

As well as bringing together a multitude of different pieces of land into a cohesive Maritime Park, the Board undertook pioneering restoration work on Tiritiri Matangi Island which still serves as an inspiration for other Gulf islands. Despite these impressive results, the Hauraki Gulf Maritime Park Act was repealed by the Conservation Law Reform Act 1990 which sought to reduce the number of environmental and conservation quangos. The Maritime Park Board was disestablished and its functions handed over to the newly formed DOC, with the former Maritime Park split between three conservancies: Northland, Auckland and Waikato.[25]

The concept of a 'marine park' was first voiced during the early 1980s, but it was not until 2000 that the HGMPA finally came into force, ten years after the disestablishment of the Maritime Park Board. The HGMPA has the overall purpose of better integrating the management of the natural, historic and physical resources of the Hauraki Gulf, its islands and catchments and establishing common management objectives; establishing the Hauraki Gulf Marine Park and Hauraki Gulf Forum; and recognising the deeply rooted relationships that exist between tangata whenua and the Gulf.[26] The purpose of the Hauraki Gulf Marine Park includes "to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park."[27]

Unlike the previous Maritime Park, which had focused only on the protection of reserve land on the Hauraki Gulf islands, the new Marine Park also incorporated the seabed and seawaters. Currently, land within the Park is primarily publicly owned, although there is provision within the Act to include other areas. Local authorities can add their reserves to the Marine Park and private landowners with protected areas (eg land subject to a covenant) can also include their land. These areas remain under the ownership and control of the original landowner

but are managed to give effect to the purposes of the Act.[28] To date, reserves have been contributed by the Waitākere City Council and the Royal Forest and Bird Protection Society. Sir Rob Fenwick is the only private landowner to add land to the Marine Park. He contributed over 300ha of covenanted land at Te Matuku Bay, Waiheke Island in 2002.[29]

Section 7 of the HGMPA provides for, as matters of national importance, the recognition of the interrelationship between the Hauraki Gulf, its islands and catchments, and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf. The life-supporting capacity of the Gulf includes the capacity to provide for the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Gulf and its islands; the social, economic, recreational and cultural well-being of people; the use of the resources of the Gulf for economic activities and recreation; and to maintain the soil, air, water and ecosystems of the Gulf.[30] The management objectives to provide this recognition are set out in section 8.

Interestingly, the Act's only direct reference to 'landscape' is in the preamble where it states "The Hauraki Gulf has a quality and diversity of biology and landscape that makes it outstanding within New Zealand." However, section 8 encompasses the concept of landscape through the listing of its various components, such as natural and physical resources and the historic and cultural associations of people and communities. The requirement to provide for the life-supporting capacity of the Gulf is central to the HGMPA and is intended to incorporate the landscape, taking into account both the land and the sea.

Given the national importance of the Hauraki Gulf Marine Park, these management objectives are treated as being of an equivalent status to that of a national policy statement under the RMA. The provisions of the HGMPA must be given effect to in regional policy statements (RPS) and regional and district plans. In addition, consent authorities must have regard to the sections when considering an application for a resource consent.[31] The Supreme Court's decision in *Environmental Defence Society v New Zealand King Salmon* made it clear that the requirement to 'give effect to' is a strong direction that "simply means to implement". However, unlike the NZCPS which contains strong directive language, the HGMPA contains more flexible language that is unlikely to act as a 'veto' against inappropriate development in the same way as the NZCPS.[32] This flexibility, and the balancing of interests inherent within the Act, has ultimately lead to it having little weight in judicial decisions (as described in the spotlight below). It is a salutary lesson on the importance of using clear and directive language if protection of important values is to be achieved.

Whakanewha Bay, Waiheke Island

A spotlight on how Courts have applied the Hauraki Gulf Marine Park Act 2000

The HGMPA has been considered by the Courts numerous times over the past two decades. It is clear that they struggle to meaningfully apply its provisions in the context of the RMA.[33] This may be, in part, due to the requirements in sections 9 and 10 of the HGMPA that require local authorities to amend their plans to give effect to the Act within 5 years of its commencement.

The practical application of the Act is often akin to a 'tick-boxing' exercise. In determining whether to grant a resource consent, for example, it is merely listed as one of the factors to be assessed. Some cases go further and openly state that the Act does not add anything to the decision-making process. For example:

> A careful reading of Sections 7 and 8 which are in general terms, leads us to the conclusion that it adds nothing to the statutory directions of the Resource Management Act, the provisions of the New Zealand Coastal Policy Statement, or the more detailed provisions of the ARPS [Auckland Regional Policy Statement] and Coastal Plan.[34]

> We have concluded that, for current proposes, the [objectives of the Act] are subsumed within those of the Resource Management Act generally, Part 2, and also within the New Zealand Coastal Policy Statement ... The achievement of the broad objectives of the RMA ... will also achieve the objectives of the HGMPA. In broad terms it is difficult to understand that the HGMPA adds to the matters under consideration.[35]

Other cases openly criticise the Act stating the "broad and unqualified statements [in the Act] merely confuse the more logical structure of the RMA"[36]; that the Act is a "downgrading of the RMA" and that the Act loses the hierarchy of matters of importance in Part 2. These concerns have been accompanied with a warning of the "danger of endeavouring to graft local legislation onto legislation addressing matters of New Zealand wide importance". [37]

Some cases highlight the inconsistencies present within the Act. In *Long-Bay Okura Great Park Society v North Shore City Council*[38] the Court considered that the Act had a broader purpose than the RMA, noting that it mandates significantly greater consideration of recreational values. However, the Court found the Act of little assistance, largely as a result of the internal conflicts within the management objectives in section 8, noting that 8(e) "the maintenance and enhancement of economic and social wellbeing" may be completely at odds with the other objectives in section 8 (which require, among other things, the protection and enhancement of natural resources and the cultural and historic associations of people and communities).[39]

On closer inspection, these internal conflicts may be at least partially resolved through considering the more detailed wording of the sections. Sections 8(a)-(d) require "protection" (and for sections (a)-(c) "enhancement where possible") whereas sections 8(e) and (f) require only "maintenance and where appropriate enhancement". This results in a lower standard for the social and economic wellbeing of communities, and recreation and enjoyment values, compared to those relating to life-supporting capacity of the environment, natural historic and physical resource matters and matters of Māori cultural importance.[40]

While the HGMPA places importance on the protection of tangata whenua values in the Gulf, this must be balanced against the other interests listed in sections 7 and 8. This has been highlighted in the recent *Ngāi Ta Ki Tāmaki Tribal Trust v Minister of Conservation* decision.[41] Although in that case the Supreme Court found in favour of the iwi, the outcome was largely a result of the Treaty obligations in the Conservation Act (section 4) rather than the RMA or HGMPA.

Despite all this, it is clear the HGMPA cannot be ignored. In *Sanford Limited v The New Zealand Recreational Fishing Council Inc,*[42] a decision made by the Minister of Fisheries setting the total allowable catch of kahawai in and around the Hauraki Gulf was judicially reviewed on the basis that the Minister had not adequately taken into account the provisions of the HGMPA. While the Court of Appeal ultimately decided that the Minister had broadly met the objectives of the Act, it found that he had failed to have particular regard to its provisions: the social, economic, recreational and cultural wellbeing of the people of the Hauraki Gulf and in particular to maintain and enhance its physical resources (the kahawai stock).

We discuss the importance of directive language in the context of the Waitākere Ranges Heritage Area Act 2008 in EDS's case study on the Waitākere Ranges. Like the HGMPA, the Waitākere Ranges Heritage Area Act is local legislation enacted to protect a specific landscape (in that case the Waitākere Ranges). However, unlike the HGMPA, that Act contains directive language that has been effective in protecting the Waitākere Ranges from further development in the form of creeping subdivision. The provisions of the Waitākere Ranges Heritage Area Act also withstood the amalgamation process during the formation of the Auckland Unitary Council and they helped ensure that the protection of the Waitākere Ranges was carried through into the AUP. This provides a useful contrast to the HGMPA and further reinforces the need for clear and un-conflicting language in resource management instruments.

While the HGMPA does require decision-makers to have regard to its protective provisions (many of which mirror those in the RMA and NZCPS), as a result of the broad nature of those provisions, it often does not appear to add anything to the decision-making process. This indicates that the Act needs to be strengthened and its objectives, and the priority between them, made clearer. In addition, its ongoing linkage with RPSs and regional and district plans as they are changed and reviewed could be strengthened by including similar directive wording as that in the Waitākere Ranges Heritage Area Act which requires that "when preparing or reviewing" a RPS, regional plan or district plan that affects the heritage area, "the Council must give effect to the purpose of this Act and the objectives".[43]

While local Acts, such as the HGMPA and Waitākere Ranges Heritage Area Act, are often criticised for providing an unnecessary layer of complexity we believe such criticism is unwarranted. These criticisms stem from the rationale that protection for these areas can already be provided for under the RMA and so local acts should not be required. However, the RMA has failed to adequately protect many of New Zealand's landscapes, particularly when it comes to cumulative degradation. As such, EDS considers there is merit in using specific legislation, particularly when it contains directive language, to protect some of our most special places.

The HGMPA also established the Hauraki Gulf Forum, a new entity to oversee and integrate the management of the Hauraki Gulf and its catchments. The members of the Forum consist of representatives of local and central government as well as tangata whenua of the Hauraki Gulf and its islands. Unlike the Hauraki Gulf Maritime Park Board, which had direct management responsibilities, the Forum is set up as an integrating body to coordinate the numerous agencies that play a management role in the Gulf. The Forum was not intended to duplicate the responsibilities of these agencies which include DOC (responsible for the management of conservation land, marine reserves and protected species), councils (generally responsible for management of catchments and the coastal marine area) and the Ministry for Primary Industries (responsible for decisions on biosecurity and fishing).[44] The Forum is instead tasked with promoting decision-making by these agencies in a manner that is consistent with the management objectives contained in the Act.

In addition, the Forum prepares a report every three years on the state of the Hauraki Gulf. Through these reports, the Forum highlights issues and promotes and advocates for the integrated and sustainable management of the Gulf. While these reports touch on coastal development and the impact that this can have on landscape values, the reports are largely focused on the marine environment – including the sustainability of fishing stocks, pollution and biodiversity. This further reinforces the limited effectiveness of the Hauraki Gulf Marine Park Act in protecting the landscapes of the Hauraki Gulf islands.

The Forum also instigated the Sea Change Tai Timu Tai Pari project (Sea Change) which developed a marine spatial plan for the Hauraki Gulf (see spotlight).

Rākino Island houses

A spotlight on Sea Change Tai Timu Tai Pari

In the Hauraki Gulf Forum's 2011 'State of Our Gulf' report a new approach to managing the Hauraki Gulf was called for. This was the concept of marine spatial planning: an approach that considered the entire marine area as a system and looked strategically at how to better manage activities and stressors on it.

In 2013, the Sea Change project was established. Sea Change was focused on developing a marine spatial plan for the Hauraki Gulf Marine Park with the objective of halting environmental decline and improving its environmental health, 'mauri' and abundance. The process was led by a governance group representing equal partnership between mana whenua and local and central government.

The Sea Change Plan, New Zealand's first marine spatial plan, was finalised in December 2016. The Plan was developed through a collaborative stakeholder process, involving representatives from mana whenua as well as stakeholders representing commercial and recreational fishing, farming, aquaculture, infrastructure, community and environmental interests. It brought together the strands of evolving natural resource management practice in New Zealand, integrated mātauranga Māori and scientific approaches, and built on international best practice.[45]

The Plan covers the entire Hauraki Gulf Marine Park and is split into four parts

- Kaitiakitanga (guardianship) which describes a management approach interwoven with mana whenua perspectives
- Mahinga kai, pātaka kai (replenishing the food basket) which addresses fish stocks and aquaculture
- Ki uta ki tai (ridge to reef) which addresses biodiversity and water quality
- Kotahitanga (prosperous communities) which addresses public access to the marine environment and designing coastal infrastructure

Each chapter contains a description of the current situation, the objectives to address the issues and a series of recommended actions for achieving them. The Plan specifies over 180 recommended actions, spread over 16 themes. Particularly relevant to this case study is the objective to protect, enhance and restore ecologically important marine habitats in the Hauraki Gulf Marine Park. To assist with this, the Plan proposes the creation of 13 new marine protected areas and the extension of two existing ones. None of these areas are adjacent to the islands that are the focus of this case study. However, a marine protected area is recommended for the Noises Islands, which are located a short distance away from Rākino Island.[46] Catchment-based actions are also identified to address sediment and nutrient flows into the Gulf.

In addition, the Plan recommends the creation of Ahu Moana co-management areas in nearshore areas throughout the Hauraki Gulf Marine Park (extending one kilometre seawards). These are areas that would be jointly managed by mana whenua and local communities, with the aim of strengthening customary practices and improving the management of local fisheries and inshore coastal waters.

The Plan does not identify lead agencies to implement each of the recommended actions. Instead there is an expectation that partner agencies will work together to implement the Plan. A Government Response Strategy for the marine conservation and fisheries elements of the Plan has been developed by officials with advice from the Sea Change Tai Timu Tai Pari Ministerial Advisory Committee. This is sitting with Ministers and awaiting implementation after the 2020 General Election.

While the Plan itself is not legally binding, it contains a strong framework for the management of the Hauraki Gulf and should be used to inform changes to policies and plans under the RMA.

Support for the implementation of the Sea Change Plan is included in the draft Waiheke Area Plan, discussed further below, which sets out a vision to help shape the future of the inner Hauraki Gulf islands.[47] In an accompanying topic paper, the importance of the Sea Change Plan is discussed in relation to managing visitor experience and protecting the value of key destinations (such as Waiheke Island). Developing a Hauraki Gulf Visitor Strategy, as set out in the Sea Change Plan, is included as a recommended action.

Harataonga Beach, Aotea/Great Barrier Island

3.4 Regional Instruments

Auckland Unitary Plan

The AUP was made operative in part in September 2016 but remains subject to a number of appeals. The AUP replaces the Auckland Regional Policy Statement and 13 different district and regional plans, increasing consistency within the planning regime for the Auckland region. The principle purposes of the AUP are threefold: to describe how the people and communities of the Auckland region will manage Auckland's natural and physical resources while enabling growth and development; to provide the regulatory framework to help make Auckland a quality place to live and a place where environmental standards are respected and upheld; and to provide a principle statutory planning document for Auckland.

While Waiheke, Aotea/Great Barrier and Rākino islands come within the jurisdiction of Auckland Council, they are currently subject to an unusual planning regime. Unlike the other Auckland Council district plans that were incorporated into the AUP in 2016, the Hauraki Gulf Islands District Plan remains separate. However, the Hauraki Gulf islands are subject to the RPS, regional coastal plan and regional plan provisions in the AUP. We heard from residents on the Hauraki Gulf islands that this has resulted in a confusing management framework. Incorporation of the Hauraki Gulf islands into the AUP is currently being considered.

Regional Policy Statement

RPSs provide an overview of the resource management issues specific to the region and include policies and methods to achieve the integrated management of those resources. An RPS must give effect to higher order national documents, such as the NZCPS, and Part 2 of the RMA.

Chapter B of the AUP contains the RPS objectives and policies; these are separate to the other objectives and policies in the plan. A number of significant resource management issues for the Auckland region are identified. Relevant to this case study, they include natural heritage (landscapes, natural features, volcanic viewshafts and trees); natural resources; the coastal environment; issues for mana whenua and environmental risk.[48] The AUP addresses these matters separately, with objectives and policies listed for each, although noting that the provisions of the Plan are to be read in an integrated manner.

The issue of landscape protection is primarily addressed in Chapter B4. Outstanding natural features and landscapes and areas of high and outstanding natural character in the coastal environment must be identified and protected from inappropriate subdivision, use and development. In addition, the ancestral relationships of mana whenua with these landscapes must be recognised and provided for.[49] Areas identified as an ONL, outstanding natural features and areas of high and outstanding natural character in the coastal environment are included in Schedules 7 and 8 as descriptions, and are

Oneroa, Waiheke Island

mapped on the accompanying planning maps (as shown in Figures 3.1-3.3 above).

The chapter relating to the coastal environment states that development should be designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.[50] Sprawling or sporadic patterns of development should be avoided or mitigated by concentrating development in areas already characterised by development or which have degraded natural character values.[51] Where practicable, areas in the coastal environment with degraded natural character should be restored or rehabilitated and areas with high or outstanding natural character enhanced.[52]

In respect of the Hauraki Gulf islands, the RPS states that use and development should support the social and economic wellbeing of the resident communities of Waiheke and Aotea/Great Barrier islands while maintaining or, where appropriate, enhancing, their natural and physical resources. This should occur without further degradation of environmental quality or adversely affecting the life-supporting capacity of marine ecosystems.[53]

The objectives in the RPS that relate specifically to the Hauraki Gulf islands have a stronger focus on restoration rather than simply requiring protection of landscapes and values. The RPS states that restoration and enhancement of the Hauraki Gulf's ecosystems, islands and catchments should be encouraged[54] and restoration of natural character values of the islands promoted.[55] Ecological bottom-lines (or agreed targets) should be established for managing the Hauraki Gulf's natural and physical resources to provide greater certainty in sustaining the Hauraki Gulf's ecosystem services and assist in avoiding incremental and ongoing degradation.[56] Work should be in partnership with mana whenua to protect and enhance culturally important environmental resources.

The RPS also states that applications for development in the Hauraki Gulf should assess the cumulative effect on ecological and amenity values.[57] Development that compromises the natural character, landscape, conservation and biodiversity values on the islands should be avoided. Opportunities for educational and recreational activities on the Hauraki Gulf islands should be enhanced, provided they are consistent with the protection of the islands' natural and physical resources.[58] Economic activities should also be provided for while ensuring that the impacts of the activity do not result in further degradation of marine ecosystems.[59] The national significance of the Hauraki Gulf Marine Park should also be promoted as a visitor destination, and economic development opportunities that complement the unique values of the islands and the Hauraki Gulf provided for.[60]

Regional coastal plan

The AUP coastal plan provides for development that has a functional or operational need to be located in the coastal marine area, while protecting natural character, landscape values, natural features, and significant ecological values; recognising and providing for mana whenua values; and

Kaitoke, Aotea/Great Barrier Island *(Craig Potton)*

enabling communities to provide for their social and economic well-being.[61] The plan sets out the parameters for activities that impact on the coastal environment.

Good water quality is fundamental to most activities undertaken in the coastal environment and underpins the life-supporting capacity of the marine environment. The coastal plan regulates discharges (sediment, litter, heavy metals, nutrients and other contaminants) into the coastal marine area. It states that water and sediment quality in the coastal marine area should be maintained where it is excellent or good, and progressively improved over time in degraded areas.[62] Proposals to discharge contaminants should be required to adopt the best practicable option to prevent or minimise adverse effects on the environment.[63]

The coastal plan also contains a number of provisions regulating different activities – such as aquaculture. These require avoidance of adverse effects on areas subject to special overlays (such as significant ecological areas, outstanding and high natural character, ONLs and areas of significance to mana whenua).[64] There are existing mussel farms in areas adjacent to both Waiheke Island and Aotea/Great Barrier Island. Those at Aotea/Great Barrier are located within a designated ONL, requiring avoidance of all adverse effects.[65]

3.5 District Instruments

The Local Government and Environment Select Committee recommended that the Hauraki Gulf Islands District Plan be excluded from the Unitary Plan process.[66] This was on the basis that the Hauraki Gulf islands were geographically isolated and therefore were not likely to grow at the same rate as the rest of the Auckland region. It was recognised that, while the Hauraki Gulf islands had been modified to some extent, they still retained a high degree of natural character and therefore requiring an ecologically-based approach to planning. However, in practical terms, this means that management of the land area on the islands is contained in a different document to that which applies to the marine area and the two areas have been thought about separately in terms of planning. As the islands and the marine environments surrounding them are ecologically linked it would make sense for the planning documents that apply to them to be integrated.

For the purpose of the District Plan, the islands are split into two groups: the inner islands (which include Waiheke and Rākino islands) and the outer islands (which includes Aotea/Great Barrier Island).

The review of the Hauraki Gulf Islands District Plan was completed in 2011, and the current plan became operative in 2013. This was only a few years before the AUP process, and it was thought unnecessary to re-do the Plan at that early stage. This does not, however, preclude the District Plan being incorporated into the Unitary Plan in the future and that is the current intention of Auckland Council which will shortly begin a review of the Plan.

The approach taken in the District Plan stems back to the late 1980s. Prior to the RMA being enacted in 1991, and while the Bill was still progressing through the legislative process, the Waiheke County Council's District Scheme (prepared under the Town and Planning Act) was being reviewed. Unlike the Town and Country Planning Act, the RMA enshrined the principle of sustainable land-use management and environmental protection.[67] Knowing that the RMA would likely be enacted, and would result in transformative change, the Council drove the District Scheme from an environmental perspective – prioritising the protection of natural and physical resources. The significance of landscape values in the document is a reflection of this.

The District Scheme had zonings based on land uses as its main structure and included a three-page chapter on Landscape Design and Management. This document later contributed to the Hauraki Gulf Islands District Plan. However, the District Plan placed much more emphasis on landscape – with landscape being the basis on which it was structured.[68] The District Plan, which became operative in 1994, was the first plan to be prepared under the RMA. It adopted an innovative and proactive planning process and is unlike other district plans that have been prepared since.

The District Plan adopts a catchment-based approach to mapping which integrates terrestrial, freshwater and marine ecosystems into the planning framework. The Plan maps and identifies landscape elements, patterns and processes. Critical landscape elements (for example remnant stands of indigenous vegetation, steep erosion-prone areas, wetlands, cultural features and estuarine areas) are mapped and protected. The remaining land is identified as appropriate for human development. This effectively divides the land into development and no development areas and creates an 'effects based' plan for the Hauraki Gulf Islands.[69]

Recognition of the particular character that relates to each area helps ensure that the landscape remains central to the planning process.[70] In developed areas, land units are separated into their different use categories (eg residential and commercial). For rural areas, the land units are based on landform characteristics (eg coastal cliffs, wetlands and productive land). The Plan splits resource management issues into three different categories (see Figure 3.5):

- *Strategic Management Units:* There are three strategic management areas in the District Plan which recognise the different character and identity of the islands: Waiheke Island, Aotea/Great Barrier Island and Other Islands.
- *Land Units:* These make up the area within each strategic management area, and are based on common features of the physical and natural characteristics of the particular land or activities to be undertaken on that land (landform land units) and the policy areas that may require a more robust and targeted approach (eg commercial areas). Each land unit has a set of objectives, policies and rules which determine the nature and extent of development that can occur on the land.

- *Settlement Areas:* These are specific locations on Aotea/Great Barrier Island that require a different management approach. The areas are identified as settlement areas rather than land units and are subject to a separate suite of objectives, policies and rules.

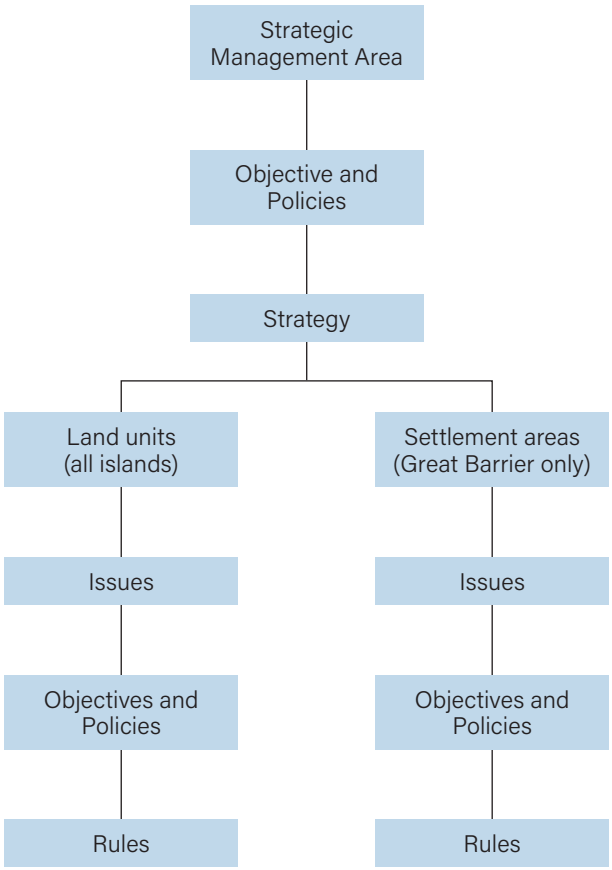


Figure 3.5 *Structure of the Hauraki Gulf Islands District Plan*

Where a property is affected by more than one land unit classification, or a land use classification as well as a settlement area, the provisions of each classification apply independently to the relevant part of the site.[71] This means that a single property can have a range of different rules applying to different parts of it. If a subdivision application is proposed for a new site that will cover two or more land unit classifications, the subdivision rules for the land unit which covers the greatest part of the proposed site will apply.[72]

There are a number of significant resource management issues that apply across the full framework. These are broadly defined as: sustainable management; environmental; coastal; landscape; water; community; and Māori issues.[73] Specific issues to be addressed in the Plan include how to ensure development pressures do not result in adverse effects on the natural environment and how to prevent the loss and degradation of the ecological value provided by significant ecological features and ecosystems.[74] To protect and preserve such areas, the introduction of plant and animal pest species is prohibited.[75]

To enable the sustainable use of natural features and landscapes, the Plan states that buildings in areas of high natural character and landscape value should be sited in a manner that maintains the dominance of the natural environment.[76] The retention, management and enhancement of existing indigenous vegetation and enhancement of degraded areas should be encouraged and ONLs should be recognised and protected from inappropriate development.[77] The Plan also seeks to ensure that development pressures do not result in adverse effects on sensitive coastal areas and unique coastal character.[78] This is provided for by the objective of limiting the intensity of land use to a level which is appropriate to the natural character of the coastal environment.[79]

The ability to manage hazards resulting from potential impacts of climate change, including coastal erosion, inundation and change in climate/rainfall patterns, is also addressed and the Plan includes an objective to prevent subdivision and development in coastal areas where there is a high risk of natural hazards.[80]

Overall, the District Plan seeks to protect the special values of the Hauraki Gulf islands. Our analysis below explores the extent to which it has been successful. Given the structure of the District Plan is largely focused on each of the islands assessed in this case study, the specific statutory framework for each will be looked at in more detail in the relevant chapters focused on each island.

Key constraints and opportunities identified for natural landforms and landscapes in the regional and district planning framework

As part of the development of the draft Waiheke Area Plan, the regional and district provisions applying to the Hauraki Gulf islands were assessed. One of the key constraints identified was the need to maintain landscape character in areas where there is increasing pressure for subdivision, use and development in a way that retains the essential qualities that make the islands unique. It was noted that information was lacking on the extent to which such development has resulted in the loss or degradation of these natural landforms or landscapes. This lack of information has also hampered our assessment of the overall effectiveness of the Plan provisions in protecting landscape values.[81]

Bringing the Hauraki Gulf Island district provisions within the AUP framework provides the opportunity to identify, assess and map outstanding natural features and check the accuracy of existing overlay boundaries for ONLs and areas of high and outstanding natural character. It also provides the opportunity to identify cultural landscapes. As part of this process, an updated landscape assessment will be required. We encourage the Council to commission such an assessment which will help identify the extent of landscape change which has occurred since the previous assessment and thereby the effectiveness of current planning provisions.[82]

3.6 Incorporation of the Hauraki Gulf islands into the Auckland Unitary Plan framework

The Hauraki Gulf Islands District Plan provides a nuanced planning framework, recognising the different character and identity of the islands. It adopts a detailed spatial planning approach which, in effect, directs development to some areas and away from others. The land unit groupings (or sub-areas on Aotea/Great Barrier Island) identify development considered to be appropriate to the area and, as discussed further in the chapters below, include policies and rules to help guide this.

The AUP does not adopt such an approach. While the AUP contains some objectives and policies that look broadly similar, such as requiring the avoidance of adverse effects of inappropriate subdivision, development and use in ONLs and areas of high and outstanding natural character, the plan provides for more permissive rules in relation to development in these areas. For example, viticulture, buildings and structures accessory to pastoral farming are permitted activities (subject to standards) within these overlays, both of which could impact on landscape values. Other buildings and structures are discretionary (in ONLs and areas of high natural character) or non-complying (in areas of outstanding natural character). Subdivision in these areas is also a non-complying activity.[83] Within the urban extent of the Rural Urban Boundary on Waiheke Island (which largely covers the urban settlements of Oneroa, Blackpool, Ostend, Palm Beach and Onetangi) subdivision is discretionary.[84] Earthwork controls in the AUP are also more lenient and do not require consideration of the slope of the land – which is an important consideration given the steep catchments on some of the islands.

The above provisions also only apply to those areas covered by an ONL overlay, with areas not within the overlay having more lenient controls. As a result, it does not appear that the AUP is adequately equipped to manage development on the islands. Adopting a one-size-fits-all approach to incorporating the Hauraki Gulf islands into the AUP would fail to protect the special character of the islands and would result in the loss of the underlying landscape basis on which the District Plan is currently structured.

In order to retain the ethos of the provisions in the Hauraki Gulf Islands District Plan, while still bringing them within the AUP, an overlay approach could be adopted. An example of this approach is the Waitākere Ranges Heritage Area Overlay. This sits over the district plan provisions and contains objectives, policies and rules that give effect to the Waitākere Ranges Heritage Area Act – in theory ensuring that subdivision, use and development is undertaken in a way that is sympathetic to the landscape. More detailed precincts could be included under this overlay in order to manage areas (such as individual islands) in a way that accounts for their specific pressures and values.

Provisions in a Hauraki Gulf Islands overlay, and underlying precincts, could help retain a focus on the individual characteristics of the islands. It could provide an approach where the natural landscapes are recognised as the key asset of the islands and development is enabled subject to their protection. This would require provisions addressing the need for sustainable tourism and development. In places like Waiheke Island, where there has been significant development pressure, stronger provisions are required to direct what is and is not considered appropriate for the island. This may result in greater use of both permitted and prohibited activity statuses.

Settlement on Rākino Island

ENDNOTES

1 Resource Management Act 1991, Section 5(1)

2 *Environmental Defence Society v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [24]

3 *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* [2000] NZRMA 59 (EnvC)

4 New Zealand Coastal Policy Statement 2010, Policy 13(2)

5 *Clearwater Mussels Limited v Marlborough District Council [2018] NZEnvC 88* at [125]

6 New Zealand Coastal Policy Statement 2010, Policy 13

7 New Zealand Coastal Policy Statement 2010, Policy 13

8 Resource Management Act 1991, Section 6(b)

9 *Environmental Defence Society v New Zealand King Salmon Company Ltd* [2014] NZSC 38

10 In *Environmental Defence Society v New Zealand King Salmon*, the Supreme Court determined that 'give effect' is a strongly worded directive, meaning to implement.

11 New Zealand Coastal Policy Statement 2010, Policies 13 and 15

12 New Zealand Coastal Policy Statement 2010, Policy 11(1)

13 *Environmental Defence Society v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [135]

14 *Environmental Defence Society v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [24](b) and [92]-[97]

15 *Environmental Defence Society v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [132] and [153]

16 *Man O'War Station Limited v Auckland Council* [2014] NZCA 167 at [33]-[35]

17 *Man O'War Station Limited v Auckland Council* at [65]-[67]

18 *Pierau v Auckland Council* [2017] NZEnvC 090

19 *Waiheke Marinas Limited* [2015] NZEnvC 218 at [31]

20 *Waiheke Marinas Limited* [2015] NZEnvC 218 at [43]

21 *Waiheke Marinas Limited* [2015] NZEnvC 218 at [628]

22 *SKP Incorporated v Auckland Council [2018]* NZEnvC 081

23 *SKP Incorporated v Auckland Council [2018]* NZEnvC 081 at [94]-[114]

24 Peart, 2009, 198

25 Waitangi Tribunal, 2001, 8

26 Hauraki Gulf Marine Park Act 2000, Section 3

27 Hauraki Gulf Marine Park Act 2000, Section 32

28 Hauraki Gulf Forum, 2009a

29 Peart, 2016, 325; Hauraki Gulf Forum, 2009b

30 Hauraki Gulf Marine Park Act 2000, Section 7

31 Brake and Peart, 2013, 25

32 Nolan, 2015, 458

33 Hauraki Gulf Forum, 2009, 35

34 *Clevedon Cares Incorporated v Manukau City Council* [2010] NZEnvC211 at [162]

35 *Rimanui Farms Limited v Rodney District Council* A070/2008 at [50]

36 *Long-Bay Okura Great Park Society v North Shore City Council A078/2008* at [208]

37 *The Auckland Volcanic Cones Society Incorporated v Auckland City Council* A202/2002 at [171]

38 *Long-Bay Okura Great Park Society v North Shore City Council A078/2008*

39 *Long-Bay Okura Great Park Society v North Shore City Council A078/2008* at [205]-[208]

40 *Waiheke Marinas Limited* [2015] NZEnvC 218 at [649]-[651]

41 *Ngāi Tai* Ki Tāmaki Tribal Trust *v Minister of Conservation* [2018] NZSC 122

42 *Sanford Limited v The New Zealand Recreational Fishing Council Inc* [2008] NZCA 160

43 Waitākere Ranges Heritage Area Act 2008, Sections 10 and 11

44 Peart, 2016, 341

45 Peart, 2007, 3

46 Sea Change Tai Timu Tai Pari, 2017, Appendix 3

47 Waiheke Local Board, 2020, 12

48 Auckland Unitary Plan, B1.4

49 Auckland Unitary Plan, B4.2.1(1) and (2); B82.2.1

50 Auckland Unitary Plan, B8.2.1(2)

51 Auckland Unitary Plan, B8.3.2(2)

52 Auckland Unitary Plan, B8.2.1

53 Auckland Unitary Plan, B8.5.1(2) and (3)

54 Auckland Unitary Plan, B8.5.2(1)

55 Auckland Unitary Plan, B8.5.2(6)

56 Auckland Unitary Plan, B8.5.2(10)

57 Auckland Unitary Plan, B8.5.2(3)

58 Auckland Unitary Plan, B8.5.2(8)

59 Auckland Unitary Plan, B8.5.2(17)

60 Auckland Unitary Plan, B8.5.2(19) and (20)

61 Auckland Unitary Plan, F2.1

62 Auckland Unitary Plan, F2.11.2(1)

63 Auckland Unitary Plan, F2.11.3(2)

64 Auckland Unitary Plan, F2.15.3(3)

65 Sea Change Tai Timu Tai Pari, 2017, 81-96

66 Gardner, 2013

67 Scott et al, 2019

68 Hudson Associates Landscape Architects, 2006, 6

69 Scott et al, 2019

70 Hudson Associates Landscape Architects, 2006, 7

71 Hauraki Gulf Islands District Plan, Section 4.11.3

72 Hauraki Gulf Islands District Plan, Section 12.6.6

73 Hauraki Gulf Islands District Plan, Section 2.5

74 Hauraki Gulf Islands District Plan, Section 2.5.3

75 Hauraki Gulf Islands District Plan, Section 2.2.3, Objective 3

76 Hauraki Gulf Islands District Plan, Section 2.5.5, Issue 3 and Objective 1

77 Hauraki Gulf Islands District Plan, Section 2.5.5, Issue 2

78 Hauraki Gulf Islands District Plan, Section 2.5.4, Issue 4

79 Hauraki Gulf Islands District Plan, Section 2.5.4, Objective 3.

80 Hauraki Gulf Islands District Plan, Section 2.5.4

81 Hart, 2019, 33- 35

82 Hart, 2019, 33- 35

83 Auckland Unitary Plan, Table E39.4.2 (A27)

84 Auckland Unitary Plan, Table E38.4.2 (A32); Table E38.4.3 (A39); Table E38.4.4 (43); Table E38.4.5 (A45)

PART TWO: ISLAND CASE STUDIES

4. AOTEA/GREAT BARRIER ISLAND

4.1 Māori heritage

> "We consider Aotea and ALL its outlying islands (a total of 52) and rocky outcrops, as well as the waters that connect them, as a single, living entity."[1]

Aotea/Great Barrier Island is the largest island in the Hauraki Gulf, with a land area of 28,500ha, located around 90km from Auckland. It is the ancestral home of the Ngāti Rehua-Ngātiwai ki Aotea hapū of Ngātiwai. Ngāti Rehua-Ngātiwai ki Aotea have rights to the island through conquest, which occurred at the end of the seventeenth century, and continual occupation since that time. Ngāti Maru, Ngāti Tamaterā and Ngāti Whanaunga also have historic and cultural associations to the island.[2] This is reflected in various deeds of settlement. Aotea/Great Barrier Island was heavily settled over the centuries and the earthwork fortifications of numerous pā, terraced agricultural and settlement sites, storage pits and middens are still visible in the landscape.

All of Aotea/Great Barrier Island is sacred land to Māori. At its centre is Maunga Hirakimatā (Mount Hobson) – a mountain of great significance in oral history and tradition due to it heralding "the foreboding omen depicting the death of Rehua" who is a Ngāti Rehua-Ngātiwai ki Aotea founding ancestor. The name Hirakimatā translates to "lightening striking the cliff".[3]

Most of the Ngāti Rehua-Ngātiwai ki Aotea landholding on Aotea/Great Barrier Island was lost through a series of pre- and post-Treaty land transactions which reduced their land to just five per cent of the island. Most of this remaining land is located at Te Whanga-o-Motairehe/Katherine Bay which had been set aside as a 'native reserve'. A number of small islands surrounding the coast are also in Māori customary ownership including Te Rangiāhoua Island south of Te Whanga-o-Rarohara/Port Fitzroy and Needles Point/Ngā-Taratara-o-Toi at the far north of Aotea. There are two marae on Aotea – Motairehe Marae and Kawa Marae.

The historic cultural association of Ngāti Maru and Ngāti Tamaterā is reflected in the settlement redress provided on the island in the various deeds. Ngāti Manuhiri have also received redress related to the coastal environment around the island, and the island is within the areas of interest for a number of other iwi such as Ngāi Tai ki Tāmaki.

Ngāti Rehua-Ngātiwai ki Aotea have yet to settle their Treaty grievances. After lengthy negotiations, a Deed of Settlement was signed with the Crown, but was not ratified due to issues over the integrity of the hapū beneficiary database. An interim Trust Board, led by an independent chair, has been appointed by the Minister to manage a process leading up to the appointment of a new Trust Board. Ngāti Rehua-Ngātiwai ki Aotea has been active in seeking to protect the natural resources of the island, including through successfully opposing a dumping consent granted to Coastal Resources Limited (see spotlight).

No Māori heritage sites on the island are protected through scheduling in the District Plan or AUP.[4] This means that mana whenua need to scrutinise numerous consent applications that may affect wāhi tapu and other important sites in order to seek their protection. As well as lacking protection, significant cultural landscapes and features lack signage and informative displays to communicate their values and importance.[5]

Needles Point/Ngā-Taratara-o-Toi

A spotlight on the Coastal Resources dumping consent

On 5 February 2019, Coastal Resources Limited was granted a consent by the Environmental Protection Authority (EPA) to deposit 250,000m^3 of dredged sediment off the east coast of Aotea/Great Barrier Island for a period of 35 years. The consent was granted under section 20G of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the EEZ Act). It was to replace the company's existing consent which permits 50,000m^3 of dredged material to be dumped annually and which is due to expire in 2032.[6]

The decision was challenged by the Society for the Protection of Aotea Community and Ecology Incorporated and Ngāti Rehua-Ngatiwai ki Aotea who jointly filed judicial review proceedings on 24 June 2019. They alleged that the decision to grant consent contained errors of law, in that it did not give effect to the principles of the Treaty of Waitangi and was procedurally unfair.

Under the EEZ Act, the EPA must consider advice provided by the Māori Advisory Committee so that its decisions are informed by a Māori perspective.[7] It must also consider the potential effects of activities on existing interests. While advice from the Māori Advisory Committee was sought by the EPA, it was not followed when the EPA made its decision.

The judgment, released on 3 December 2019, held that the EPA had erred in law by failing to take into account the Māori Advisory Committee's advice, particularly in not engaging adequately with local iwi groups. The decision has been quashed, and the EPA is directed to reconsider the application in light of proper consultation with iwi. [8] Following the High Court's decision, Coastal Resources Limited has indicated that it will not be re-submitting the application.

4.2 Natural heritage

The landscapes of Aotea/Great Barrier Island are predominately volcanic which gives rise to a spectacularly rugged landscape and a large variety of coastlines. The west coast is covered in steep forest-covered ranges that lead down to sheltered bays and islands drenched in pōhutakawa. This contrasts with the windswept east coast that has long white sand beaches, extensive dune systems, tidal creeks and wetlands. The Whangapoua estuary, located on the north-east of the island, is one of the least modified wetlands in New Zealand and is valuable habitat for coastal and wetland birds.[9] The Kaitoke Swamp is the largest wetland in Auckland. It supports orchids and small numbers of mātātā/North Island fernbird, pūweto/spotless crake and matuku/Australasian bittern.[10]

Aotea/Great Barrier Island is one of the richest areas in Auckland for plant biodiversity, with at least 75 species of regionally and nationally threatened vascular plants found there, including the endemic prostrate kānuka (*Kunzea sinclairii*) and Great Barrier tree daisy (*Olearia allomii*).[11] The island is a sanctuary for threatened fauna including thirteen species of lizard, tāiko/black petrel, tītī/Cook's petrel, stronghold populations of North Island kākā and mohopereru/banded rail, and the only island population of pepeketua/Hochstetter's frog.[12]

4.3 Historical pressures

Aotea/Great Barrier Island has supported a number of industries based predominately on the exploitation of the island's rich natural resources. They include kauri logging, copper and gold mining, kauri gum digging, whaling, fishing and farming. These were often short-lived boom and bust industries that collapsed following the resource being fully exploited.

The remains of many of these industries can still be seen in the landscape making them important historical as well as cultural and natural landscapes. There is currently no protection of built historic heritage on the island under the Hauraki Gulf Islands District Plan or AUP.[13]

Site of old timber mill, Whangaparapara

A spotlight on the history of extractive industries on Aotea/Great Barrier Island[14]

- **Mining:** New Zealand's first mine was established on the island in 1842 after copper was discovered near Miners Head. The area was extensively mined until the company collapsed in 1867. In 1892, silver and gold were discovered at Ōkupu. The minerals were mined until 1920 when the mine was abandoned. In 1983, the Mining Act was introduced banning all mining on the island.

- **Kauri logging and milling:** The kauri forests on the island were logged with increasing intensity between the early 1880s and 1940s, by which time most stands had been removed. Seven kauri dams were built on the Kaiarāra stream to drive the enormous logs downstream. Driving the logs down watercourses caused huge damage to the streambeds, replacing what had previously been deep shingle-bedded streams with shallow streams filled with friction-smoothed boulders.[15] Possibly the largest mill for its time in the Southern Hemisphere was located in Whangaparapara Harbour, in 1909, but closed just five years later in 1914.[16]

- **Kauri gum digging:** Digging for kauri gum peaked between 1889 and 1914. However a small group of gum-diggers remained until the 1920s.

- **Whaling:** A whaling station was built at Whangaparapara in 1956 which was New Zealand's last established whaling station. This was over a century after the whaling industry peaked in New Zealand. Due to the depletion of whale stocks, and increasing protection for whales, the station closed six years later in 1962.

- **Commercial fishing:** A thriving commercial fishing industry operated on the island from the mid-1950s until stocks started declining from over-harvesting during the 1970s. The introduction of the quota management system in 1986 resulted in the loss of most of the industry from the island after fishermen sold their quota to non-island entities.

- **Farming:** Following kauri logging, pioneering farmers burnt off the remaining bush and converted much of the land to exotic pasture. Extensive farming continued until the 1970s when the removal of fertiliser and other subsidies made farming the land economically marginal. High land value and transport costs provide an ongoing barrier to primary production, and today only three main dairy and beef farms remain on the island.[17]

Despite widespread historical deforestation, most of the island is now largely covered in regenerating indigenous forest (see Figure 4.1). While much of this is due to natural regeneration following the retirement of farming on the island, it is also partly a result of the 150,000 kauri trees that were planted by the New Zealand Forestry Service in the 70s and 80s.[18] A study conducted in 2010 indicated that kānuka and mānuka forest make up 54 per cent of the land cover and more mature indigenous broadleaf forest (including tōtara, rimu and kahikatea) another 35 per cent.[19]

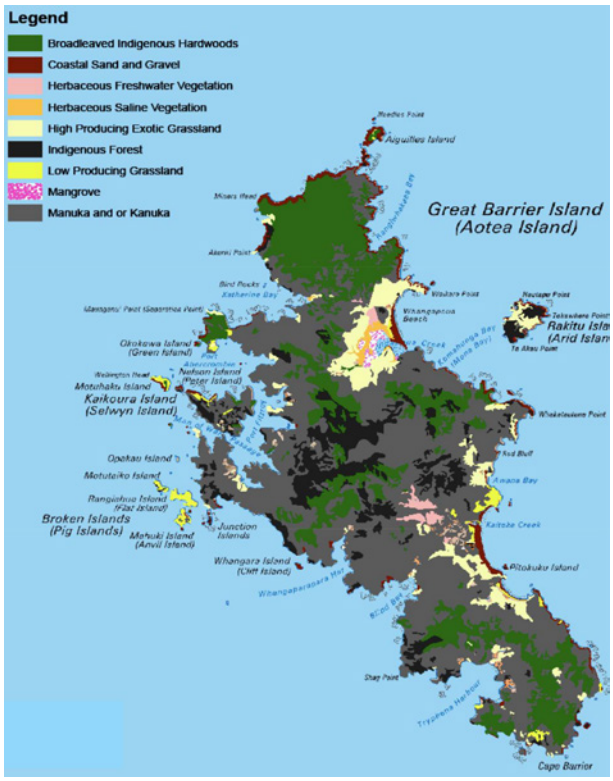


Figure 4.1 *Vegetation cover on Aotea/Great Barrier Island (Source: Great Barrier Environmental Trust)*

4.4 Current and future pressures

Unlike some of the other areas explored in the EDS Protected Landscapes project, the current landscape issues on Aotea/Great Barrier Island largely stem, not from development pressures, but from historical degradation and ongoing environmental damage from introduced pests. The island is remote and rural, and contains just a small number of scattered settlements, largely isolated from each another. There is no central water or electricity supply and the island runs off solar renewable and petrol/diesel generated power. There are also no banks, supermarkets or public transport facilities.

Population

The population of Aotea/Great Barrier Island is an interesting mix of people who have arrived on the island at different times and for different reasons. There are iwi, settler farming families, 'hippies' that collectively bought large blocks of the land during the 70s to establish communes, alternative lifestylers seeking to escape the strictures of mainland society, artists seeking cheap living in an inspiring natural environment, and more recent middle-class bach owners attracted by the island's high natural values. Overall, we heard that the eclectic mix of people has resulted in a strong sense of community on the island.

During the 1980s, the island had one of New Zealand's fastest growing populations; between 1981 and 1996 the population doubled from 573 to 1152 residents.[20] This was followed by a period of declining population during the late 1990s and early 2000s, but it appears this is now stabilising. The 2018 census counted 936 permanent residents which is a slight decrease from five years earlier. Great Barrier is also the only local board area in the Auckland region that has not seen any population growth over the past five years. The population is forecast to increase only slightly to 1,050 by 2038. Approximately 192 Māori live on the island, comprising some 20 per cent of the population.

The lack of employment opportunities, in addition to the increasing price of property, has slowed migration rates from the mainland. The population decline is of general concern to island residents as diminishing economies of scale threaten to make service and infrastructure development uneconomic. As a result of this low-resident base, the services provided on Aotea/Great Barrier Island are limited. There is only one pharmacy and healthcare centre, and while the island contains three primary schools, there is no secondary school. A 'Learning Hub' has recently been established on the island to provide a formal setting for secondary students to undertake their correspondence school curriculum under the guidance of a tutor. This will enable more young people to be educated on the island. Previously, almost all children had to leave the island once they reached their teens.[21]

Local residents generally have lower levels of formal education when compared to other areas of New Zealand. The median household income, at $30,100, is the lowest in the Auckland region and only 56 per cent of residents are formally employed.[22] Many residents choose to live a semi-subsistence lifestyle, maintaining large gardens for growing food as well as regularly undertaking fishing and hunting for personal purposes. As described below, there are also a number of people who have holiday houses on the island, no doubt attracted by the high natural values of the area.

Housing and infrastructure

> "We have seen a huge shift in the personal wealth of those arriving on the island and with the new landowners we are seeing significantly more expensive building occurring."

Houses on Aotea/Great Barrier Island have historically been small and of simple construction, with many being self-built. A majority are now owned by those who do not live permanently on the island, with trends showing an increase in house purchases for holiday houses and a concurrent decrease in house purchases for island residency.[23] In 2018, there were 1,125 private dwellings of which more than half (594 or 53 per cent) were unoccupied on census night. Six were under construction. In terms of total house numbers, this was an increase of 174 houses since 2013 (or an average of around 35 additional houses a year) representing an 18.3 per cent growth rate. This is around three times that of the Auckland region as a whole for the same period (of 6.5 percent). It was a significant increase from the previous seven years when 102 new houses were built (or an average of around 15 a year). Seven new houses were consented during 2018.[24]

This housing 'surge' occurred within the context of largely static, if not declining, population numbers and indicates the more recent popularity of Aotea/Great Barrier Island for off-island holiday home-owners. Such popularity may in part be due to the growing ease of living on the island. The advent of more flights, new technology for services such as solar power and wastewater management, and online shopping makes day-to-day living there more convenient than in the past.

> "You can now order things from The Warehouse and they arrive at your door. You can order groceries online and four days later they arrive."

These second homeowners are absent for much of the year and, at first glance, would appear not to contribute to the community. However, this is not always the case. While the number of non-residents diminishes economies of scale for service and infrastructure development, many non-residents are involved in the island and make important contributions to its administration. They also draw on local services and employ local people for property maintenance and the like. We were told that many of the new builds were 'wealthy builds', being much larger houses with a higher quality finish than has previously been the norm on the island. It was said that these people are often more aware of the landscape and ecological values of the island and have the money to appropriately mitigate the effects of development on these values.

Overall, the issues with housing on the island are not so much to do with the effects of subdivision and development, but rather housing affordability. Second home owners are driving up the cost of land on the island (as landowners are able to price their land to this market), meaning that local residents are being priced out of the entry-housing market. The island has a number of vacant lots for housing (for example in Ōkiwi) but local residents lack the funds to build on them. We were told that the cost of building on the island was about double that on the mainland due to the high cost of freight. Creating additional areas where subdivision is enabled would not necessarily solve the issue of affordable housing – and may result in the additional land being built on by the same subset of the market which is currently active (namely non-residents).[25]

Getting people and goods to and from the island has been problematic over the years. For some years, Fullers operated a fast ferry service, but this was cancelled in 2001. Anecdotally, this resulted in a significant drop in visitor numbers and also meant that the island no longer benefited from tourism marketing by Fullers.[26] There remains just one ferry operator, Sealink, which services

the island for essential bulk supplies such as food and fuel as well as carrying passengers and vehicles on the four to five-hour long trip from Auckland. This has resulted in a monopoly on freight services, driving up the cost of getting materials to the island.

There are also two scheduled airlines that fly to the island – Fly My Sky (departing from Auckland airport and flying to either Claris or Ōkiwi airports) and Barrier Air (departing from Auckland airport or the North Shore Aerodrome at Dairy Flat and arriving at Claris). Both airlines cost approximately $100 each way, making flights expensive for those frequently travelling to and from the island. In addition, flight reliability is often impacted by weather conditions. Internet access is also an ongoing issue for the island with the local board stating "Our connectivity is slow, patchy, and temperamental."[27]

Council infrastructure on the island is sparse. All of the community meeting halls and sports fields are owned by local charitable entities. The council maintains the roads, operates a service centre and local board office at Claris, and manages the Ōkiwi and Claris airports and the two wharves at Shoal Bay and Whangaparapara. All recyclables and heavy-duty waste is currently shipped off the island. There is an unlined landfill on the island for other waste but its resource consent expires in 2027. At that point, a new site will need to be found, or all waste that is not recycled on the island will need to be shipped back to the mainland.

Security of water supply is also becoming an issue on the island with recent drought conditions. Most residents are on tank, creek or bore water and there is no public source of potable water. Wastewater is treated on-site mainly through septic tanks. Many of the septic tanks are aging, and early subdivisions had sites as small as 800m^2, leaving insufficient room for effective on-site drainage fields. Much of this early subdivision was authorised during the Great Barrier County Council days when there were very few controls.

Septic tank pollution is occurring in places such as Tryphena, where the beach has been closed to bathing from time to time. An investigation of the three streams draining onto the beach found that cattle access was the main cause of pollution in one stream, and in the other two, septic tanks were a likely major contributor to high *E. coli* levels.[28]

Economy

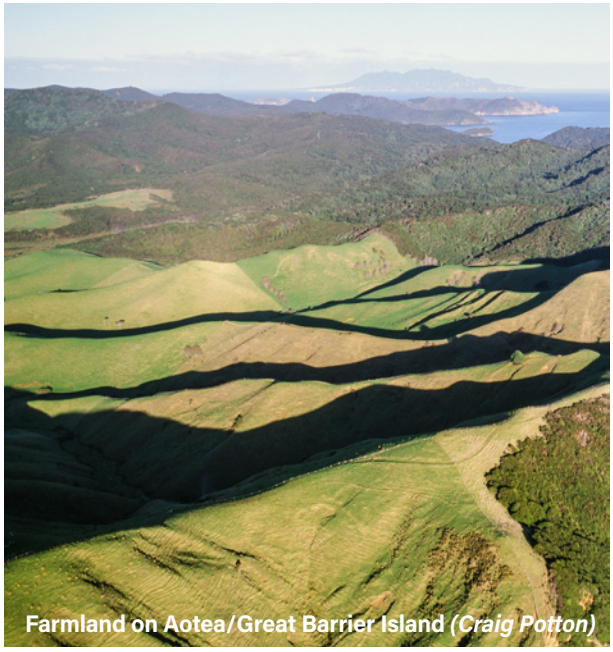
In 2018, there were 135 recorded business on the island and only 258 formal jobs. 70 per cent of businesses comprise solely owner operators with no additional employees. Job numbers declined over the five years to 2018. This included a small reduction of jobs in hospitality and food provision suggesting that the tourism industry was not doing particularly well during that period. Accommodation and food services provided only 20 jobs, with a similar number in the retail trade (21 jobs).[29] We were told by those on the island that these numbers seem much lower than reality and, even if private Air BnB services are not captured in the statistics, appear to be under-reported.

> "Dairy farming ceased on the Island in the early 1970s and since then a steady decline in farming has taken place ... The decline has been accelerated by the fall in wool, beef and lamb prices."[30]

A few farms continue to operate on the island, but there is no ability to commercially kill stock for consumption, as the island lacks an abattoir. There is only one licensed fish receiver on the island (Great Barrier Island Sports & Social Club Inc), meaning that most seafood that is commercially harvested needs to be landed in Auckland and then freighted back out to the island, before it can be sold in shops or restaurants. This is a peculiar situation, as most locals catch fish and if given the opportunity could supply fish to the restaurants on the island. There is one commercial vegetable growing operation on the island, Okiwi Passion, which supplies a number of households as well as the majority of island restaurants and shops with organic vegetables, fruit and micro greens. There are also two breweries and one gin maker. In addition, mānuka honey is a substantial island industry with six local honey companies, many of which make beauty products in addition to raw honey.

Commercial fishing was once a mainstay of the island economy, with a total revenue of between $350,000 and $400,000 generated from approximately 25 fishing boats during the early 1980s. However, as already indicated, the industry collapsed after the quota management system was brought into force in 1986 due to fishers on the island selling their quota. There remain just two commercial crayfishing boats working out of the island.[31]

The other marine-based industry on the island is aquaculture. There is currently about 32ha of mussel farms located in the sheltered bays near Te Whanga-o-Rarohara/Port Fitzroy.[32] However, we were told that most of the farms are now leased out and managed off-island. Crews travel by boat from the mainland to work on the farms so there is little on-island employment or



Farmland on Aotea/Great Barrier Island *(Craig Potton)*

economic opportunities created. Marine farms can have landscape and ecological impacts due to the placement of infrastructure, plastics and marine organisms into the marine environment as well as through ongoing boat-based farming activities such as seeding and harvesting.

A spotlight on planning provisions for aquaculture

The AUP recognises the contribution of aquaculture activities to Auckland's economic, social and cultural wellbeing. The continuation of existing aquaculture operations and the establishment of new aquaculture developments are to be provided for where appropriate. New aquaculture activities are discretionary activities, whereas reconsenting, minor extensions or alignments of existing aquaculture activities are restricted discretionary activities.[33] New or expanded aquaculture developments are intended to occur in appropriate locations and at scales that avoid, or where appropriate minimise, conflicts with ecological, social and cultural values and other uses.[34] In areas with special overlays (high natural character, ONL, significant ecological areas, historic heritage and sites of significance to mana whenua) new activities are non-complying, reconsenting is restricted discretionary and the expansion or realignment of existing activities is discretionary.

The Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 come into force on 1 December 2020 and seek to streamline resource consent processes for the reconsenting of marine aquaculture. They rely on the premise that areas that are identified as inappropriate for marine aquaculture have been identified in a proposed or operative plan. In areas that are identified as inappropriate in the regional coastal plan, reconsenting is a discretionary activity. For areas not identified as inappropriate (ie they are deemed appropriate), a replacement consent for the same species is a restricted discretionary activity and no public notification is required. Realignment of an existing marine farm that is not within an inappropriate area is also a restricted discretionary activity. These provisions are largely in line with the AUP provisions for marine aquaculture, with the exception of the requirement for no public notification for replacement consents not within inappropriate areas.

Because most of Aotea/Great Barrier Island has been identified as an ONL, including the sheltered bays of Te Whanga-o-Rarohara/Port Fitzroy, this makes expansion of aquaculture along the coast unlikely. However, the Sea Change marine spatial plan identified areas for additional aquaculture including a substantial site near the Colville Channel just south of Aotea/Great Barrier Island. If established, this will be new marine aquaculture and will not be subject to the provisions of the 2020 regulations.

Tourism has been a mainstay of the Aotea/Great Barrier Island economy for some years with small-scale tourism businesses subject to seasonal peaks and troughs.[35] The tourist economy is largely derived from accommodation, food and beverages, general retail, transport and 'experience' tourism.[36] The most visited place is Tryphena.

Despite an earlier decline, tourism on the island was increasing rapidly prior to the Covid-19 pandemic. It comprised roughly 80 per cent domestic and 20 per cent international tourists. In January 2017, it was reported that there were 31,800 visitor arrivals (out of an annual total of 179,600), an increase of 57 per cent from the previous year.[37] However, these figures may overstate actual numbers. This is because they are based on data tracking mobile phones entering and leaving different areas of the island which may result in the multiple counting of a single visitor on any given day.

Aotea/Great Barrier Island is not a readily accessible destination for day trippers (although it is possible to fly in and out in a day). One limitation for visitors is the availability of flights and ferry crossings particularly during long weekends and over the Christmas period. There is currently visitor accommodation for around 1,500 visitors. However, the island is also seeing an increase in people renting out their baches to tourists through Air BnB and the like. There are also a number of campgrounds on the island – six that are DOC operated and four that are privately owned.[38] These campgrounds provide around 1,200 camping sites. However, we were told that due to the cost of getting on and off the island, as well the lack of public transport on the island, camping is becoming less popular. Over the busy Christmas period it is usual to see only one or two of the DOC campsites full.

In 2017, Aotea/Great Barrier Island was designated as a 'dark sky sanctuary', currently one of 12 worldwide, and the first island to receive such a designation.[39] Dark sky sanctuaries have exceptionally high quality starry nights and are protected for their scientific, natural or educational value, cultural heritage and public enjoyment. The dark sky sanctuary status likely contributed to the rise in tourism on the island as it was found to have been factored into the decision to come to Aotea/Great Barrier by about half of the island's visitors.[40] The night sky is a key marker in Māori culture. For example, Matariki celebrates the rise in the pre-dawn sky of the Pleiades constellation signalling the Māori new year. Several tourism operations are now based on the dark sky sanctuary status including Good Heavens Dark Sky Experience and Star Treks.

> "Ecotourism is extremely important to Great Barrier Island and the International Dark Sky Sanctuary status will not only provide further tourism development and economic growth opportunities but also ensure the preservation of our exceptional starry skies."[41]

Conservation land, with its exceptional landscapes and natural heritage, forms a key part of the attraction for tourists coming to the island. The multi-day Aotea Track takes visitors through kauri forest and to the

Kaitoke wetland and hot springs, Mt Heale and Maunga Hirakimatā. There are also mountain biking opportunities on formed roads and forest road tracks.[42] A small number of concessions have been granted for guided walking and tramping on public conservation land. However, the potential of publicly-owned conservation areas to support the tourism industry on the island appears to be underutilised. We were told that concessions were mainly held by people who were based off-island and that local operators could not afford the concessions.

> "Our walks are stunning and are massively underutilised. We want to keep tourism here small, and top end, to preserve that wilderness experience as it is getting rarer and rarer in our world."

> "A few local operators tried to work together to get one concession that they could all utilise but were unsuccessful and they ended up walking away from it."

Tourists can stretch local resources particularly during the peak of the tourist season over the Christmas and January period. We were told that when the airlines are busy, they favour passengers over freight, which can make it difficult for businesses to get supplies onto the island at a time when demand is at its peak. Transport on and off the island can also be booked out during busy tourist times making it difficult for residents to travel and making it necessary to plan ahead.

Invasive species

The birdlife and vegetation of the island have had a head start when compared to other areas of New Zealand, as the island is free of many of the introduced pests that plague mainland New Zealand. Goats were eradicated in 2004 which has enabled the forests to regenerate in the absence of browsers. In addition, the island has remained free of possums, mustelids (stoats, ferret and weasels) and Norway rats. However, there are still a number of problematic pest species present. Ship and kiore rats are present in abundance and, in conjunction with the presence of feral cats, pose a significant risk to the birdlife of the island. The impacts of these pests is one of the biggest environmental challenges facing the island and the most significant threat to its sustainability.

> "People come here and ask, where are all the birds? We have lost 12 species of birds."

Argentine Ants also pose a threat to the native flora and fauna of the island. The ant is among the top 100 most invasive species on earth. It predates on native fauna (lizards and insects) and competes with native birds for food resources. Auckland Council has introduced an Argentine Ant eradication program which, with the help of local volunteers, works to lay bait and monitor areas with known populations.

The spread of invasive species such as wilding pines, hakea (*both Hakea sericea and H. gibbosa*) and berry heath (*Erica baccans*) has recently been observed on the island. This has been accelerated by a 2013 fire that burnt through 116ha of regenerating bush in Kaitoke, replacing it with areas of near exclusive invasive species.[43] Kauri dieback disease is present on the island. However, as there is an absence of possums which are a known vector for the disease, this is likely to be less of a threat to the landscape compared to other areas of New Zealand (such as the Waitākere Ranges which is explored in the EDS case study on that area).

Kaitoke wetland, Aotea/Great Barrier Island

4.5 Statutory management responses

District Plan

> "I think the District Plan has been successful, not perfect, but it has given us a layer of protection."

As discussed in Chapter 3, land use activities on Aotea/Great Barrier Island are governed by the provisions of the Hauraki Gulf Islands District Plan. In addition to containing objectives and policies for the islands as a whole, the District Plan contains strategic management areas which act as a framework to provide strategic direction for specific areas within the district.

Aotea/Great Barrier Island is assigned its own strategic management area, in recognition of the island's individual character and issues. The District Plan indicates that decision-makers should provide for the economic, social and cultural well-being of the community while ensuring the protection of the historic heritage, natural character of the landscape, and the natural features, ecosystems and visual amenity of the island.[44] To achieve this, natural character and features should be protected and the relationship between Ngāti Rehua-Ngātiwai ki Aotea and their ancestral lands recognised and provided for.

The District Plan seeks to provide a framework that enables the island's community to undertake activities that will assist in maintaining an economy while also recognising that the island's key asset is its natural environment. Within existing settlement areas, residential and commercial activities are to be provided for. However, development outside of these areas is restricted to protect the natural character of the landscape. All development should be of an appropriate scale, form and location.[45]

There are eight settlement areas on the island: Tryphena, Medlands, Claris, Ōkupu, Whangaparapara, Āwana, Ōkiwi and Port Fitzroy. These contain a mix of residential and low-scale commercial development. Due to the sheer scale of the landscape behind the settlements, the natural character of the island remains the dominant and defining feature. Some settlement areas are recognised as having capacity to expand (such as within Tryphena, Ōkupu, Ōkiwi and Claris) whereas others with more sensitive surrounding environments are not.

Each settlement area is broken down further into sub-areas (such as residential amenity or local retailing) which outline specific activities that can take place. Separate objectives, policies and rules are included for both the settlement areas broadly, and the sub-areas. A brief overview of each of the settlement areas is set out in the spotlight below.

Figure 4.2 *Settlement areas on Aotea/Great Barrier Island*

Tryphena, Aotea/Great Barrier Island

A spotlight on the settlement areas on Aotea/ Great Barrier Island

Tryphena settlement area

This contains the largest existing population centre on the island and is characterised by large, bush-covered residential lots. The existing settlements are centred on the lower slopes and coastal margins of the inner bays, allowing the upper catchment to remain covered in forest with extensive stands of regenerating bush. Within the Tryphena settlement area there are four different sub-areas: rural amenity, local retail, headland protection area and the Mulberry Grove school area. Further around to the north is the Puriri/Schooner Bay Area with over 100 inhabitants, mainly living on larger blocks.

Medlands settlement area

This is the second largest settlement on the island in terms of housing density, noting that many of the buildings are baches and uninhabited for much of the year. The settlement is characterised by smaller sites running along the length of the beach in a ribbon fashion. The Medlands area also contains sensitive dune and wetland conservation areas, including the Oruawharo stream which provides important habitat for pāteke/brown teal. The two sub-areas within the Medlands settlement area are: residential amenity and Medlands dune and wetland conservation area.

Claris settlement area

This is located on the rolling flat land adjacent to Kaitoke beach and Kaitoke wetland – both of which contain outstanding natural landscape values. Claris also contains the majority of the island's services, including the main airport and health care service. The area is characterised by industrial activities in the north, local retail shops in the centre and residential development in the south. This variation in land use is reflected in the different sub-areas including the Claris airport area, local retailing area, Claris dune and wetland conservation area, light industry area and residential amenity.

Ōkupu settlement area

This is located on the bush covered slopes on the western side of the island and consists entirely of a residential amenity area. Existing houses are located in two main areas: on and near the ridgeline or on the lower slopes leading down to the coastal edge. The Ōkupu area is characterised by this small-scale residential development, which is dominated by the scale and prominence of the regenerating vegetation. With the exception of properties located on the ridgeline, the development is generally well-integrated into the vegetated setting.

Whangaparapara settlement area

Much like the Ōkupu settlement, this is also entirely made up of a residential amenity area. It is characterised by a small bay, enclosed by sloping topography and bush clad hills with residential development that is integrated into the regenerating indigenous vegetation.

Āwana settlement area

This is located on the eastern side of the island and is also zoned entirely as a residential amenity area. It provides for well-integrated and small-scale residential development surrounded by dominant landforms, rural landscape, beaches and undeveloped dune systems.

Ōkiwi settlement area

This is made up of residential amenity, local retailing and Ōkiwi school sub-areas and contains the infrastructure of an existing settlement (primary school, close proximity to Ōkiwi airstrip and residential settlement). In addition, there is undeveloped land that could be used for additional growth. Ōkiwi settlement has been identified as able to support additional commercial activities, and it is one of the objectives of the settlement area to provide for both residential and small scale commercial and education activities in the area.

Port Fitzroy settlement area

Port Fitzroy is located in a large harbour on the western side of the island and is characterised by small scale residential development that is well-integrated into the indigenous vegetation of the hillside. It is an area with wharf facilities, which makes it popular with recreational boating traffic, as well as providing an access point for materials entering and leaving the island. The Port Fitzroy settlement area is further divided into residential amenity and local retailing areas.

Outside of the settlement areas there are two marae: one at Kawa and the other at Morairehe. In Karaka Bay, there is also a large accommodation facility that can accommodate 150 guests, and the Hillary Outdoor Education Centre.

As described in the spotlight, within each of the settlement areas there are sub-areas which form the basis of the planning controls for the area. An overview of the planning controls for each sub-area in the district plan is shown in Figure 4.3.

SUB-AREA	Construction and relocation of buildings	Alterations/ additions to existing buildings	Dwelling (one per site)	Multiple dwellings per site	Visitor accommodation
Residential amenity	Permitted	Permitted	Permitted	Discretionary	Discretionary
Local retailing	Permitted	Permitted	Restricted discretionary	Permitted	Permitted
Headland protection	Restricted discretionary	Restricted discretionary	Permitted	Discretionary	Discretionary
Dune and wetland conservation	Restricted discretionary	Restricted discretionary	Permitted		
Light industry (Claris)	Permitted	Permitted			
Airport (Claris)	Restricted discretionary	Restricted discretionary			
School	Permitted	Permitted			

Figure 4.3 *Planning controls for sub-areas within the Great Barrier Island settlement areas*

The activities that are permitted in each sub-area differ depending on the intended use of the area. In the local retailing area, there are greater opportunities for tourism and commercial opportunities as a permitted activity. For example, entertainment facilities, restaurants and visitor accommodation are all permitted. However, in contrast to other sub-areas, the location of dwellings is controlled so that residential uses do not occupy space that should be reserved for retailing activities – this is reflected in the restricted discretionary activity status of creating one dwelling per site.

Subdivision in all settlement areas is a discretionary activity subject to compliance with the general subdivision rules in the District Plan.[46] The minimum site areas, listed for each sub-area, are shown in Figure 4.4 and none are less than 1500m^2.[47] Subdivisions that do not meet the minimum site areas are a non-complying activity. Resulting developments are also subject to a number of controls, for example, the bulk, colour and location of buildings. Buildings in the residential amenity area must not exceed 8m in height or 15 per cent coverage of the net site area (with a maximum footprint of 200m^2).

While the built development is currently largely sympathetic to the landscapes of Aotea/Great Barrier Island (eg small bach style properties nestled within existing vegetation), the District Plan lacks design guidelines for future development. Although, to date, new development on the island has largely been sensitively located, maybe even more so than the older properties, there is a risk that larger and more prominent houses will be built in the future which could adversely affect landscape values.

Awana, Aotea/Great Barrier Island

Settlement area	Minimum site area	Minimum average site area
Tryhpena (local retailing area)	1500m^2	1500m^2
Tryphena (headland protection area)	3000m^2	7000m^2
Tryphena (residential amenity area)	2000m^2	n/a
Tryphena (Mulberry Grove School area)	NC	NC
Medlands (residential amenity area)	2000m^2	2000m^2
Medlands (dune and wetland conservatyion areas)	NC	NC
Claris (local retailing area)	1500m^2	1500m^2
Claris (residential retailing area)	1500m^2	n/a
Claris (light industry area)	2000m^2	2000m^2
Claris (airport)	NC	NC
Claris (dune and wetland conservation area)	1ha	2.5ha
Okupu (residential amenity area)	2000m^2	2000m^2
Whangaparapara (residential amenity area)	2000m^2	n/a
Awana (residential amenity area)	2000m^2	2000m^2
Okiwi (local retailing area)	1500m^2	1500m^2
Okiwi (residential amenity area)	2000m^2	4000m^2
Okiwi (Okiwi School area)	NC	NC
Port Fitzroy (residential amenity area)	5000m^2	7000m^2
Port Fitzroy (local retailing area)	1500m^2	1500m^2

Figure 4.4 *Minimum site areas for various zones within the Great Barrier Island settlement areas (noting that existing subdivision in some areas are less than these minima)*


Whangaparapara, Aotea/Great Barrier Island

The District Plan appears to have operated reasonably well in managing the small amount of development on the island. However, it was pointed out to us that there are no Auckland Council planning staff based on the island (no doubt due to the small volume of work). Resource consent applications are therefore not dealt with locally and are instead processed on Waiheke Island, which has a larger planning team. This both increases the cost of consenting and the already high costs of building on the island. It can also lead to a disjunct between conditions of consent and the local island context, particularly when planning staff processing applications do not visit the island to undertake site inspections. There was also concern that building requirements that have been developed for the mainland, and have been applied to the island, are unnecessarily restrictive, do not necessarily fit the island context and stifle innovation.

> "The whole building and permitting process is really constrictive on the island as it doesn't allow you to work with local materials. We were required to use a whole lot of nasty product in our build. We want to build with innovation and environmental friendliness on the island."

Management of conservation land

> "We are always talked about as the jewel in the crown for the Auckland region but we have never been funded."

DOC currently manages 56 per cent of the land on Aotea/Great Barrier Island, comprising some 16,000ha (see Figure 4.5). As such, the management of DOC land is extremely important to the landscape of the island. This extensive public estate has been assembled over many decades. In 1984, Max Burrill donated over 10 per cent of the island to the Crown, being the dense bush area north of Ōkiwi. Other areas which had previously been managed by the Forestry Service, Lands and Survey Department and New Zealand Wildlife Service, and which were not seen as commercially viable, were brought under the management of DOC following its establishment in 1987.[48] DOC was tasked with acting as a steward of the land (which was identified as 'stewardship land') until it was reclassified.[49] Despite the large proportion of the island managed for conservation purposes there are no marine reserves along its coast.

Fig 4.5 *Land managed by DOC on Aotea/Great Barrier Island (and neighbouring islands)*[50]


Kaiaraara Bay, Aotea/Great Barrier Island

In July 2014, the Aotea Conservation Park was approved. This consolidated and reclassified 12,109ha of stewardship land (around 43 per cent of island) as conservation land. The designation sought to provide an additional layer of protection to the area and provide for a single management and marketing entity.[51] It was hoped that the conservation park status could help encourage more visitors to the island to support the tourism industry.[52] An advisory committee for the Park has been established comprising ten representatives from mana whenua and the local community.

Conservation Park

A Conservation Park is an area of land containing predominately a natural system, managed to ensure long term protection and maintenance of biological diversity, while providing recreational and visitor opportunities. It is this additional focus on recreational interests that differentiates a Conservation Park from a National Park.[53]

DOC currently has ten staff on the island, which although a small number, is double the staff based there just five years ago. This includes one community ranger and one biodiversity specialist. Two recreational team members manage infrastructure including the 100 kilometres of tracks, six coastal campgrounds and two huts. Much of the work on the conservation land is outsourced and provides employment for local residents.

Medlands Beach, Aotea/Great Barrier Island

DOC's total annual funding for biodiversity on the island is currently around $180,000. In the context of the area of land to be managed, this averages out at around $11 per hectare. This limited budget is due to DOC's national prioritisation system (see spotlight) in which Aotea/Great Barrier Island does not rank highly. This severely hampers DOC's ability to effectively manage the island's public conservation land.

A spotlight on the prioritisation of DOC conservation funding

In order to preserve and restore a full range of the country's ecosystems to a healthy, functioning state (an outcome set by DOC in relation to natural heritage), the Department has identified approximately 1,000 ecosystem management units (EMUs) around New Zealand. EMUs, which comprise about one third of all public conservation land, are groupings of high-quality ecosystems that vary in size from 1ha to over 50,000ha and represent a comprehensive range of New Zealand's terrestrial and freshwater ecosystems. They are areas that are identified as important for management because of the type and condition of ecosystems and species present within them.

Despite historically being considered separately from DOC priorities in relation to threatened species, EMUs and species management units are now considered together. EMUs are ranked in an order that allows the greatest coverage of the full range of New Zealand's high-quality ecosystems, taking into account whether that ecosystem is found elsewhere in New Zealand, as well as whether the site supports threatened species (the degree of threat risk, taxonomic uniqueness and degree of endemism). As not all threatened species are located within a priority EMU, some species are managed separately, as discussed below.[54]

In order to achieve the two inter-related objectives of managing New Zealand's ecosystems and conserving nationally-threatened species, DOC had a target of fully managing the 500 highest-ranked EMUs (managing all pressures and pests to a required level). However, this has not been achieved. In the 2018/19 year, although DOC managed 577 EMUs, not all pests and pressures where adequately addressed. In addition, more than 400 EMUs remain unmanaged – many of which could benefit from greater control of the threats impacting them. To respond to this, in 2018 it was recommended that a more appropriate target would be management of the top 850 EMUs.[55] This would include additional funding for those EMUs ranked between 500 – 850. However, this has not yet been fully implemented and not all 850 EMUs are receiving funding.

There are four EMUs on the Aotea/Great Barrier Island mainland, in addition to one on neighbouring Rakitū Island. These are shown on Figure 4.6. Apart from Rakitū island, none of these EMUs come within the top 500. For example, although Rakitū Island just sneaks in at 456, the northern Great Barrier ranks 792, Whangapoua estuary and Ōkiwi 1193, Hirakimatā/Kaitoke 945 and Mount Young 570. This is surprising given the high conservation values present on the island.

As such, funding for the management of pressures and pests in these areas is unlikely – this is at the discretion of the Operations Manager for the area and there would need to be sound reasoning to fund activities outside higher ranked EMUs. In addition, the EMUs shown on Figure 4.6 do not cover the entirety of public conservation land on Aotea/Great Barrier Island. As such, the residual area only receives funding if it contains threatened species or if it comes within a weeds programme contained in the Auckland Regional Pest Management Plan, such as for example the eradication of old man's beard which is occurring across the Auckland region.[56]

"Hirakimatā contains the Kaitoke Wetland, the largest wetland in the Auckland region. It also still has bittern, spotless crake, fernbird and black petrels. It is astounding that it is not ranked more highly".

There are a number of species on Aotea/Great Barrier Island that meet the criteria for protection (including pāteke/brown teal, niho taniwha/chevron skink, tāiko/black petrel and tuturiwhatu/New Zealand dotterel). For these, species-specific funding may be available even if not located in a high-priority ecosystem. Except for a few species-specific projects, the majority of the public conservation land on Aotea/Great Barrier Island is unmanaged when it comes to conservation outcomes.

Figure 4.6 *Ecological management units on Aotea/Great Barrier Island (shown in yellow) (Source: Department of Conservation)*

DOC's conservation activities on the main island are targeted primarily towards the pāteke/brown teal and tāiko/black petrel. Since 2002, DOC has undertaken control of feral cats on Ōkiwi Station primarily to protect pāteke/brown teal but also the banded rail and nihi taniwha/chevron skink. However, we heard that this did not occur regularly and only when resources were available. As such, despite DOC's efforts, the number of pāteke/brown teal appear to be decreasing.[57] The Department has also recently started to undertake feral cat trapping on Maunga Hirakimatā/Mount Hobson to protect the tāiko/black petrel which only breed on Aotea/Great Barrier Island and Te Hauturu-o-Toi/Little Barrier Island. They are ranked as nationally vulnerable and are the seabird species at greatest risk from commercial activity in New Zealand waters.[58] Trapping was undertaken in 1996 and 1997, and between 2011 and 2015, but not the following season due to lack of funding (or prioritisation thereof).[59] Trapping was resumed in 2017 when eight feral cats were caught. Despite this effort, there is still evidence of cat predation on tāiko/black petrel chicks.[60]

There is no other predator control currently undertaken by DOC in the Conservation Park. As rats have not been identified as the main threat to the two target species (which are more threatened by feral cats) DOC has not funded any rat control on Aotea/Great Barrier Island, even though rats are a serious threat to indigenous birds. This means that privately owned land, such as the Windy Hill Sanctuary, and Auckland Council land at Glenfern Sanctuary (both described below), have much more effective conservation management than DOC-managed areas.

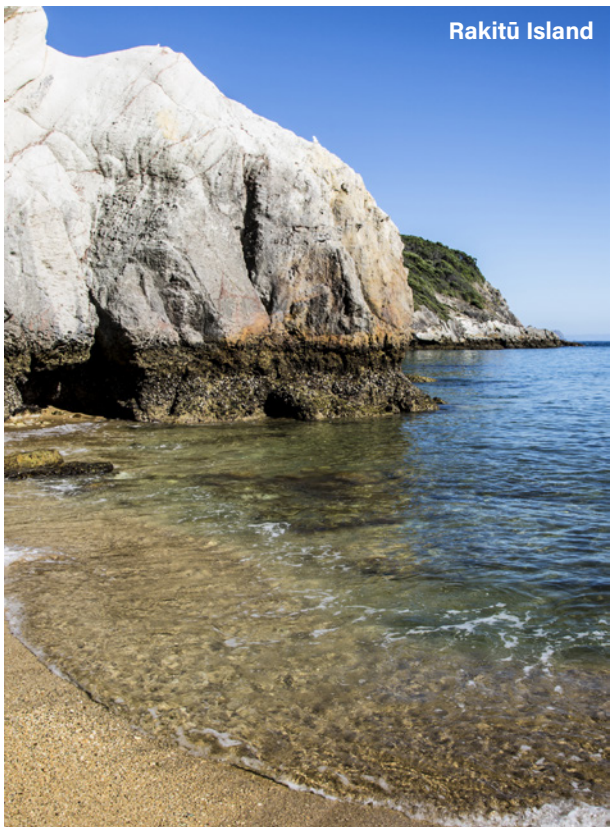
"In terms of bird life out here, we are going to have to do some intensive rodent control in certain areas if we want to halt the decline of bird species."

With the small amount of budget and staff that DOC has on the island, the only affordable method of pest control is toxin use. The ability to harness volunteer workers on the island is limited due to the small community and myriad of activities that draw on the available volunteer pool. It is also not sustainable to rely on volunteers to undertake core DOC work. While there are a number of residents who support the use of toxins, there is a very vocal group on the island who oppose their use, and it can be difficult for staff to work in this adversarial context. DOC does not currently use any toxins on the main island, although many private property owners do.

"There are certain parts of the community who are highly opposed to toxin use and that is probably one of the biggest challenges around pest control out here. They are a very vocal group and can make people's lives unpleasant as it is such a small community."

"Rat eradication is so contentious here, if you mention it you make no progress."

DOC did recently eradicate pests from Rakitū Island (which was ranked highly amongst EMUs) and the Motu Kaikoura Trust, which manages publicly-owned Kaikoura Island, has reduced rat numbers there to very low levels (see spotlight).


Rakitū Island

A spotlight on rat eradication on islands off the coast of Aotea/Great Barrier Island

Rakitū Island

Rakitū is located about 5km off the east coast of Aotea/Great Barrier Island. It was purchased by the government in 1993 and is managed by DOC. A grazing lease on the island expired in 2013. The former owners of the island retain lifetime rights to use the buildings there. In 2018, DOC undertook an aerial poisoning operation to remove rats from the island. During the operation, more than 60 weka were moved off the island and then returned once the operation was successfully completed (noting that this exercise in itself was met with local opposition, as weka are not indigenous to Aotea/Great Barrier Island). There was also heated community opposition to the eradication exercise. A group of protesters, including Ngāti Rehua and Ngāti Wai hapū members camped on the Ōkiwi recreation reserve for two weeks to protest against the poison drop.[61] The operation was successful and Rakitū Island has since been declared pest free.

Kaikoura Island

The 564ha Kaikoura Island, which is located at the mouth of Te Whanga-o-Rarohara/Port Fitzroy, was purchased by the government in 2004 with contributions from the Nature Heritage Fund, the former Auckland Regional Council and territorial authorities and the ASB Community Trust (now Foundation North). It was designated a scenic reserve and is managed by the Motu Kaikoura Trust. By 2008, the Trust had successfully eradicated deer, pigs, feral cats and rabbits from the island. Fortunately, mice have not been detected there. In 2008, attempts were also made to eradicate rats using two aerial applications of poison. Although thought to be initially successful, rats were detected on the island seven months after the drops. Manual methods were then deployed to control rat numbers and 572 bait stations are maintained around the island. This has reduced rats to low numbers with bait-take being below one per cent of baits available compared to 69 per cent in a control area on the main island.[62]

The eradication of deer resulted in the rapid regeneration of the island's native forest cover. More than 40 bird species have been recorded on the island of which 29 are indigenous. Since the rat control measures were implemented there are indications that bird numbers are increasing.[63]

The monitoring of conservation outcomes on Aotea/Great Barrier Island is also weak. Unlike some private conservation groups on the island that are undertaking extensive monitoring (for example, Windy Hill Sanctuary) this is not happening on public conservation land. DOC's monitoring is undertaken by a centralised group that

is responsible for monitoring biodiversity at a national level. Historically this was done at a local level to meet specific local needs (eg monitoring the outcomes of a specific management or restoration project). However, more recently a 'nationally-consistent, systematic and comprehensive' approach has been adopted that aims to supplement data from species-specific management projects with national survey data. This is done by using a three-tier approach to biodiversity monitoring (see spotlight). As a result of this shift to nation-wide monitoring, there is a disconnect within DOC between those working on the ground, and those holding the information about biodiversity states and trends.

A spotlight on monitoring public conservation land

Tier 1 is the national sampling programme for public conservation land across New Zealand. This involves a regular assessment of native species and pests at specific locations. Tier 1 monitoring has the potential to provide a whole-of-New Zealand biodiversity picture. However, undertaking this work is outside the capacity of DOC. As such, the Department is actively involved in engaging regional councils to support the development and implementation of terrestrial monitoring across New Zealand. This occurs at 1,400 plot locations with approximately 280 plots being measured annually (meaning each plot is surveyed once every 5 years). There are two tier 1 sites located on Aotea/Great Barrier Island: the CQ30 site which is classified as shrubland and the CR32 site which is classified as an indigenous forest site. Neither of these sites have been surveyed since 2017.[64] The irregularity of this monitoring, and the fact it is only undertaken at two sample sites on the island, mean that it is not likely to be effective in determining ecosystem change on a time scale of relevance to the local populations in the area.

Tier 2 and Tier 3 monitoring is more intensive and is undertaken by DOC. Tier 2 is the monitoring of specific species and places. We were told that there is currently no tier 2 monitoring occurring on the island. Tier 3 is targeted research-based monitoring often linked to specific threated species management sites. On Aotea/Great Barrier Island this would include monitoring tāiko/black petrel and pāteke/brown teal populations.

4.6 Non-statutory management responses

"No one likes anything big and establishment-looking on the island so restoration will happen project by project."

There are many voluntary initiatives on the island and here we highlight just a few: two notable conservation efforts at the Windy Hill and Glenfern sanctuaries, the work of the Great Barrier Environmental Trust, and efforts to improve visitor management on the island.

Windy Hill Rosalie Bay Catchment Trust

"The sanctuary aims to sustain and improve biodiversity, to create conservation-based employment, and to be a model of ecological restoration on private land."[65]

A group of like-minded people bought the 230ha Windy Hill property in 1972, which is located on the south-east corner of the island. It contained a large area of regenerating kānuka forest with mixed coastal podocarps, some areas of mature bush, and 3km of coastline. The original idea was to establish a conservation-minded community on the property. However it was not until later, when some of the owners became residents, that it became apparent that rats were a major issue. So, in 1998, some shareholders put together a basic plan to start pest management on the property. Active pest management started in 1999, initially consisting of 100 traps managed by a part-time worker.

Pest management had only been underway for around a year when a neighbouring property owner expressed interest. In 2001, the Windy Hill Rosalie Bay Catchment Trust was formed to manage employment and liability issues, as well as the pest management already underway at Little Windy Hill. The initiative has subsequently grown to cover a total of 770 ha extending over 15 properties and engaging 55 landowners. 276 ha of the land is protected under Queen Elizabeth the Second (QEII) covenants.[66]

Queen Elizabeth the Second Open Space covenants

The QEII National Trust is an independent charitable trust established by statute to promote the protection, preservation and enhancement of open space. The Trust works with individual landowners to protect sites of natural and cultural significance on their property and has played a major role in protecting New Zealand's biodiversity. To date, the Trust has protected over 180,000ha of private land throughout New Zealand. This land is regularly monitored to ensure conditions (such as ensuring the area is properly fenced and prohibiting the planting of exotic species) are being complied with. The protections offered by QEII covenants are legally robust and have been successfully defended in the courts against development or material alteration of the protected area.[67]

The early objectives of the Trust were to increase bird numbers, but this has now expanded to include creating conservation-based employment on the island, and also undertaking research to find the most cost-effective and socially acceptable method of supressing rats at low or zero levels. The Trust has so far raised $3 million for conservation work, of which $2 million has been spent on

wages for local residents. Overall, more than 50,000 rats have been culled.[68] There are six field workers currently employed with their efforts complemented by volunteer workers. The Trust has also recently opened a plant nursery growing eco-sourced stock.

The Trust's programme is science-based, with rat and bird counts regularly undertaken in managed and unmanaged areas. The initiative has been highly successful, with the sanctuary having the highest abundance of birds on the island. Monitoring at Windy Hill has unequivocally demonstrated that reduced rat numbers correlate with increased bird numbers, and that continued rat management has led to increases in certain 'keystone' bird species. In addition, 11 of the 14 known Aotea/Great Barrier Island lizards are in great abundance, as are weta.

Glenfern Sanctuary

Glenfern Sanctuary is an 83 ha wildlife sanctuary located near Te Whanga-o-Rarohara/Port Fitzroy. The area is covered in remnant coastal forest and revegetating bush. It provides valuable habitat for many threatened species including the pāteke/brown teal, tāiko/black petrel, kākā, toutouwai/North Island robin and niho taniwha/chevron skink. It is adjacent to a 240ha predator-fenced sanctuary on the Kotuku Peninsula which consists of scenic reserve land managed by DOC, an Auckland Council Regional Park and land owned by three private entities.

In 2004, 73 per cent of the land was covenanted under a QEII covenant. At that time, this was considered the only way to protect the land beyond the life span of the (private) owners. The Sanctuary was also registered as a charitable trust with the purpose of, *inter alia,* maintaining and enhancing the quality of the natural environment and implementing environmental and conservation programmes.

After the death of the former owner (Tony Bouzaid), the land was purchased in 2016 with funding from the Nature Heritage Fund, Foundation North and Auckland Council, and it became a regional park under the ownership of Auckland Council. However, the management regime is unusual. Unlike other regional parks, the sanctuary remains the responsibility of the Trust (and as such, the purposes of the Trust), not the landowner. Rat control is currently undertaken throughout the Kotuku Peninsula including on the Sanctuary with 40km of trap lines and over 800 active traps.[69]

The Great Barrier Island Environmental Trust

> "People lack an understanding of how much is being lost night after night."

The Great Barrier Island Environmental Trust was formed in 2002 with the aim of eradicating rats and feral cats from Aotea/Great Barrier Island and allowing for the re-introduction of previously resident native species including the North Island kōkako. The Trust seeks to raise awareness in the local community of the potential environmental, social and benefits of eradicating rats and feral cats and recently received a $21,000 grant from the Local Board to assist with biodiversity protection and restoration.[70] The Trust's vision has more recently widened to include matters such as marine protection.

The Trust considers that eradicating pests would have not only environmental benefits, but also economic ones. Becoming pest-free would enable the island to capitalise on its natural features and endangered species and promote informed and conservation-based tourism. This could provide the basis of a new ecology-based economic framework for the island.[71] The Trust's purpose and long-term vision aligns with one of the goals of Predator Free 2050 which is to eradicate all predators (stoats, ferrets, weasels, rats and possums) from offshore island reserves by 2025. Remaining island areas should be cleared of predators by 2050.

The importance of pest eradication on the island has also been recognised at a global scale. A 2019 study identified 169 islands out of ~465,000 islands worldwide where mammalian pest eradication could be initiated in the next decade and would improve the survival of 9.4 per cent of the world's most threatened terrestrial vertebrates (birds, mammals, reptiles and amphibians). Specifically, eradication on Aotea/Great Barrier Island would benefit the threatened species of pāteke/brown teal, matuku/Australasian bittern and kākā.[72]

The Maunga Hirakimatā/Mount Hobson pest control project is an example of work done by the Trust. In 2016, the Trust set up cat and rat traps on Hirakimatā – a unique remnant of high-altitude forest that is a biodiversity hotspot and supports the main breeding colony of tāiko/black petrels worldwide.[73] This resulted in a significant reduction in rat abundance during the initial trial periods (December 2016 and March 2017). Unfortunately, comparative studies were also undertaken at Windy Hill Sanctuary which showed that, with time, the traps become ineffective with up to 30 per cent of rat populations becoming trap shy.[74] As such, the long-term success of the project at Hirakimatā is uncertain.

Great Barrier Island Visitor Strategy

The Great Barrier Island Visitor Strategy seeks to guide the development of tourism on the island over the period of 2018-2023 and constitutes a commitment by the community to enhance the visitor experience (and therefore increase visitor spend and yield). The Strategy recognises the key challenge to a successful tourism industry on the island is to gain economic value while conserving the island's key asset – its natural environment. The Strategy was instigated by the local board and was designed to give the islanders some control over what was happening on the island. The Strategy comprises of five core areas:

- *Governance*: including good management practices and effective planning. The strategy identifies the need to shift from destination promotion to broader coordination and planning of the tourism industry.

- *Shaping demand (information and image)*: including the need to shape demand to enhance yield and attract responsible travellers who respect the people and environment of the island. This includes promoting the stories and knowledge of local communities and creating a place that can be shared with visitors.
- *Experience development:* including improving the quality of the experience for both the visitor and host community. This includes creating new experiences that are environment based as well as highlighting local arts, culture and heritage.
- *Infrastructure*: including improving the state of the roads on the island, providing public transport and upgrading the Aotea Visitor Information Centre.
- *Insight:* including continued research to monitor the progress of the tourism industry over time and developing an outline of future tourism opportunities.

The Strategy is non-binding but is intended to provide a mechanism to engage with tourism stakeholders, and to work collaboratively towards the vision of Aotea/Great Barrier Island being a sustainable, environmentally-friendly tourism destination in the future.

The Destination Great Barrier Island Trust is a not-for-profit entity that has been seeking to grow the tourism industry on the island. It currently contracts one person to run the information centre and trustees donate their time voluntarily. More recently, the Trust's focus has moved from attracting more visitors towards the sustainable development of the industry on the island.

The Trust has contracted a trust operations manager to work with the industry, the community, tourists and the local board to help facilitate ongoing communication. A destination management plan is currently being developed, and the help of Auckland Unlimited (formerly Auckland Tourism, Events and Economic Development) has been sought for this. The objective of the plan is to provide an integrated framework that both protects the natural environment and lifestyle of the island community, and ensures visitors have great experiences and the island economy is enhanced. A focus has been placed on identifying business ideas based around visitors helping to protect the island.

4.7 Key issues and opportunities

Aotea/Great Barrier Island has very high natural values and it supports populations of many endemic and threatened species of flora and fauna. Fortuitously, possums, mustelids and Norway rats never reached the island and the wildlife has benefited. The island's importance is highlighted by the designation of almost the entire island as an ONL in the AUP.

Although retaining significant natural values, the landscape has been highly modified by people living and working on the island for centuries. It was one of the early Polynesian settlement sites in Aotearoa and the island has continued to sustain Ngāti Rehua-Ngātiwai ki Aotea for more than three hundred years. More recent European exploitation, settlement and development has fundamentally changed the landscape. But the successive failure of the various extractive industries that have been established on the island, and the small resident population, has enabled the land to start healing itself. The island has very rich cultural and historic heritage as a result of this long and varied human history. This is not always well recognised or protected and needs to be.

There are no substantial industries on the island, and following a decline in the resident population over the past 20 years, the population is now largely static. Most homes are owned by people living elsewhere. The current District Plan provisions appear to be working reasonably well in the context of little development pressure. However, there are currently no design guidelines in the District Plan. While new developments have so far have adversely affected landscape values, these would be helpful to future-proof against unsuitable development. In addition, more flexibility in building standards could be provided to allow for local innovations in design and the use of local materials.

Due to the rugged nature of the island (with less than 10 per cent flat land) and distance to market, agriculture has been in decline for decades with possibly only one financially viable farm still operating (although a number of non-viable farms also exist). Although the island is surrounded by productive seas, most fisheries quota has been sold off the island and the marine farms established there are operated from the mainland. The ability to sell local fresh seafood and meat should be provided for on the island. This would not only create an additional local industry and economy, but it will also help ensure the island is more resilient – something that is in the forefront of the minds of many residents following the Covid-19 pandemic.

The main substantial industry still remaining on the island is tourism and this is strongly based on the island's natural heritage and recent dark skies sanctuary status. Tourism needs careful management to ensure that the local environment, population and fragile infrastructure does not become overwhelmed as has happened in other small communities around New Zealand including Waiheke Island, Akaroa and Wanaka. It is also important that much of the economic value of the industry is retained within the local community, in order to support jobs and livelihoods, and so that those bearing the costs of tourism (ie the local community) also reap the benefits.

The majority of land on the island is now in public ownership. How that land is managed is therefore critical to the future of the island, its community and its landscapes. Most of the land is under the management of DOC and the local DOC office simply does not have the resources to do a good job. Much conservation land is currently unmanaged, when it comes to biodiversity, with little pest control. There also appear to be underutilised opportunities to support conservation-related tourism on the conservation estate. Due to the cost and technicalities

associated with concessions, most are held by those off-island. One solution would be to allocate a portion of concessions to island residents only, at a reduced price: effectively creating a local quota for concessions on the conservation estate.

Different models for managing conservation land may need to be explored. They could include harnessing tourism to help resource conservation efforts. The EDS case study on Tourism and Landscape Protection examined how this had been achieved elsewhere through such mechanisms as charging levies on ticket prices or involving tourists directly in conservation work. In an island context, a levy would be easy to achieve, with collection being either at the ferry terminal or airport. The system of granting concessions could also be designed to incentivise positive conservation contributions by concession operators. More and more, tourists are looking for meaningful experiences when they travel, and they are willing to pay for them. Investigation into additional tourism experiences, run by local operators, should be explored.

Another possibility would be to develop co-governance arrangements over the Aotea Conservation Park with mana whenua. This would enable a truly bi-cultural management approach to be developed and the cultural heritage of the area to be celebrated. It could be accompanied by giving legal personhood to the Park in a similar way to Te Urewera. As well as supporting the exercise of kaitiakitanga by mana whenua, this would serve to increase the profile of the Park and could help support the development of cultural tourism. This is something that would need to be carefully considered by iwi and the DOC and would need to take into account redress offered by the Crown in treaty settlements.

Eradication of rats is also a key issue that will need to be addressed. The removal of rats from the island would enable wildlife to rebound and also allow for the reintroduction of species that used to live on the island such as the North Island kōkako. Island residents are split on eradication methods, in particular the use of toxins, and yet it does not currently seem possible that rat eradication could occur without their use. Further education around this issue should be provided. Feral cats also pose a significant threat to the island and should similarly be controlled.

There is a notable lack of protection of the marine area around the island, so whereas the land is healing itself, the marine area is still under considerable pressure. The Sea Change marine spatial plan proposed the establishment of Ahu Moana, where coastal areas would be co-managed by mana whenua and the local community and this is something that could be explored for Aotea/Great Barrier Island along with marine protection.

Port Fitzroy, Aotea/Great Barrier Island *(Craig Potton)*

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5. WAIHEKE ISLAND

5.1 Māori heritage

Waiheke is the second largest island in the Hauraki Gulf (at around 9,324 ha) but is still only a third of the size of Aotea/Great Barrier Island. It is located just 22 kilometres from Auckland. Many different tribal groups have lived on the island over the centuries. They include Arawa peoples who were displaced by Tainui peoples (Marutuahu, Ngāti Paoa and Ngāti Maru) around 1700. Patukirikiri, Ngāi Tai and Te Urikaraka were earlier arrivals who also have interests and connections to the island.[1] Ngāti Paoa, Ngāi Tai ki Tāmaki and Ngāti Maru have all received site specific redress on the island.

Indicative of the density of Māori settlement, there are some 600 recorded archaeological sites which "makes this one of the most archaeologically rich areas in the country". These sites are more densely clustered on the western end of the island, and 45 of them are pā sites.[2] They include Rangihoua (Putiki o Kahu) at the head of Putiki Bay, Mount Maunganui which is the highest promontory of the island, and the small Mokemoke pā on the northern entrance to Matiatia. Notably, the great *Te Arawa* waka under the command of Tama Te Kapua was beached in the Putiki inlet to be relashed.[3] There was extensive Māori settlement in Matiatia and Church Bay and gardens at Blackpool. Ōwhiti Bay, on the north-east of the island is recognised as a particularly early settlement site. Despite this richness in historical sites, only one archaeological investigation has been undertaken on the island, and this was at Rocky Bay.[4]

During the nineteenth century, Māori on Waiheke Island provisioned European settlers after the establishment of Auckland in 1840. Regenerating mānuka and kānuka was cut for firewood, flocks of sheep established and flat areas on western Waiheke extensively cultivated.[5] The eastern end of the island became a popular stopping off place for ships to take on water, supplies and kauri spars and early European boat builders established there to be near the rich kauri resource.[6]

From 1838 onwards, extensive areas of the island were sold to Europeans, who valued the island's proximity to the Waitematā harbour, and saw the potential for boat building and farming. By the late 1860s only one substantial block of Māori-owned land remained – Te Huruhi, on the western end of the island. This land was subsequently partitioned and by 1914 it had all been sold apart from Whetumatarau Point. By the 1880s, most of the kauri on the island had been logged and the bush cleared. The Ngarowhenua Pā was quarried.

It was not until much later that some land was returned to Māori. In 1989, the 830ha Waiheke Station near Onetangi was returned to Ngāti Paoa after a hearing of the tribe's claim by the Waitangi Tribunal. In 1976, land was made available for the establishment of the Piritahi marae on the shores of Te Huruhi Bay, close to the site of an earlier Ngāti Paoa village. Its first building was opened in 1982 and it remains the only marae on the island.[7]

A number of pā, midden and other sites are scheduled in the District Plan. However, they are not well interpreted and lack signage or other information. For example, the *Te Arawa* waka landing site which is nationally significant to Māori is not publicly recognised. Although there was an extensive scheduling process for Māori heritage sites as part of the development of the AUP, as the Hauraki Gulf Islands were excluded from the planning process, they were not included in this effort.

Piritahi Marae

5.2 Natural heritage

Waiheke Island is an area rich in natural features and includes over 40km of white sandy beaches and large tracts of indigenous vegetation interspersed with areas used for vineyards, olive groves and farming. On the eastern end of the island, the landscape values associated with the sequence of rolling to steep hill country, rocky coastline and large tracts of native forest intermixed with open pasture and vineyards have been identified as an ONL at a national scale. In stark contrast to Aotea/Great Barrier Island, most of the island is privately owned.

It is likely that Waiheke was originally covered in coastal broadleaf podocarp forest, with dense kauri groves on the upper valley slopes and ridges. There were extensive wetland areas featuring raupō and flax. The western end of the island appears to have lacked the dense forest of the east, and this may be due to fire caused by the Rangitoto eruption followed by Māori clearance for gardening and possibly accidental fires.[8] Little ash from the Rangitoto eruption reached the island itself[9] and the clay soils are of low to medium fertility. Possums have never reached Waiheke Island. The island supports a number of seabirds including the 'at risk' kororā/little penguin and ōi/grey-faced petrel, and the very rare parekareka/spotted shag.[10]

5.3 Historical pressures

Extractive industries

Like the other islands in the Hauraki Gulf, Waiheke also has a history of extractive industries beginning with the logging of kauri trees for spars. As the availability of spars reduced, kauri was instead used to provide building timber for Auckland. By the 1880s most of Waiheke Island's forests had been cut down and replaced with pasture.

In addition, the landscape of Waiheke Island has been shaped by the removal of shingle and sand for use in concrete construction (buildings, roads and bridges) in Auckland. The process was eventually stopped during the 1920s in order to protect the recreational values of the coastline. Despite this, coastal erosion from the removal of shingle is still visible at Ōwhanake and Hooks Bays today.[11]

Farming and viticulture

Early European settlement on the island was predominately farming based, with a few landowners owning large areas of land. Pastoral farming began with cattle grazing on bush and fern land. By the 1880s the main pastoral properties had emerged; and between 1900 and 1920 the process of converting forest into pasture for stock was completed. [12]

> Statistics from the 1896 census show that Waiheke Island had 1800 sheep, 65 cattle and 30 pigs; as well as 0.8ha in potatoes and 0.6ha in other crops[13]

In 1912, an 850ha block of land known as the Māori Te Huruhi Reserve Block was subdivided into 40 individual land titles. All of these titles were purchased by the Alison family and combined to create a viable-sized sheep farm (the land had low fertility and was only suited to low density sheep and cattle grazing).[14] The farm was eventually sold in 1963 and was subdivided again. Two farming families, the Johnstones and the Delamores, purchased the sections and ran stock on the steep pastureland. Both owners had a vision of restoring the native bush and providing public access to the land, resulting in them gifting parts of their property to the public (Royal Forest and Bird Society and DOC respectively). As described below, the remaining land was eventually subdivided during the 1990s. Sheep farming on the island declined from 1945 onwards and some areas have reverted to regenerating forests and shrublands on the western end of the island.[15]

Commercial vineyards were first established on the island in 1978 with operations proliferating during the 1990s and early 2000s. These vineyards form part of the mosaic landscape and are recognised as part of Waiheke's ONLs in the AUP. Olive groves have also been established on the island. The wine making and tourism sectors are closely linked, with most winemakers relying on tourism in some form to sell their wines.[16] Many vineyard owners have embraced sustainability, with most being members of the Waiheke Winegrowers Association, a collective that binds vineyard owners to a commitment to sustainable vineyard practice and high quality winemaking standards.

Development

Waiheke Island has a history of subdivision and development dating back to the early 20th century, an issue that remains a problem today. In 1915, large sections of land between Onetangi and Putiki were purchased by kauri gum merchants who then subdivided the land into smaller sections. Over the subsequent few years, hundreds of these sections were sold for prices of between £10 and £21 and the suburb of Ostend was formed. This was quickly followed by those in Surfdale and Palm Beach. At this time, Waiheke had no form of local government and the subdivision was largely uncontrolled.[17]

In the 1990s, a new wave of subdivision occurred. Church Bay, a farm owned by the Johnstone family, was subdivided into lifestyle blocks ranging in size from 5 to 14ha. The subdivision was conditional on the provision of public walkways and the replanting of a minimum area with native species. This set a precedent for coastal subdivisions of this kind in New Zealand, and in 1995 the land between Matiatia and Owhanake Bay was subdivided with similar conditions in place.[18] This pattern of subdivision is further explained in the spotlight below.

A spotlight on the Waiheke Western Headland Landscape

The Waiheke Western Entrance Headland is a 430ha landscape project designed by Dennis Scott (DJ Scott Associates) that began over 30 years ago. It comprises Ōwhanake Bay, Matiatia Bay, Church Bay, Park Point and Cable Bay and their catchments. At that time, the landscape of these bays was characterised by steep ridgelines and catchments covered almost entirely in pasture, with a few pockets of regenerating forest systems and degraded wetlands.

The entire western headland was collectively owned by three families: the Delamore, Johnstone and Titchener families. It had originally comprised three sheep and beef farms but the land had slowly degraded over time. By the 1970s, soils were depleted, there was negligible ecological diversity and the coast was eroding. Some areas had not been farmed for many years, and the inadequate productive return on the livestock units, meant the farms were struggling to sustain financial viability.

The Western Headland project was formed at a unique time, following the enactment of the Hauraki Gulf Islands District Plan. Not only was the island being mapped on a catchment basis, as described in Chapter 3, but provisions were also included offering up additional development rights in exchange for landscape protection and enhancement. For each of the five private properties making up the headland, a master plan was designed with the aim of restoring degraded landscapes in exchange for limited urban/rural residential and other productive and recreational land uses.

The critial landscape elements were identified for each property. These were areas of regenerating forest, riparian areas and wetlands, estuarine and coastal margins, cultural features and steep erosion prone slopes and gullies. These elements were mapped and delineated to be protected in perpetuity and to be managed as an integrated 'landscape commons' by the surrounding landowners.

Once these elements had been removed as possible building sites, the remaining land was mapped and house sites determined on the basis of landscape and other factors (such as geotechnical stability). From each property, between 30-50 lots were created, each with a minimum lot size of 3ha (including any land that had been retired for permanent protection). Once the land had been subdivided, a covenant was entered into restricting any further subdivision (on the basis that the land had been developed to capacity).

Over a period of 30 years, the headland has been transformed. More than 3.5 million native plants were planted improving freshwater values, biodiversity and soil erosion. There are now four settlements on the headland, interspersed with vineyards and olive groves. Public access has also been provided for in the form of easements over private land.

In terms of landscape effects, one major failing of the development was the placement of large houses on the prominent ridgelines of Ōwhanake and northern Church Bay. This is partly a result of the geotechnical stability of the properties – requiring development to be located on the ridgelines, and also due to consenting staff changes and a lack of site visits (to determine the visual effects of the development).[19]

Houses constructed on the Waiheke Western Headland

Overall, two distinctly different landscapes have been created at either end of the island. The western end contains most of the island's residents and is characterised by a series of five villages: Oneroa, Blackpool, Surfdale, Onetangi and Palm Beach. Interspersed between these are areas of rural character and amenity-forming greenbelts. As a result of conservation-lot subdivision, there are also large areas of regenerating bush that have been established to mitigate the adverse effects of built development. In contrast, eastern Waiheke is characterised as a rural working landscape of large scale agricultural and horticultural activities. It has a rural character and low residential population.[20] Much of it is designated as an ONL in the AUP.

5.4 Current and future pressures

Population

"People who live here a long time understand the vulnerability of living on an island where things can go wrong. When they do, you need your neighbours and other people in the community. A lot of people who are newer to the island, and constantly commute, are not so sensitive to that."

By far the biggest pressure that Waiheke Island is facing is how to manage significant population growth within a fragile island environment. Waiheke is the most densely settled of all the Hauraki Gulf islands, with a resident population of over 9,350.[21] More than a quarter (28 per cent) of the Waiheke residents who are employed,

commute by ferry to Auckland for work.[22] The introduction of fast ferries in 1987 greatly reduced the commuting time from Auckland (ferries now take 35 minutes). During peak periods and over summer they leave every half hour from Downtown Auckland. However, the number of sailings is reduced off-peak and through the winter months. The advent of fast ferries to Waiheke contributed to a 25 per cent population increase during the period between 1986 and 1991.[23] This increasing trend continued, and between 1996 and 2017 the island experienced population growth of a further 47 per cent.

Given the island's accessibility to Auckland, this growth is expected to continue, with the population forecast to increase to 11,400 by 2038. Residents are largely European (89 per cent), with 11 per cent Māori, and a third born overseas. It is an ageing population with 21 per cent of residents being 65 years and over compared with 12 per cent in the wider Auckland region. We were told that the proportion of the population who are commuting has increased, which has had an impact on the community, as people spend less time on the island during the working week.

The availability of housing has also become an issue on the island. Many houses have been bought up, renovated and let out through AirBnB and the like. This has reduced the rental stock for local residents and the increase in demand has pushed up housing prices beyond what many can afford.

We were told that the Accommodation Provider Targeted Rate (described in the spotlight below) has had an impact on the island, with some AirBnB providers choosing to withdraw their properties from the holiday rental market and return them to long-term rentals. However, the extent of this has not been quantified. The targeted rate has also been suspended for most of this year, and will remain in obeyance until 31 March 2021, as a result of Covid-19.

Oneroa, Waiheke Island

Accommodation Provider Targeted Rate

Auckland Council introduced the Accommodation Provider Targeted Rate in 2017 to help fund the activities of Auckland Unlimited. Rates are charged on a graduated basis, depending on the number of nights per year that the premises is booked. The location of the accommodation is also taken into account when calculating charges – with Waiheke Island being located in the middle tier, Zone B.[24]

The targeted rate was introduced initially for hotels, motels and serviced apartments. However, in order to increase fairness, its application was expanded in 2018. AirBnB and BookaBach hosts who rent out self-contained properties online for more than 28 days each year are now liable. However, this does not apply to those renting out a single room, or for places occupied for less than one month per year. It was estimated that approximately 3,800 AirBnB properties would be required to pay the rate across the Auckland region. However, in 2019, it was reported than only one third were being captured.[25]

The switch to a holiday rental market, in addition to population growth and increased demand, has resulted in those on low incomes or on benefits struggling to afford housing on the island. This has led to the phenomena of reverse commuting where people live in Auckland and commute to the island to work (paying the high ferry cost). Tradespeople also travel from the mainland to work on the island. In 2018, Waiheke had the highest per capita homeless rate in the Auckland region.[26] It is reported that the lack of affordable housing and soaring rents are contributing factors.

> "There is still a huge need. People are struggling. The cost of living on the island is so high that a lot of families are hurting... It's unacceptable that families and children are living in their cars over winter. Surely we can do better as a community." (Living Waters Church emergency accommodation coordinator)[27]

Housing and infrastructure

> "I've lost a lot of really lovely friends of 30 years who have gone to live somewhere else as they can't afford to live on the island or can't cope with the level of change."

There were 5,862 private dwellings on Waiheke in 2018 of which 2,157 (37 per cent) were unoccupied and therefore potentially holiday homes or rentals. This was an increase of 303 over the five-year period since 2013. The pace of development appears to be increasing, with 115 new dwellings consented in 2018, and a steady increase in consents since 2011.[28]

Historically, Waiheke Island was seen as a vibrant, sustainable and politicised community – an identity that

encompassed the isolated rural communities as well as 'alternative lifestylers' and 'greenies' who chose to live there. It is now being seen much more as 'Auckland's playground', and as such, faces development pressures similar to those seen on the mainland. In particular, many small baches are being replaced with larger houses, thereby increasing the intensity of development in urban areas. There has also been pressure to remove the Rural Urban Boundary which constrains urban development to the western end of the island and retains the rural character of the east (see spotlight below).

'A spotlight on the Rural Urban Boundary on Waiheke Island

The Rural Urban Boundary, previously referred to as the Metropolitan Urban Limit, is designed to prevent urban sprawl and underpins the divide between eastern (rural) and western (village) Waiheke. It prevents urban-style development on the rural eastern end of the island. In August 2016, a decision was made by the Independent Hearing Panel for the AUP to remove the boundary. This would have lifted protection from the eastern end of the island, and would have enabled urban development in rural areas.[29] The decision was appealed and in 2017 the Straits Protection Society, a Waiheke community group, was successful in overturning the decision. The High Court held that the Independent Hearing Panel had gone outside its scope in removing the boundary and directed that it be reinstated.

Man O'War Station, Waiheke Island

On the eastern side of the island there has been development on some of the large lots – requiring extensive earthworks and excavation. The landscape effects of construction are also significant. The scale of these properties, even with mitigation planting, is arguably not appropriate and not in accordance with the character of the island. Man O'War Station provides an example of two such developments. Prior to the Court of Appeal case described in the spotlight below, consent was granted for a 193m^2 house at Ōwhiti Bay and another 181m^2 house at Cactus Bay.[30]

A spotlight on *Man O'War Station v Auckland Council*

The 2017 Court of Appeal case of *Man O'War Station v Auckland Council*[31] concerned the potential for development on Man O'War Station on the eastern end of Waiheke Island. Approximately 80 per cent of the property, an operating pastoral farm, is located within an ONL. The case arose as a result of proposed plan change 8 to the Auckland RPS which sought to introduce new policy provisions relating to ONLs. Prior to the Environment Court releasing a decision on the provisions, the Supreme Court released its judgment on the *Environmental Defence Society* v *New Zealand King Salmon* case. As has been described earlier, this case fundamentally changed the planning approach for ONLs in the coastal environment. Adverse effects of inappropriate subdivision, use and development in coastal ONLs must now be avoided.

As a result of this decision, Man O'War Station challenged the designation of its property as being within an ONL. Given the need for full avoidance of adverse effects, it was argued that Auckland Council had 'set the bar too low' for the designation of ONLs and the strict controls that flowed from this would impede the reasonable use and development of its land.

The Court of Appeal held that whether the land has the attributes sufficient to make it ONL requires a factual assessment based on the inherent quality of the land itself. It should not be influenced by the consequences of affording it that status. Importantly, the Court also noted that it is only the adverse effects of inappropriate development that must be avoided. The ONL in place included a number of different landscape elements: native vegetation, pastoral land, vineyards and olive groves. It was not a pristine natural environment and whether any future development was inappropriate must be assessed in that context.

On the western side of the island, development of small lots is having cumulative environmental effects. Some interviewees highlighted the lack of effective sediment control and the resulting degradation of the marine area around settled parts of the island. This is despite there

being a raft of provisions in the District Plan addressing sediment, through the use of earthworks controls and specific guidelines – including sediment control methods. As such, it is likely that the failing lies with proper implementation. As the physical characteristics of the Hauraki Gulf islands include short steep catchments which drain into the coastal environment, if these measures fail it results in sediment-laden water being funnelled directly into the sea. These effects are likely exacerbated by the loss of wetlands (described below).

> "It's not so much the development, it's how development is done. A new house in a suburban street in Oneroa where the whole site is scraped clean by bulldozers is an open invitation for silt to go into Blackpool bay."

Development on Waiheke Island is currently constrained by wastewater disposal. The commercial area of Oneroa and Matiatia wharf is serviced by the Ōwhanake Wastewater Treatment Plant which was built in 2001 and is operated by Watercare Services. Effluent from the plant is discharged into the Matiatia wetland. Otherwise the island does not have a reticulated wastewater system, and landowners are expected to manage wastewater on their own property through the installation of septic tanks (this is a requirement contained in every building consent). Much of Waiheke is not well suited to the use of septic tank technology due to the steep slopes and slow percolation rates in the heavy clay soil.

We were told that, as the cost of rentals has risen, there has been a tendency for more people to live on a property. For example, workers coming to the island to service the hospitality and wine sectors over the summer might cram eight to 10 people into a house in order to afford the rent. This seriously stresses the capacity of the septic tank to process the waste.

When septic systems are poorly maintained, or stressed from over-use, there is a risk of pollution of waterways and beaches. Such pollution has resulted in 'no-swim' warnings, particularly in Little Oneroa. For example, in February 2018 when there was high rainfall, counts of *E. coli* in the stream at Palm Beach were as high as 2,310, more than four times the red alert level of 550, with a level of 1,560 recorded at Onetangi stream. The level at Little Oneroa stream was much higher at 24,196 or 44 times the red alert level.[32]

A spotlight on Little Oneroa stream

The Little Oneroa stream drains a catchment of around 90ha onto Little Oneroa Beach. It is normally impounded which means that it does not flush to the sea. There are around 380 properties within the catchment and more than 700 people live there. The lagoon is located next to a popular children's playground and is attractive to children who seek out its shallow warm water. Monitoring of the water in the lagoon from 2005 to 2009 found average *E. coli* levels four times higher than the guideline for safe swimming. During 2008 and 2009 the Council assessed the performance of 169 onsite wastewater systems within the catchment and 65 per cent (110) were rated as higher risk. The most common systems in use were septic tanks (70%) followed by advanced treatment systems (26%), composting toilets or grey water (2%) and long drops (2%).[33]

The Waiheke Resources Trust is now leading a community initiative aimed at increasing the health of the stream and lagoon. It has undertaken a community survey, convened educational workshops, offered subsidised septic tank checks and distributed pamphlets to new residents providing advice on how to care for septic tanks. The Trust also persuaded the Council to offer loan schemes to property owners within the catchment to help fund the upgrade of their septic systems.[34]

In 2019, an investigation was undertaken within the Little Oneroa catchment into compliance with the Councils on-site wastewater systems maintenance requirements which came into force in 2016. A total of 417 properties were assessed. This identified that only 16 per cent of properties were in compliance with the maintenance rules, 66 per cent of properties were not compliant and the rules did not apply to the remaining 18 per cent.[35]

Little Oneroa, Waiheke Island

Whether the island should get reticulated wastewater infrastructure is an issue which has caused considerable split within the community. Reticulated wastewater would enable further development to occur on the island, as on-site treatment (septic tanks) requires large plot sizes to work effectively. It could also facilitate more intensive subdivision and infilling which would negatively impact the landscape values of the island. Some see the addition of this infrastructure as the solution to the shortage of housing, and affordable housing in particular, on the island. For others, there are concerns that this would put the island's essential character at risk, opening up the island to more development.[36] Prior to the Auckland Council amalgamation, Auckland City Council had advocated for the island to remain reticulation-free on the basis that this was a feature of Waiheke's special character and was a competitive advantage in attracting sustainable development.[37] If reticulation were to occur on Waiheke Island, it could be sized to prevent additional development by using pipes that only accommodate the existing pattern of development. This approach was adopted when Huia was reticulated.

A spotlight on wastewater provisions in the District Plan

The Hauraki Gulf Islands District Plan recognises the need for properly managed wastewater systems, through the policies in Chapter 4.[38] However, no specific rules are included. This is on the grounds that the disposal of wastewater is already controlled by the Auckland Council's Water Supply and Wastewater Network Bylaw 2015.

The AUP replaced this bylaw and includes regional controls on the on-site treatment and disposal of wastewater.[39] These include placing restrictions on flow and discharge volumes and ensuring the discharge area (ie soakage field) is adequate. Systems are required to be managed in accordance with the On-Site Wastewater Systems: Design and Management Manual 2004.

Compliance with these rules has the effect of limiting the size of a dwelling and the number of bedrooms that can be provided. Although this provides a check on intensification, it can also make it difficult for residents to upgrade their houses. For example, one resident reported "I wanted to renovate my deck and enclose it in order to make it usable. It was counted as an extra bedroom so I could only do that if I reduced the number of bedrooms in my house. So I had to take out the downstairs flat."

The availability of household water supply is also an issue on the island. Most permanent residents capture rainwater from their roofs and store the water in tanks. For locals, water conservation is an ingrained part of daily life. However, during peak holiday periods the influx of second homeowners and tourists (many of whom are not used to practising water conservation methods) can put enormous stress on the water supply. During drought, household tanks often run dry with householders then needing to pay to have water delivered by tankers. The tankers draw water from bores on the island which tap underground aquifers. There are genuine fears among residents that further development on the island will put increased stress on the water supply, generating conditions of permanent water stress.[40] Project Forever Waiheke is currently undertaking research into future water security on the island, "in the context of climate change, persistent droughts and increased tourism".[41]

There is no landfill on Waiheke and all waste that is not recycled locally is taken off the island. There is also a lack of commercial fresh food production on the island. We were told that Countdown operates a 'just in time' supply chain so that food held on the island would only feed the population for a few days. There is only one freight ferry operator (Sealink) and one passenger ferry operator (Fullers) servicing the island which could be seriously impacted by any disruption in these services. The reality of this was highlighted during Covid-19 lockdowns and has prompted concern among some residents.

Wetland loss

Waiheke Island has many narrow, steep catchments which historically drained into small wetland systems at the bottom of the valleys and near the coastal edge. Urban development on the island has resulted in the ongoing loss of these wetland systems. Freshwater wetlands have now been reduced to only 1.3 per cent of Waiheke Island's land area. Many of the remaining wetlands are important regionally and nationally because they have intact native vegetation sequences. These sometimes extend from coastal ridges all the way to the sea including coastal forest, freshwater wetlands, saltmarshes and mangroves. Most of these sequences have been lost on the mainland.[42]

Wetlands are important for the survival of native species. "Close to 30% of the threatened plants in the Auckland region live in wetland habitats". They also provide important ecosystem services such as flood control, filtering storm water before it reaches the marine area and acting as carbon sinks.[43] Nine wetlands on the island are scheduled as significant ecological sites within the District Plan: Te Matuku Bay, Poukaraka Wetland, Awaawaroa Bay, Putiki Bay(Anzac Bay), Awaawaroa stream, Okahuiti Creek, Tawaipareira Creek, Ōwhiti Bay wetland and Hooks Bay wetland. The Plan notes that those on private land are degraded due to stock browsing (Awaawaroa Stream, Hooks Bay and Ōwhiti Bay).[44]

Okahuiti Scientific Reserve and Te Toki Scenic Reserve

The Te Toki Scenic Reserve and adjacent Okahuiti Scientific Reserve protect a full ecotone sequence from broadleaf podocarp forest through to mānuka/kānuka forest to freshwater wetland, salt water wetland and mangrove forest leading out into Putiki Bay. "Okahuiti Creek has both saline and freshwater wetlands. A forest of coastal and streamside species, including pōhutukawa, kowhai, taraire and matai, grows along the edge. This is one of only very few areas in the inner gulf islands where these three types of vegetation grow together in their natural pattern."[45] Two causeways impede the free flow of seawater in and out of the inlet contributing to the mangrove build up.

During the mid-1990s, there was a proposal to develop community sports fields adjacent to the wetland, on land purchased by the council in 1992. This idea was opposed by local residents, and in 1998, 8ha was designated as scenic reserve with the wetland sequence preserved. The land now forms part of an important greenbelt between Palm Beach, Ostend and Surfdale. However, the wetland needs active management to fully restore it and a comprehensive plan to achieve this has to date been lacking.

Although these larger wetland systems have statutory recognition, it is the myriad of smaller wetlands on the western end of the island that are disappearing due to the cumulative effect of individual property developments. This is despite the District Plan containing clear controls on earthworks in order to minimise the potential for adverse effects from erosion and sedimentation.[46]

These controls are provided on the basis of three factors: extent of earthworks, steepness of the land and protective setbacks (yards) from wetlands and other waterbodies.

No building can be located in, on, or over the wetlands or waterbody protection yards and no earthworks can be undertaken within this area as a permitted activity.[47] With the exception of the Matiatia mixed use area, all land units on Waiheke island require a 20m setback from wetlands or other waterbodies.[48] Outside of these areas, earthworks are only permitted if they are less than a certain extent (generally 50m^2) and they are on land with a slope greater 1 in 6. Earthworks must be undertaken using erosion and sediment control measures that ensure, as far as practicable, that sediment does not enter into wetland or waterbodies.

If the earthworks exceed the permitted activity thresholds, the activity becomes restricted discretionary – with the matters of discretion explicitly including the adverse effects on water systems.[49] This is where the system fails, and it is ultimately a problem with how the RMA is implemented. Resource consents will be granted if the adverse effects are no more than minor – and we heard that this is often what is recorded in the resource consent application. This results in the application often being approved despite the fact that any adverse effect will result in the degradation of these fragile wetland systems.

> "Early in the piece the wetlands around Sandy Bay were being filled in... We thought the days of reducing wetlands were well and truly over, but no."

> "On the way to Sandy Bay you could see a wetland and now it's a controlled watercourse with lots of concrete and a massive pipe."

The loss of these wetland systems is likely contributing to stormwater and flooding issues, with Council now investing in large stormwater pipes draining onto Onetangi and Blackpool beaches. Such pipes can serve to channel sediment as well as contaminated stormwater into the marine area with consequential effects on marine life.

Development built over small wetland system, Waiheke Island

Other infrastructure on the island may be contributing to marine pollution. An increasing length of road is being kerbed and channelled which means that potentially contaminated and sediment-laden stormwater from roads is being channelled down pipes into the marine area. Unsealed roads also contribute to the sediment load.

Although many smaller wetlands are being lost, restoration work is being undertaken on the larger wetland systems. The Waiheke Resources Trust operates a 'Love our wetlands' project, with funding from Auckland Council, and is focusing on wetland restoration on council land at Matiatia, Te Whau, Renagihoua and Te Matuku. The project has some paid staff and also draws on volunteer efforts, with 3,934 volunteer hours recorded in the past year.[50] The Matiatia wetland, and surrounding coastal hills, has been restored by a joint Auckland Council and Royal Forest and Bird Society replanting project.[51] Other non-funded restoration work has been carried out by Waiheke High School, which restored a wetland adjacent to the school by removing the weeds and replanting natives. We were also told that a number of tourism operators have undertaken wetland restoration works on their properties. For example, the Casita Miro vineyard established a new wetland to filter the run-off from nearby Seaview Road.

Climate change

Climate change is a significant issue for Waiheke Island. Many of the island's coastal areas have been developed on the relatively flat coastal shelf, which creates risk of impacts from sea level rise as well as storm surge inundation. Figure 5.1, taken from Auckland GeoMaps, shows the risk of inundation to the suburb of Blackpool in a 100-year storm event (at current conditions) by the blue shading. The white shading shows the risk of inundation in a 100-year storm event if combined with 1m sea level rise.

Figure 5.1 *Risk of coastal inundation at Blackpool (Source: Geomap)*

In addition, many buildings are built on a fragile rock called 'mud rock' which is particularly prone to erosion. After a heavy downpour in 2017 there were massive slips particularly around areas which had urban development.[52] Many of the roads are built on compacted mud rock and so are particularly prone to slippage. For example, erosion is threatening the road that runs along Onetangi beach and provides access to properties built along the beach front.

The District Plan includes a section dealing specifically with natural hazards (including erosion, sedimentation, drought, fire and flooding along with other natural disasters). It is recognised that climate change will increase the frequency and severity of natural hazards and these risks are managed through rules and the resource consenting process. In addition, a number of natural hazard areas are identified on planning maps, including flood prone areas and coastal erosion risk areas. Subdivision in these areas requires compliance with additional assessment criteria relating to the extent to which the subdivision may increase the risk to, or natural defences against, natural hazards.[53] In the future, further areas will need to be included as flood prone and coastal erosion risk areas to protect against the effects of climate change.

During a king tide in early January 2018, the sea flooded the road adjacent to a retirement village at Anzac Bay, part of which has been built on low-lying land.[54] This is not an area that has been identified as being flood prone in the District Plan. Rather, it is an area specifically identified in the District Plan as being able to support "higher density residential development" within the Island Residential 1 Zone.[55]

Economy

In 2018, there were 3,464 jobs and 1,422 businesses on Waiheke island with the biggest employers being tourism and the wine industry. Many of the jobs on the island are for low skilled workers and, as already indicated, many residents commute off-island for work.[56]Tourism has helped to create a strong local economy, supporting jobs and incomes.

It is estimated that 35-45 per cent of the island economy is associated with tourism in some way. Many residents are involved in the tourism industry, including about a quarter of home owners who rent out all or part of their properties to visitors.[57] While many local residents do benefit from the tourism-generated wealth (including indirectly), this is not always spread evenly across the community.[58]

"The typical day tripper comes over in the ferry, gets onto a bus owned and run by Fullers, goes to the other end of the island and has a beer or cup of tea at Onetangi and then goes back to Auckland."

Waiheke Island is highly accessible to day trippers from Auckland, who make up about two-thirds of visitors to the island.[59] If tourists visit the island, they normally spend a night in Auckland, thereby helping to increase the regional visitor spend as well as that on the island itself. As a result, Auckland Unlimited heavily promoted Waiheke Island to tourists as did ferry operator Fullers. In addition, Waiheke was listed as the fifth best region in the world to visit in the *Lonely Planet Best in Travel 2016* and fourth best island in the world by Conde Nast, prompting international tourist interest.[60] It has also been voted as Auckland's best day out.[61] These factors combined to prompt a surge in the number of tourists visiting the island.

"The big issue is that tourism was unplanned and unmanaged."

Prior to Covid-19, Waiheke's popularity as a tourist destination was rapidly increasing. In the 2016/17 year the island received around 1.3 million visitors, increasing 18 per cent from the previous year. Trends were showing a steady increase in visitor arrivals.[62] In the summer peak, up to 40,000 visitors were attracted to the island each day,[63] meaning that for every resident on the island there were four visitors. Many of these were day-trippers[64] and for those holding 'Gold Cards' travel on ferries and buses is free.[65] Cruise ship passengers were also visiting the island in large groups. Some ships berthed in Auckland with their passengers taking the ferry across to the island. Other ships berthed off Matiatia and transported their passengers direct to the island on the ship's tenders.

"The numbers of tourists were significant but infrastructure didn't change at all. The queues to get onto the ferry would stretch to the other side of Quay Street."

The impacts of the burgeoning tourism industry prompted considerable community concern. Community surveys identified the top concerns of Waiheke residents as being the increasing and poorly managed tourism and a lack of infrastructure to handle it; and the lack of managed environmental protections to protect the 'special character' and natural beauty of the island from increases in both tourism and permanent populations. Specific concerns included that the roads were dangerous, there was a lack of parking availability, the transport system was not adequate to deal with the level of growth in permanent residents and visitors, and the ferries were overcrowded.[66]

These concerns have also been recognised in Destination Auckland 2025; a strategic document produced by Auckland Unlimited that sets out a new direction for Auckland's visitor economy. The strategy aims to create a visitor economy that is proactive, rather than reactive, and which benefits Auckland not only economically, but also socially and environmentally.[67] It is recognised that there needs to be a shift away from purely destination marketing, to destination management.

The strategy recognises two key factors relevant to destination management of Waiheke Island: that there is a lack of understanding about the carrying capacity of Waiheke and that there are emerging host community concerns.[68] These factors have been identified as potentially impacting on Auckland's ability to grow and maintain its visitor economy and should be addressed through the development of destination management plans. Monitoring of the impacts of tourism, and the development of a sustainable tourism strategy, are also now underway on the island. The pressures the island was facing as a result of increased visitor numbers had resulted in Auckland Unlimited, at the request of the local board, reducing its marketing of Waiheke Island to overseas audiences.[69]

"Fear of losing the special character of Waiheke through development is the great concern for locals. Many would like Waiheke to retain the status quo. A question still remains as to what sustainable tourism and sustainable business will look like on Waiheke Island. There is significant tension between the 'visitor community' and the resident 'host community'."[70]

A spotlight on the introduction of double-decker buses to Waiheke Island

"The scale of those buses was really wrong. There was an assumption that business could operate here without the licence of the community."

Waiheke residents' concern about the impacts of tourism came to boil when 'hop on hop off' double-decker buses operated by Fullers arrived on the island in December 2016. The buses caused angst for some residents who considered they were not in keeping with the character of the island and not appropriate for its narrow roads. Others supported the environmental benefits of the larger vehicles, in that they halved the number of buses (and therefore carbon emissions) during peak times. This issue mobilised the community and a street protest was mounted on 9 April 2017. A petition opposing the buses was signed by a quarter of the island's population.[71] The buses are still on the island.

One resident describes her perspective on the arrival of the buses. "I am a cyclist and the cycle lanes are often overgrown and no-one pays attention. But suddenly we saw hard pruning along the road corridor, cutting pōhutukawa in full flower. The community was in uproar. You don't prune trees in full flower. Then the double-decker buses came. Accidents started to happen as the buses couldn't turn the corners and stay on their side of the road. Local drivers started to refuse to drive them as they would get yelled at too much by their neighbours. So Fullers had to employ lots of off-island drivers. They came here and they were not used to narrow roads. We had many near misses and buses almost toppling over. People put up signs outside their houses telling the buses to leave. At one point, there was a protest in the main street. Several hundred community members walked slowly from Matiatia blocking the buses right up to Oneroa."

"The conundrum is the need to develop Waiheke's tourism both as environmentally sustainable (that is to ensure environment is not overused and that the host community is respected) and at the same time allow visitor businesses to be commercially sustainable."[72]

There is likely considerable potential to move tourism onto a more sustainable path including encouraging

'slow' tourism and opportunities for tourists to contribute to the high natural values of the island (see spotlights on Ecozip Adventures and Dive Waiheke). For example, the underutilised but impressive Te Ara Hura Walkway, which provides extensive tracks around Waiheke Island, could help support slow tourism enterprises. These tracks are an excellent eco-friendly resource; however, we were told that a number of these tracks have been closed due to landslips and the like and no remedial work has been undertaken.

A spotlight on Ecozip Adventures

Ecozip Adventures was established in 2012 on land purchased by the business partners which contained a remnant of coastal forest. The land had invasive weeds and pests and the business has funded a pest eradication and tree planting programme. The company offers a ziplining experience across forest and a working vineyard with spectacular vistas across the island and out into the Hauraki Gulf. When the business started, the majority of customers (80 per cent) were domestic. By 2019, international tourists made up half of the customer base.

The company now offers customers the ability to purchase a native tree when making a booking. "When we switched on the ability to donate, within hours visitors were buying trees ... many visitors want to do their bit for the environment and contribute where they can – making it easy for them to do so is really paying off."[73]

Oneroa, Waiheke Island

A spotlight on Waiheke Dive & Snorkel

Dive Waiheke was established on Waiheke island in 2017. The business focuses mostly on new divers and teaching them to dive from the beaches in Enclosure and Sandy Bays, as well as elsewhere around the island. Small groups of up to four divers are guided by a staff member. The business is 100 per cent no-take, with no fishing undertaken on the dives. All of the courses include environmental education. The business also undertakes regular clean up dives to remove debris from the coast, much of which is discarded fishing gear. It is also developing courses for schools on the island.

Dive Waiheke owner Adam Whatton explains "we are intentionally expensive because we offer a premium experience and it comes from wanting to reduce our impact. We are one of the most expensive places in the country to learn to dive. I have no problem with that, as on a per head basis, it costs more to be sustainable."

Unlike other dive shops, Dive Waiheke does not sell fishing equipment. "People walk into the shop all the time to buy a catch bag or cray noose. We use that as an opportunity to have a conversation about why we don't sell them. I'm not against sustainable fishing but if you read any report on the state of the Gulf over the last 15-20 years it is not good reading. My business relies on those waters being in good condition so why facilitate customers making my business worse."

The model has the worked financially and the business was quickly profitable. It has also proved to be resilient in the face of Covid-19. "We turned a profit in the first full financial year. Based on our forecast we will survive very well for a small niche tourist-based business. If you are reliant on getting huge volumes through the door, when the volume is not there you really notice it. But if you have a more selective customer base, with higher value per client, you have the option to bounce back."

Marine development

"The divide between water and land is a real obstacle. Every time we meet with the council and they are doing a new plan or map the information stops at the end of the land."

With the growing population on Waiheke Island there has been increasing demand to develop the adjacent marine area, and in particular to construct a marina for the island. This has resulted in concerted community opposition to two proposals, the first at Matiatia Bay and the second at Kennedy Point.

In 2013, Waiheke Marinas Limited applied to establish a marina in Matiatia Bay that would create 160 berths

and two breakwaters. Reclamation and dredging was also proposed to create parking spaces for 55 cars. The proposal generated considerable community concern and was declined in 2015 by the Environment Court on the basis of landscape effects. Despite Matiatia Bay not containing any ONLs or areas of outstanding natural character, the Court determined that the adverse effects would be significant, and the development was not appropriate. It reasoned that, as 75 per cent of the landscape catchment was in permanent conservation protection, the development of the marina would detract from the future enhancement of the environment as the vegetation matured, and the effects of the development could not be easily mitigated. In addition, the Court considered that the relevant planning framework emphasised the importance of maintaining the landscape character of Matiatia Bay and as such the proposed development would be contrary to the provisions in the district plan.[74]

The subsequent Kennedy Bay marina proposal, which has also been subject to significant opposition from parts of the Waiheke community, was regarded differently by the Environment Court and was finally granted consent in May 2019. This was following an appeal brought by SKP Incorporated, a community group strongly opposed to the marina development, among others. Construction has since started on the marina, which will occupy 7.3ha of Putiki Bay and provide 186 berths.

In its decision, the Court ultimately found that the consent, which was assessed as a non-complying activity, passed both of the gateway tests in section 104D of the RMA, namely that the development was not inconsistent with the objectives and policies in relevant plans, and that the adverse effects of the activity would not be more than minor.

The decision traversed the effects on the environment in some detail. The appellants sought a refusal of consent on the basis that development would result in adverse effects on ecology and coastal processes; Māori cultural values; natural character, landscape and visual amenity values; the community; and a range of other aspects such as noise, lighting and traffic.

A particular point of dispute was the effects of the proposal on the habitat of the at-risk little blue penguin, with the penguins frequenting the existing breakwater in the bay. Under Policy 11 of the NZCPS, adverse effects on indigenous biodiversity that is 'at-risk or threatened' must be avoided. No evidence was provided to the Court to demonstrate that existing penguin burrows would be physically disturbed by the construction of the marina and so it could not conclude that adverse effects would result. Instead a number of positive effects were identified: such as the preference of little blue penguins to use artificial habitat and the reduced speeds of vessels in the area.

The landscape architects who gave evidence varied significantly in their professional opinions on the impacts

Mataitai, Waiheke Island

of the proposal on the natural character and landscape values of the bay. While there were ONL and high natural character overlays in the surrounding environment, the Court concluded that any adverse effects on these could be avoided. The existing environment for the development (which was not within these overlays) also included many non-natural elements including the existing car ferry terminal and associated utilitarian structures. As a result, the Court concluded that overall the proposal was appropriate for the location. In its judgement the Court found that, although the introduction of the marina would result in substantial changes to the appearance of Kennedy Point Bay, change itself could not be said to be an adverse effect.[75]

Conflicting evidence was presented on Māori cultural effects. The applicants consulted with the Ngāti Paoa Iwi Trust (who they considered were mana whenua for Waiheke Island) as well as other iwi registered with Auckland Council as having cultural values in the area. In providing evidence for the applicant, Ngāti Paoa Iwi Trust provided unequivocal support for the proposal. However, SKP called four witnesses on behalf of the Piritahi Marae and the Ngāti Paoa Trust Board, who were concerned about breaches of tikanga and impacts on the cultural landscape as well as a lack of consultation. The Court disregarded these concerns on the basis that the AUP recognises mana whenua as the specialists in tikanga, and as being the best parties to convey their relationship with their ancestral land, and as such the Court was able to rely on the overall stance offered by the Ngāti Paoa Iwi Trust.[76]

This element of the Environment Court's decision was appealed to the High Court in December 2019 on the basis that the Environment Court, among other things, erred in it approach to 'important evidence' and 'change of circumstances' (namely that since 2018, part way through the application process, the Ngāti Paoa Trust Board had been recognised as a representative authority of Ngāti Paoa by Auckland Council). The High Court held that the Council's recognition of the Ngāti Paoa Trust Board did not constitute a change in circumstances, and that the Environment Court had not erred in its decision. It was entitled to conclude that it had not been provided with probative evidence on cultural effects by the Ngāti Paoa Trust Board. The appeal was dismissed.[77]

5.5 Statutory management responses

> "There is a disjunct between policy and the outcomes from resource consenting."

> "I see things and I think 'how on earth did that happen', how did it get its way through the system."

Much like the planning framework for Aotea/Great Barrier Island, the District Plan addresses issues specific to Waiheke Island under the Waiheke Island strategic management area. These issues differ slightly from those on Aotea/Great Barrier Island and include those relating to assisting economic growth and local employment, providing a range of living and working environments on the island, maintaining the characteristics of both eastern Waiheke (large scale rural activity) and western Waiheke ('village' style development) and ensuring that there is sufficient land available for residential use without adversely impacting the rural economy or the environment.[78]

As has been described in the spotlight on the Western Waiheke Headland, Waiheke's landscapes and land use patterns were assessed in 1987. The purpose of this mapping exercise was to guide the emergence of sustainable and prosperous community and settlement patterns by identifying areas which needed to be preserved and others that could be reconfigured or expanded.[79] Following this assessment, the landscapes of Waiheke Island were divided into land units, grouping similar areas according to common physical, location and development characteristics. The plethora of land units that apply to Waiheke Island is shown in Figure 5.2.

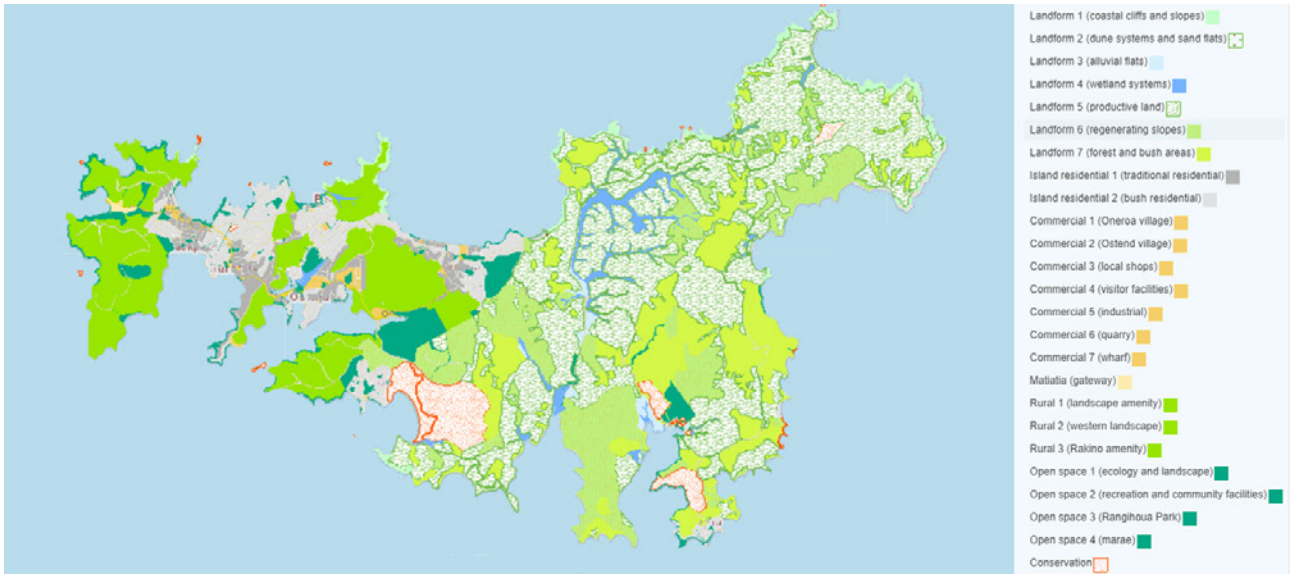


Figure 5.2 *Land units applying to Waiheke Island*

There are six main categories of land unit which are summarised in Figure 5.3: landform, residential, commercial, rural, open space and conservation.

Land Unit grouping	Description
Landform 1-7	These land units apply to particular types of landform: coastal cliffs, dune systems, alluvial flats, wetland systems, productive land, regenerating slopes, and forest and bush.
Island Residential 1-2	There are two island residential land units (traditional residential and bush residential). They apply to residential development on smaller sites.
Commercial 1-7	These land units provide for a range of commercial activities from local shops to quarrying. They may be based around a particular location or a particular type of activity.
Matiatia	This land unit provides for mixed use in the Matiatia area.
Rural 1-2	Rural 1 applies to pockets of small-scale, rural land located between the villages of western Waiheke, and Rural 2 applies to the Western Waiheke landscape.
Open Space 1-4	Open Space 1-2 provide for recreational activity, local parks and esplanade reserves. Open Space 3 applies to Rangihoua Park and Open Space 4 applies to marae.
Conservation	This land unit applies to land used for conservation activities. It applies to DOC land, to the Whakanewha Regional Park owned by the Auckland Regional Council and to some privately owned land.

Figure 5.3 *Description of land units applying to Waiheke Island*

For each land unit, the district plan includes objectives, policies and rules. For the landform units 1, 2 and 4 (coastal cliffs, dune systems and wetlands) all activities other than eco-sourced planting and rural property management are non-complying. In other landform units, there are more lenient rules, reflecting the type of activity envisaged in each area.

An example of this are the rules applying to landform unit 5 (productive land) which covers large tracts of the eastern end of Waiheke Island. Over this land unit, it is a permitted activity to construct or relocate a building or make alterations to an existing building. Pastoral farming, horticulture and continuous canopy indigenous forestry are also permitted. However, other types of forestry are discretionary.

For areas that contain small-scale neighbourhood shops within the commercial 3 land unit, retail activities are provided for as permitted activities to encourage further development of a similar scale. To ensure the development of such business activities does not adversely affect the adjoining residential and open space areas, the scale and intensity of development provided for is limited to that contained in the adjacent residential zones.[80] Subdivision in commercial land units 1-5 (all commercial land units except those applying to quarries and wharves) is a discretionary activity.

A spotlight on visitor accommodation

The District Plan enables, for most land units, visitor accommodation for up to 10 people as a permitted activity. This is a potential loophole in the plan, as through enabling another self-contained unit to be built on the land, it can result in the intensification of the built environment. It can also be a precursor to subdivision of land, where an application is made to divide the property so that the main house and visitor accommodation are on separate lots. Once that is approved, then new visitor accommodation can be built on each smaller lot as of right. This can result in a cascade of development intensification, particularly in the landscape amenity zones where there are large properties which can be subdivided down to 3.5ha lots as a restricted discretionary activity. At some stage, a tipping point can be reached where the loss of the landscape values is so great that they do not warrant protection and intensive urban development can follow.

It is not clear how many residents currently have visitor accommodation on their property. However, we have been advised that this is something the Council is reviewing.

New housing on Waiheke Island

Land Unit	Activity status	Minimum lot size/standards
Landform 1 (coastal cliffs) and 2 (dune systems and sand flats)	Restricted discretionary	25ha
Landform 3 (alluvial flats)	Restricted discretionary	3.5ha
Landform 4 (wetland systems), 5 (productive land), 6 (regenerating slopes) and 7 (forest and bush)	Restricted discretionary	25ha
Island Residential 1 (traditional residential)	Restricted discretionary	1500m^2
Island Residential 2 (bush residential)	Restricted discretionary	2000m^2
Commercial 1 (Oneroa village), 2 (Ostend village), 3 (local shops), 4 (visitor facilities) and 5 (industrial)	Discretionary	1,500m^2 and all sites must have the capacity to provide for effective onsite treatment and disposal of wastewater and stormwater
Commercial 6 (quarry) and 7 (wharf)	Non-complying	
Open Space 1 (ecology and landscape), 2 (western landscape), 3 (recreation) and 4 (Rangihoua Park)	Discretionary	Subdivision must be in accordance with any operative or proposed reserve management plan under the Reserves Act 1977
Conservation	Discretionary	Subdivision must be in accordance with the provisions of any operative or proposed Conservation Management Strategy
Rural 1 (landscape amenity)	Restricted discretionary	3.5ha, except Onetangi Road which is 5ha

Figure 5.4 *Subdivision rules for different land units*

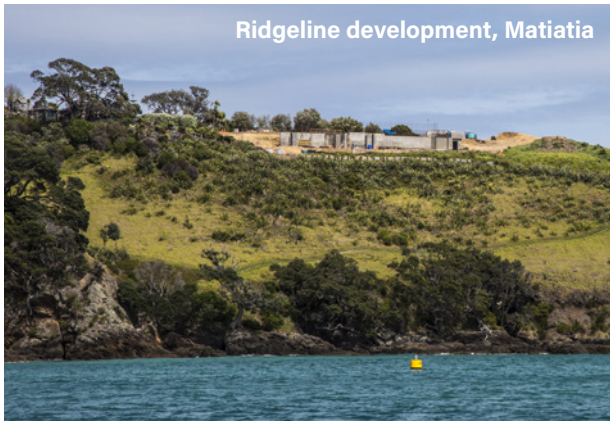
Figure 5.4 summarises the subdivision rules for the different land units. The activity status is included on the basis that the general rules and minimum lot size are complied with.

The District Plan also provides for comprehensive development at Matiatia as a discretionary activity. The development must provide a minimum site area of 2000m^2 for a minimum of six sites. The Western Waiheke landscape is also subject to its own land unit and its own controls and standards on subdivision.

One of the drivers behind the design of the Waiheke Island provisions in the District Plan was to encourage the restoration of natural vegetation and to incentivise people by providing bonus lots on subdivision. This was with strict assessment criteria and zoning areas for subdivision (as described in the spotlight on Waiheke Western Headland project above).

> "We are having a constant problem of developments popping up on protected ridgelines. It is really just money pushing all the way through to the Environment Court."

During interviews, we received much feedback about the implementation of the District Plan on the island. Interviewees were concerned about the incremental degradation of natural values including visual impacts, loss of wetlands and sedimentation entering the marine area. Although there are ridgeline protections and coastal setbacks provided for in the District Plan, we were told that they were infringed quite often without sufficient mitigation. Other development which was seen as inappropriate was the blasting out of rock on the cliff behind Onetangi Beach to build a large house. There was also concern about the types of development that could be undertaken in urban areas, and that rather than being sensitive to the fragile island environment in which they were located, they were more attuned to mainland Auckland. Quite simply, the District Plan was not resulting in the outcomes that had been expected.



Ridgeline development, Matiatia

"It's fair to say that the planners are making a reasonable decision based on the information in front of them but we are not getting the outcomes we expect."

The Plan was seen as too discretionary and there was a need to provide more clarity about what types of activities might or might not be permitted. Most applications are now being non-notified so the community no longer has a say in how the District Plan provisions are being applied. People only become aware that an application has been made after construction has started, and at that stage it is too late to influence the outcome.

An analysis of data obtained from Auckland Council confirmed that out of 46 subdivision consent applications received in the past three years (from April 2017) all have been non-notified. These consents related to a range of activities including boundary adjustments, earthworks and subdivision creating additional lots or dwellings. Out of the 19 consent applications seeking the creation of additional lots, 15 were discretionary, 1 was controlled, 1 was restricted discretionary and 2 were non-complying. The records show that consent was granted for 8 of these applications, and the results for the other 11 have not yet been recorded.

A spotlight on 'death by a thousand cuts'

Waiheke Island has been subject to the same creep of cumulative subdivision as other parts of New Zealand. Despite recognition that the character of the island is (in part) defined by the divide between rural and urban areas, and policies in the District Plan are designed to protect this division, development is creeping into areas defined for their rural landscape character. Although an historic example, and one that did not go ahead for other reasons, the case of *Isola Developments Limited v Auckland City Council*[81] provides an example of how this may occur.

In this case, resource consent was granted both for an entertainment facility and then subsequently for neighbouring accommodation facilities on Onetangi Road halfway between the townships of Onetangi and Ostend. The five-star Tuscan-themed accommodation was to be located within what was then the Land Unit 20 – Landscape Protection zone. Although initially declined by the Council, on the basis that the development would harm the integrity of the plan and would result in adverse effects on the environment, the resource consent for the accommodation facilities was subsequently granted by the Environment Court.

Despite the purpose of Land Unit 20 being to preserve the rural character of the land in order to maintain a buffer of open countryside between villages on Waiheke Island, the Court held that the presence of vineyards and other built development had resulted in a scene that was certainty not pastoral, and one that had been "substantially modified by a variety of structures and the formal patterns of vines and windbreaks".[82] As such, it did not consider that the development would result in adverse effects and held that the proposal was not inconsistent with the buffer concept contained in Land Unit 20.

The granting of the consent by the Environment Court failed to address the cumulative effects of development. Although there was existing development in the area, the proposal for accommodation would further fragment and compromise the rural values of the area which the plan had sought to protect. Failing to assess the adverse cumulative effects of granting small scale development is one of the failings of the RMA and was what prompted the enactment of the Waitākere Ranges Heritage Area Act 2008 to protect the Waitākere Ranges foothills (see EDS's case study on the Waitākere Ranges for more detail on this).

Development along the south coast, Waiheke Island

On the positive side, the replanting conditions attached to lifestyle block development has resulted in regeneration of native vegetation in those areas. However, although the earlier rural-residential subdivision on the western headland area of the island provided for public access, this is not being provided in the newer developments.

A spotlight on the Thompson's Point subdivision

The Thompson's Point subdivision is located on a headland opposite Palm Beach and is a good example of land use disputes that are taking place on the island. In 2018, following 16 years of attempts (including a number of publicly notified consent applications), consent was granted to subdivide the property into 25 lots on a non-notified basis. Earthworks are planned over 10,900m^2 of the land.

The subdivision is contentious for a range of reasons, including the existence of archaeological sites and sites of cultural significance to tangata whenua. However, the most prominent concern was the change in landscape character that would result. The property had previously been farmland and reflected the landscape of the surrounding area. The wider community was resistant to seeing this change to a more built, residential area.

"That place is really special because it has ridgelines, pockets of old bush, wetlands, raupo, everything in one place. It has incredible birdlife and it keeps the whole basin of Palm Beach looking undeveloped. It keeps the rural character."[83]

The sensitive nature of the development meant that it was subject to a range of conditions, including the extension of public walkways along the boundaries of the property (but not through it) and planning that avoided any disturbance to the archaeological features present.[84] Cats will not be allowed at the subdivision, to ensure that threatened birds and lizards are protected.[85] The project also has to be consistent with a Landscape Management Plan, which includes weed management and revegetation.[86] The 26.5ha area of the 38ha property where vegetation is to be planted will be covenanted.

Auckland Council is currently consulting on a draft Area Plan for Waiheke Island and the inner islands and a draft Area Plan for Aotea is currently being developed. Area plans provide long-term strategic direction to help create land use policy within areas governed by the AUP. They attempt to identify local issues, challenges and opportunities; infrastructure needs and the timing of development projects; and local business and employment opportunities. The long-term vision of the area plan also feeds into the long-term plan for the Auckland region, which sets out the budget for the next 10 years.

The draft Waiheke Area Plan focuses on local issues such as climate change, built environment, natural character, indigenous biodiversity, water quality, affordable housing and tourism. It sets out nine key outcomes (related to these local issues) and the key actions to get there. A number of these relate directly to the issues raised in this report and align with the proposals sought. For example, a key outcome contained in the plan is "healthy functioning ecosystems, enhanced habitats and valued natural landscapes". Key actions to achieve this include developing a co-governance/co-management framework with iwi to better integrate the views of te Ao Māori into the Local Board's environmental management framework; supporting DOC in the preparation of conservation management plans in the inner Hauraki Gulf islands; delivering the Sea Change Marine Plan and advocating for the inclusion of Waiheke's waters in the establishment of new marine protected areas.

Other key outcomes include "Housing Growth aligns with Waiheke's carrying capacity" and a "Diverse and vibrant economy". These outcomes include actions such as focusing future growth within the urban boundary and ensuring that future growth respects the special character of the island; and the preparation of a sustainable destination strategy for the Hauraki Gulf islands.

There is opportunity to align local area planning with the Auckland Plan model, incorporating both strategic and spatial planning elements. The Area Plan seeks to inform the eventual incorporation of the Hauraki Gulf Islands District Plan into the AUP and ensure that the district plan provisions align with national policy directions.

Marine protection

There is currently only one marine reserve on the island which is at Te Matuku Bay. The Te Matuku Marine Reserve was gazetted on 4 July 2005, making it the sixth and most recent marine area to be created in the Hauraki Gulf. The Reserve covers 690ha including most of Te Matuku Bay and an extension out into the Waiheke Channel. As it is located adjacent to land managed by DOC and other sympathetic landowners, the entire ecological succession is protected: running through high and lowland bush, stream habitat, freshwater wetlands, salt marshes, mangrove forests, tidal flats, shallow estuary and deep channel waters. Unusually, the marine reserve encloses an oyster farm (Te Matuku oysters) which had been put in place prior to the marine reserve proposal being approved.[87]

Te Matuku Bay, Waiheke Island

5.6 Non-statutory management responses

> "If you integrate the visions of the various groups, predator free, dark sky status, 30 per cent MPAs in the Hauraki Gulf, restoration and protection of wetlands, reafforestation, zero waste and fossil fuel free, by 2030 Waiheke will look markedly different."

There is a wealth of community initiatives on Waiheke Island. We highlight below just a few of those focused on protecting and restoring the island's unique natural character and environment.

Essentially Waiheke

Essentially Waiheke is a strategic document setting out a community approved framework for Waiheke's development. The first *Essentially Waiheke* document was developed in the late 1990s as a result of concern about the impact of population growth on the island. It was adopted by Council in 2000 and set out five central principles to be incorporated into the District Plan's Waiheke strategic management area. These included principles of environmental protection, economic development and protection of Waiheke's character. One of the most important parts of *Essentially Waiheke* was the community's recognition of the island's rural and village character and the divide between the eastern and western parts of Waiheke (which has since been adopted in the District Plan).[88]

The document was to be reviewed every five years. It was reviewed, but without public consultation, in 2005. *Essentially Waiheke Refresh* is the 2016 review of the strategy, which aims to reflect a broader range of views and interests, including those of mana whenua. It was designed to influence the forthcoming review of the Hauraki Gulf Islands District Plan.

The refreshed *Essentially Waiheke* outlines some recommended strategic outcomes to address key community concerns. These include monitoring the island's capacity and managing growth in a manner that retains the island's rural and village nature; addressing housing supply and affordability; and developing Waiheke as a sustainable tourism destination. This last outcome arose as a result of specific concerns about the state of Waiheke's environment and the pressures that population growth and tourism are having on water quality, biodiversity, wastewater, litter and pollution (including noise, visual, land, air and water pollution).

While the concerns of the community are captured within the refreshed *Essentially Waiheke*, the document does not address the conflicts between the different interests (eg housing and tourism). It is also not a document that alone can make any change. In order to be effective, it must be integrated within statutory plans –and there is the opportunity to do this in the review of the Hauraki Gulf Islands District Plan. Currently, as mentioned above, the five central principles of *Essentially Waiheke* are referred to in the District Plan.[89] However, due to the broad nature of these principles, there is no specific direction to require decision-makers to take them into account.

Project Forever Waiheke

The advent of double-decker buses on Waiheke Island in late 2016, along with other pressures from the increase in visitor numbers, prompted some locals to question what kind of tourism they wanted on the island. This led to Project Forever Waiheke which was established in 2017 to identify the impacts of tourism on the island (both positive and negative) and to feed into the Local Board's development of a sustainable tourism strategy. The project has received support from Auckland Unlimited and Ngāti Paoa. It is led by a working group which includes members from the Local Board, mana whenua, the tourism industry and conservation interests.[90] The group has a common goal of protecting the island's natural, social, cultural and built environments.

A key component of the initiative is the monitoring of tourism impacts on community wellbeing over a period of three to five years. The local working group, supported by academics from the Universities of Otago and Auckland, are monitoring effects on essential transport infrastructure (including traffic, ferry and bus services) and road safety; adequacy of water supply, water quality and waste water management; health and wellbeing of the island's biodiversity; and the effects of tourism development on residents' quality of life. Community consultation was undertaken in February 2018 to obtain baseline data on community views of current tourism impacts on the island.[91] This included a half day workshop with 31 Waiheke residents (including seven people employed in tourism on the island) and a five-week community survey (378 respondents – 96 per cent permanent residents, 83 per cent owner-occupiers and one quarter engaged in tourism).

Project Forever Waiheke has since developed a strategic framework for sustainable community and tourism development that was presented to the Local Board. The strategy sets out strategic goals for the island, the community and the tourism sector as well as 14 strategic action objectives. They include fostering low impact and eco-tourism development aligned with Waiheke community values and vision; facilitating infrastructure development that protects fragile island environments for current and future residents and visitors; and identifying and promoting visitor targets and limits.

The report has not received universal support, and it has been criticised on the basis that it does not accurately represent the views of the community or those in the tourism industry. Waiheke Winegrowers Association, which agrees with the need for sustainable tourism, submitted a response to the report. This raised issues with the small sample size of the community consultation, and an inability for the views of around 380 to represent a community of over 8,000. There were also concerns with the methodology used to calculate figures, and that negative effects of tourism were over-represented.

The Local Board is currently working with Auckland Unlimited to further develop a long-term sustainable tourism strategy. The downturn in the industry as a result of Covid-19 has provided the opportunity for reflection and a reset in the way Waiheke is marketed to visitors. There is a move towards portraying Waiheke more as a 'sanctuary' in the Gulf rather than as a 'playground' to visit which would more strongly align with the environmental initiatives on the island.

Hauraki Gulf Conservation Trust

The Hauraki Gulf Conservation Trust was established in 1997 with funding from the Waikato Regional Council to initiate and support environmental projects in the Hauraki Gulf.[92] The Trust is based on Waiheke Island and its activities are now largely focused there. In practice, it acts as an umbrella funding provider for a range of community work. Projects it has supported include Predator Free Waiheke (which has now formed its own separate trust Te Korowai o Waiheke), the Te Toki Reserve Okahuiti Wetland restoration project and the Waiheke Marine Project.

Waiheke Resources Trust

The Waiheke Resources Trust was established in 1998 and currently focuses on sustainable living. It employs 4.5 FTEs and has grown its annual turnover to $600,000. The Trust runs a range of projects, the biggest being focused on wetland restoration. It is also working in the Little Oneroa catchment to reduce pollution of the stream from septic tanks and is promoting the establishment of community gardens on the island. The Trust is an umbrella funder for the Waiheke Collective which is not itself a legal entity.

The Waiheke Collective

The Waiheke Collective began to form in September 2017 at a community meeting to discuss possibilities of a Predator Free Waiheke and a potential application to Predator Free 2050 for funding. Although people working in conservation on the island had diverse views, they agreed that they could and should work together for the benefit of the island. This resulted in the establishment of the Waiheke Collective, a united network that works together to activate and amplify efforts for a healthy and thriving Waiheke natural environment.

The Collective operates an innovative participatory partnership model. It is open to any individuals, community groups, organisations, agencies and businesses who are committed to the Waiheke Collective purpose, values, principles and ground rules outlined in the Waiheke Collective Charter. The Collective's first flagship project was Te Korowai o Waiheke (name of the successful bid to obtain Predator Free funding) followed by the Waiheke Marine Project.

Auckland Council recently provided funding for coordinators of the Waiheke Collective who foster the Collective's growing momentum. The Collective has a distribution list in the hundreds, an active online presence with a website and E-newsletter, and physically meets monthly to discuss issues and projects.[93]

Te Korowai o Waiheke

> "As kids there was the annual sinking of the tinny to flush out the rats nesting in the seats and the rats would scramble up the beach and into the bush ... In Days Bay the rats would eat out the bottom of the water tanks so you would arrive for the summer holiday and have no water."

> "If we could turn the island into a Tiritiri that would be quite amazing. It would change the whole face of the place. It's very possible but it's really a community thing and everyone has to pull in that direction."

The Hauraki Gulf Conservation Trust obtained initial funding for the Predator Free Waiheke initiative from the DOC Community Partnerships Fund and the Auckland Council Regional Environmental Natural Heritage Fund in 2016. The Trust ran a stoat pilot project in 2017 and then sought further funding. This was successful, and in September 2018, Predator Free Waiheke was awarded $2.6 million from Predator Free New Zealand.[94] This led to the establishment of a separate trust, Te Korowai o Waiheke, to run the project. Auckland Council provided further funding of $2.85 million, and Foundation North $875,000, giving the project a total of $5.9 million in cash. There are also considerable volunteer contributions to the project including landowners and Auckland Council undertaking pest control on their properties at their own cost.

The Trust has an unusual governance structure. Three of the trustees are elected representatives from the Waiheke Collective. Two trustee positions are held for mana whenu (Ngāti Paoa). Four other trustee positions are held for people to be co-opted from the Waiheke community based on their relevant skills.

The first stage of the Te Korowai o Waiheke project was launched in September 2018 and it seeks to eradicate all mustelids (stoats, weasels and ferrets) across the whole island using a mixture of traps and enclosed bait stations. Late last year, permission was granted from 256 landowners to host stoat traps on their property. 1500 stoat traps were installed over the summer with the eradication likely to take two years.

The project has been data driven and a bespoke geospatial and data management system was created to support the stoat eradication effort. This enables staff in the field to capture data directly and also to easily locate relevant information about accessing private property for predator control work. It also facilitates data analysis to identify trends, such as where stoats are mainly being caught. This enables the programme to quickly adapt to emerging information. Every trapped stoat is analysed for DNA markers (to help identify which populations the stoats have come from) and also diet. Bird counts were also undertaken across the island to act as a baseline and to enable trends during the eradication programme to be monitored.

Initial work has also been undertaken on identifying community attitudes to, and actions on, rat eradication. A pilot rat eradication programme is being developed.[95] There are mice, ship rats and Norway rats on the island and possibly kiore. Rat eradication in populated areas is likely to be challenging. The project is ambitious in seeking to eradicate predators on a predominantly urban island which has a large resident population and many visitors. This is something which has not be achieved in New Zealand before, with the closest similar initiative being the Miramar Predator Free Project.

Waiheke Marine Project

This mana whenua and community-led project was established in April 2019 fostered by the Waiheke Collective. Its focus has been on increasing awareness of localised marine issues and collaboratively exploring how to protect and regenerate the Waiheke marine environment, leading up to a Future Search hui. The hui aimed to develop a set of common-ground goals and the basis of a plan to link with the Sea Change process and hopefully catalyse actions for local marine environment care.

Previous attempts to promote the establishment of further marine reserves around the island had run into considerable controversy. This was despite a survey showing that the majority of islanders supported some kind of marine protection. Interestingly, those living on the island showed greater support than island ratepayers residing elsewhere.[96] Conscious of this history, the Waiheke Marine Project has emphasised Treaty partnership, inclusive conversation with diverse views and consideration of land to sea issues in its planning.

The Hauraki Gulf Conservation Trust is providing umbrella funding for the project through financial support from a variety of sources including Foundation North, Gulf Innovation Fund Together (GIFT), Working Together More Fund, Auckland Council, the Waiheke Local Board, several private funders and in-kind funding from DOC. GIFT, in particular, has funded capacity building of Ngāti Paoa to co-lead the Waiheke Marine Project.

GIFT is also funding a citizens' science programme unofficially called 'kelp gardeners'. This is focused on mobilising the community to be actively involved in water-based conservation work designed to reduce kina populations to sustainable levels. Areas of kina in Enclosure Bay have been cleared in collaboration with Ngāti Paoa. The biggest complication the project has encountered is the need to work within the recreational bag limit of 50 kina per person per day.

5.7 Key issues and opportunities

Waiheke Island has a long history of human settlement over centuries evidenced by the multitude of archaeological sites recorded on the island. It was an early settlement site for Māori. Although some sites are protected, the historic and cultural heritage of the island is not well recognised or communicated and needs to be.

Most of the indigenous vegetation on the island was removed by early Māori agriculture and subsequent European logging and farming. However, some pockets remain and significant areas are being restored, including important wetland systems. Possums did not reach the island but a range of other predators including mice, rats and mustelids are well established. Te Korowai o Waiheke is a well-funded predator free initiative which is making good progress on stoat eradiation and is investigating the logistics of removing rats. This is a ground-breaking and highly ambitious enterprise which may lead the way for other urban areas in New Zealand.

The biggest impact on the island's landscapes and natural environment more generally is urban development and the pressures of a fast-growing population and a pre-covid burgeoning tourist industry. Although the District Plan sought to control the impacts of development, success has been patchy. There have been some notable successes. The divide between rural and urban Waiheke has largely been retained and incentives in the plan have prompted large-scale regeneration of indigenous vegetation. But incremental subdivision and development in rural amenity landscapes and intensifying urban development on the west of the island, are cumulatively taking their toll. There has been a loss of amenity values through poorly located buildings, including those encroaching on ridgelines, wetlands and the coastal edge. There are loopholes in the plan, particularly around visitor accommodation. Too much discretion has been left to council officers to apply the plan rules on a non-notified basis where the prime source of information about effects is provided by the applicant.

The provisions of the District Plan need to be critically reviewed and substantively tightened so that the plan is made much clearer and more directive about what can and cannot happen in different parts of the island. This will involve listing activities that are appropriate as permitted and controlled and those that are not as non-complying or prohibited. Cumulative impacts are the main threat, and under an effects-based RMA system, strong plan provisions are essential for addressing these and achieving positive outcomes. Where any substantive discretion is to be exercised, applications need to be publicly notified, so the council is making decisions based on balanced information and mana whenua and the community are able to have a say.

On an island with short steep catchments, what happens on the land is quickly transferred to the sea. We were told about ongoing cumulative loss of small wetlands on the west of the island and issues with sedimentation and water pollution. The kerbing, channelling and piping of stormwater flows, in the context of diminishing wetland systems, is likely to further impact marine systems. There appears to be a disjunct between planning for the land and the sea, and the application of approaches which may be more suitable on the mainland than for a sensitive island environment. A different approach is needed.

The special challenges facing an urbanised island such as Waiheke provides strong justification for the development

of a new Waiheke Island precinct within the AUP that incorporates an integrated planning approach extending over both the land on the island and its surrounding marine area. If the new precinct was extended into the coastal marine area (thereby replacing parts of the regional coastal plan in the AUP) it could also address marine biodiversity protection imperatives, in a similar way to that which was achieved around Motiti Island in the Bay of Plenty Regional Plan. This would more fully embrace the Te Ao Māori ki uta ki tai – mountains-to-the-sea approach. It would also help achieve the community's aspirations for a clean and healthy marine environment and meaningful marine protection.

The island has been under considerable tourism pressure which, together with an increased demand for development, has put stress on the island's fragile infrastructure including freshwater supplies, wastewater treatment, roading, beaches and critical ferry transport to the mainland. Although many on the island have benefited financially from the industry, much of the value derived from the tourist dollar is captured elsewhere, particularly in Auckland where many day tripping tourists stay overnight.

The Covid-19 pandemic has provided an opportunity to rethink tourism and to move to a lower impact, higher value, model. Achieving this will require firm policy given the island's many attractions, its close proximity to Auckland, its accessibility to day trippers and the fact that the sole ferry service is operated by a private sector entity currently under little council or government control.

Waiheke is a very engaged community and there are a multitude of impressive community initiatives seeking to protect the island's special character and nurture its environment. This bodes well and could mean that Waiheke Island truly will become a pest free, fossil fuel free island, with restored ecosystems on the land and sea which are nurtured by a flourishing community.

Rural landscapes on Waiheke Island

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6. RĀKINO ISLAND

6.1 Māori heritage

Rākino Island (Motuhurakina) is one of the smaller inhabited islands in the Hauraki Gulf. The island is approximately 146ha in size and lies about 1.5km north-east of Motutapu Island and 22 km from Auckland. Rākino is part of the chain of islands in the Hauraki Gulf collectively known as Nga Poitu o te Kupenga a Taramainuku (the floats of the net of Taramainuku), with Taramainuku being a descendant of Toi. Both Ngāi Tai and Ngāti Paoa have mana whenua status over the island. The island was ostensibly purchased from Te Irirangi of Ngāi Tai, Ngatai of Ngāti Paoa and others in January 1840 by Scottish trader and boat-builder Thomas Maxwell.[1] During the mid-1860s, the island was used to intern Māori during the New Zealand Wars.

6.2 Natural heritage

Rākino is characterised by its small size and undulating topography with high ridgelines, sloping steep sea cliffs on the northern end and a number of sheltered bays on the western and southern sides of the island. It is an area with unique coastal character and high amenity value.[2] The landscape of Rākino has several notable characteristics: it has minimal tree cover and is largely covered in self-maintaining kikuyu grass. As well as reducing biodiversity, the grass creates considerable fire risk on the island, as the green top growth of the plant covers an understorey of dead leaves which can easily ignite and facilitate the fast spread of the flames. There are pockets of coastal forest and regenerating bush as well as clusters of buildings along several of the ridges. There are also fringes of ancient pōhutukawa around the coast. The marine area surrounding the island is degraded and there are no marine reserves in the vicinity.

> "I used to be able to snorkel around the island and see moki and now I can't."

6.3 Historical pressures

Much like Waiheke, Rākino Island also has a history of subdivision dating back to the 1960s. As already indicated, in 1840 the island was purchased from Ngāi Tai and Ngāti Paoa by a Scottish trader and boat builder, Thomas Maxwell. The island was then on-sold a number of times. Governor George Grey purchased the island and started to build a property in Home Bay using logs that were rafted over from the Coromandel Peninsula. After finding Kawau Island to be a more suitable location, the island was sold to Alfred Sanford in 1872. The Sanford's lived on the island for many years and in 1881 Alfred founded his Auckland fishery business, Sanford Fisheries, which is still operating today.[3]

Subdivision and development

In 1963, the island was acquired by the United Peoples Organisation for the equivalent of $75,000. At that stage, virtually all of the indigenous vegetation had been removed and much of the island was farmed. Maxwell Rickard had a philanthropic vision to create a retreat from the rush of modern life, and had planned to develop homes for unmarried mothers, orphans and the elderly.[4] In 1965 Rickard ran out of money and, after a failed attempt to sell the land to Auckland Council, he subdivided the island into 25 blocks 4ha in size, as well as 125 smaller sections. This created two residential settlements, one overlooking Orange Bay and the other overlooking Māori Garden Bay. However, even with the money raised from subdividing the island, the company was unable to come up with the funding required for roads, and went into liquidation.

In 1969, Rākino Island was surrendered to the receivers and two-thirds of the island was bought by North Shore Ferries, whose owner intended to build a resort on the island. After financial difficulties, the island was subdivided further.[5] These sections were then made available for purchase by the public, which opened Rākino Island up to the development of housing areas.[6]

Close settlement on Rākino Island

As Rākino Island did not come under the auspices of any council at the time, there were no controls over the location or design of sites and buildings. There are four intensively subdivided settlements which have been poorly designed – with houses largely clustered in groups along the ridgelines of the island and with many sections bearing little resemblance to the actual contours of the land. The rest of the island was divided into 4ha blocks, with many of these consisting of long slivers of land that run from the ridgetop along the centre of the island down to the sea.

"The shape of some of the lots is unfortunate with long pencils of land from the road at the top down to the coast. The person who owns the block builds near the water and the rest of the block becomes overgrown with hooch grass and weeds."

Capacity exists for further development on the island, both within the existing built settlements and in other more open areas. The location of such development could adversely affect the landscape character of Rākino Island.[7] This is discussed further below.

Pests

Historically, Rākino Island suffered with Norway rat populations at pest proportions. The pests not only posed a nuisance to residents and bach owners (with reports of rats chewing through the walls of houses to reach food that was inside),[8] but they also preyed on the eggs and young chicks of seabirds, like the blue penguin. It is likely that the Norway rat was also responsible for the eradication of the grey-faced petrel from the island.[9] Given the short swimming distance to the Noises Islands, those pest-free islands were constantly being re-invaded by rats from Rākino.

In the early 2000s, a joint community eradication initiative between the Rākino Ratepayers Association and Auckland Council was established. This was eventually successful in 2002 and today the island is mammalian pest free and the birdlife is naturally returning.

"Being pest free is extraordinary. I get woken up by bird song every day. I sit and have my morning coffee and watch tūī, bellbirds and kererū. Recently a kākāriki took up residence."

"It's unique to have a settled island that is predator free and it is something to be protected at all costs."

A 2015 survey of attitudes to environmental and pest management found that Rākino property owners had the strongest pro-pest management attitudes of all those on the islands including Kawau, Waiheke and Aotea/Great Barrier. This is likely due to the successful eradication of rats and the increase in bird life on the island.[10]

6.4 Current and future pressures

"We are 20km from the Sky Tower, from the biggest city in the country and we are in the middle of absolutely nowhere."

Population

The residential population on Rākino Island has always been small. It fluctuates at around 16 to 20 permanent residents, most of retirement age. The population can swell in the summer months to around 100-200 people. Passenger numbers to Rākino Island have also been recorded as close to 2,000 in the month of January. These numbers decline in the autumn and winter months.[11]

Housing and infrastructure

"There are no shops, no way to spend any money once you get here, which is part of the charm."

There are approximately 120 dwellings on the island with the large bulk of the houses being holiday homes. A few of the houses are rented out on AirBnB and Bookabach. Most of the land on the island is owned by the holders of the 25 large 4ha blocks. There are only small pockets of public land. Most of the properties are solar powered as, like Aotea/Great Barrier Island, Rākino has no grid electricity.[12] Householders also need to collect water from their roofs and treat wastewater on-site.

"The main constraint on development is water. There is no reticulation and you can't get a water truck in as there are no bores."

Pattern of settlement on Rākino Island

It is very expensive to get building materials out to the island and also to build a permitted dwelling, as a building inspector needs to regularly visit the island during the build at the cost of the property owner. Collectively this means that there are still many unpermitted sheds, caravans and other structures that are used as dwellings. There are no shops on the island and obtaining food and other consumables can be a challenge for island residents.

> "I built on Rākino and had to pay $20,000 before turning the first sod and a bond for planting trees."

As access can be difficult, the island is not under the same pressure as nearby Waiheke Island. While there are two ferry providers, they do not operate at nearly the same frequency as ferries to Waiheke. Belaire Ferries provides a passenger ferry service four times a week from downtown Auckland on Wednesday mornings, Friday nights and Sunday afternoon. Twice a month and on long weekends there is an additional ferry service on Friday mornings, which allows for a day-trip over to the island. At all other times an overnight stay is required. There is also a water taxi service. As the passenger services do not transport unaccompanied baggage, residents are required to physically make the trip to the mainland to collect groceries and other goods. Sealink provides a large passenger and vehicle barge service once a month with a break during the winter.

Once on the island there is no public transport. There are also limited places that visitors can go. There are two small conservation reserves at Sandy Bay (close to where the ferry arrives) and Woody Bay which is a 20-minute walk from the ferry. Access to the rest of the island's coastline is largely precluded as a result of the pattern of subdivision which resulted in there being one main road along the ridgeline with properties that run all the way down to the shoreline.

There is a general lack of council-owned facilities on the island including space for maintenance equipment. Auckland Council undertakes biosecurity work, maintains the roads, mows the berms and cares for the public composting toilets, public hall and small community library on the wharf. There is a small public boat ramp but nowhere to haul out boats. The wharf building (which is also used as a community centre) is vulnerable to sea level rise. The building has historic significance, and is used by all ferry passengers that arrive on the island. However, given the small population on the island, we heard the high cost of protecting it is hard to justify

Waste removal

Illegal dumping of inorganic waste has been a significant issue on Rākino Island. In the year 2015-16 alone there were 12 abandoned vehicles removed from the island.[13] There has been a practice of bringing old unwarranted and unregistered cars to the island and parking them on the public roadside leading to the wharf (for use when non-resident homeowners arrive on the island) creating an eye-sore on the landscape.[14] In addition, the increase in road traffic threatens pedestrians due to the narrow unpaved roads and lack of footpaths on the island. More recently there has been a move towards using all-terrain vehicles which is a positive development.

Until 2016, the collection of inorganic waste was biannual, but given the amount of waste stockpiled in Home Bay this was increased to annually. There are 11 drop-off bins for rubbish and recycling located around the island, which is regularly transported to Home Bay for sorting and barging weekly to the mainland for disposal.

Inorganic waste piled up at Home Bay, Rākino Island

Since 2010, each rateable property on Rākino Island has been charged a set targeted rate for waste annually. However, this does not cover the high costs of shipping materials to the mainland and the waste collection services are subsidised through regional rates funding (approximately $1,396 subsidy per rateable property).[15] In 2018, a Waste Management Plan for the Hauraki Gulf Islands was released, setting out the priority areas for waste management. It sets out the goals of introducing a disposer-pays model for household refuse collection (through the use of pre-paid bags or bins), and reducing waste that is produced on-island, with the aim of reducing the level of regional subsidy by 2025.

Rākino Island – Waste Minimisation and Innovation Fund

In 2016, the Rākino Ratepayers Association applied to Auckland Council's Waste Minimisation and Innovation Fund for subsidised bokashi compost bins for Rākino households to compost their organic waste (by fermenting the waste using anaerobic processes). This was done as part of efforts to reduce waste on the island, and as a result of the high levels of food/green waste that were going to landfill (as much as 44 per cent in the summer months). The scheme has been successful, with 44 households purchasing a bokashi bin.[16]

6.5 Statutory management responses

> "Rākino is completely different from Waiheke. It will never have a commercial tinge. There won't be shops along a road or anything like that. It's unique and needs to be treated differently."

Under the 1996 Hauraki Gulf Islands District Plan, Rākino Island was not subject to its own land unit and was instead largely covered by the previous Land Unit 20 (landscape protection) and Land Unit 11 (traditional residential). Land Unit 11 sites were consolidated along the ridgelines and development was subject only to the general rules in the Plan. Land Unit 20 sites were predominately 4ha lots consisting of unproductive pasture. On these sites, it was a controlled activity to erect, alter or add to any building(s).[17] While ridgeline controls now exist for significant ridgelines in the Auckland district, none are mapped for Rākino Island. As a result of community concerns about unconstrained development, expressed during the 2006 District Plan review, there are now tighter planning controls in the operative plan and it is a restricted discretionary activity to construct or alter a new dwelling.

Rākino comes under the Waiheke Local Board although no residents from Rākino currently sit on the board. Rākino Island is also governed by the Hauraki Gulf Islands District Plan. Unlike Aotea/Great Barrier and Waiheke islands, it is not subject to its own strategic management area, but instead comes under the 'Other Islands' strategic management area which covers the other islands used for conservation and/or recreational activities or those that have been developed and are generally in private ownership (such as Rākino Island).

The objective for these areas is to provide for recreation, conservation and other activities, including agriculture and horticulture, while ensuring the protection of the historic heritage, natural character of the landscape, ecosystems, visual amenity and the natural features of the other islands.[18] This is to be achieved by protecting the natural landscape and features of the islands, and providing for the use and development of land for public open space, conservation and recreation. Activities such as agriculture and horticulture should also be provided for where they are of an appropriate nature, scale, form and location.

Rākino Island also has a specific island-based land unit (Rural 3: Rākino amenity) which provides a planning framework to manage activities on the island, while ensuring the landscape character and natural features are protected. This is in recognition of the coastal environment of Rākino Island being particularly sensitive to the impacts of development. Most of the island is covered by this land unit, with some areas of Conservation and Island Residential 1 (traditional residential) around existing development (see Figure 6.1).

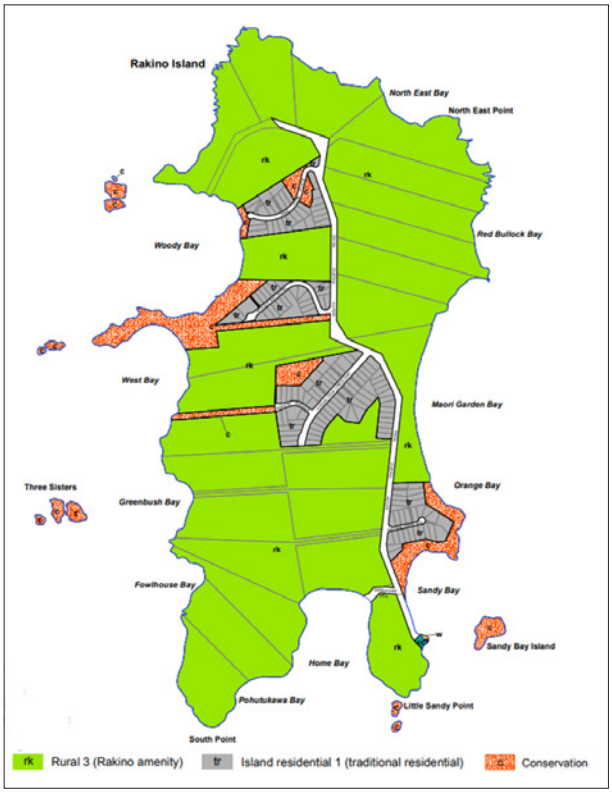

Figure 6.1 *Planning map for Rākino Island*

Rural Amenity 3 (Rākino) is characterised by sites of generally 4-5ha in area with coastal frontage. These sites generally contain dwellings and operate as lifestyle blocks with holiday homes or permanent dwellings.[19] Development within this land unit should provide for residential buildings and small scale visitor accommodation in a manner which protects the unique coastal character and amenity of the island.[20] This is to be achieved by controlling the scale, form, colour and location of new buildings to ensure they are visually compatible with, and do not dominate, the coastal environment.[21]

In the Rural 3 Zone, it is a restricted discretionary activity to construct or relocate a building, or to alter or make any addition to the exterior of an existing building. In keeping with the pastoral landscape, horticulture and pastoral farming are also permitted activities.[22] Subdivision in Rural 3 is a discretionary activity subject to compliance with the general rules for subdivision contained in the District Plan (including controls on location, building coverage, impervious surface area, earthworks and vegetation).

For subdivision creating sites no less than 3ha, the subdivision must implement an indigenous vegetation programme which provides for a minimum revegetation of 30 per cent of each proposed site. For subdivisions creating sites no less than 2ha, the minimum level of revegetation provided for must be 50 per cent and there are controls limiting the building coverage to 300m^2 per site.[23] These provisions help incentivise indigenous revegetation with a small increase in lot numbers. However, we were told that many owners of large lots are not subdividing as they would lose their riparian rights.

There are four distinct areas of Rākino Island that are zoned as Island Residential 1. This land unit contains the most intensive form of residential development on the island and is characterised by a highly modified open landscape, low proportion of indigenous vegetation and residential development. However, residential development should still only be provided for at a scale and intensity which maintains the relatively spacious character, increases indigenous vegetation cover and allows effective stormwater and wastewater disposal within the land unit.

Within the Island Residential 1 land unit, construction and relocation of a new building or alterations to a new building are a permitted activity, provided they are not within a coastal amenity area (of which there are none on Rākino Island). One dwelling per site and any other residential accessory dwellings are provided for as permitted activities. Any other additional dwelling is a discretionary activity.[24] Much like development on the other islands, development controls apply on Rākino Island. These include limits on height (8m), building coverage (500m^2) as well as controls on the colour of building materials and the removal of indigenous vegetation.[25]

Subdivision of land that meets the minimum lot size requirements (1500m^2), and the general rules relating to subdivision, is a restricted discretionary activity. A subdivision that cannot comply with the general rules is discretionary, and subdivision that cannot comply with the minimum lot size is non-complying.[26]

On a simplified analysis, taking into account the minimum lot sizes for both Island Residential 1 and Rural 3 Zones, there is the capacity for 117 further subdivisions on the island (94 within Island Residential 1 and 23 within Rural 3 land).[27] These sites are shown on Figure 6.2. If all these sites were developed, it would roughly double the number of houses on the island. While there are a number of development constraints that arise, both from the district plan overlays (such as building within areas of outstanding natural character, ONLs or soil warning areas), and also the complications and associated costs of building on a remote island, this level of development would cause a significant change to the character of Rākino. As such, it is important that design guidelines be implemented to ensure any future development is sympathetic to the landscape.

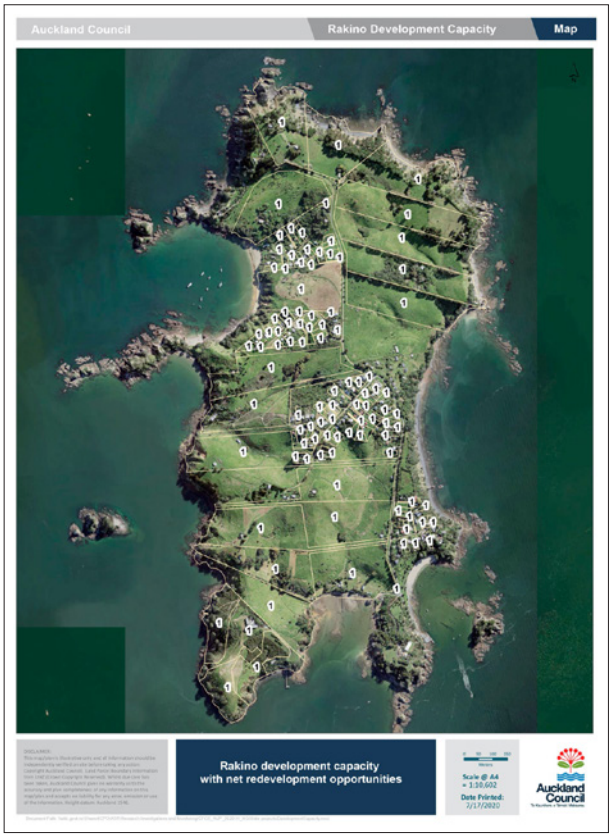

Figure 6.2 *Subdivision capacity on Rākino Island*

"It would be nice if the council allowed experimentation, alternative green buildings, earth buildings with grass growing on the roof and the like, and not worry so much about them having to survive for 50 years which is the case in the city."


Sandy Bay, Rākino Island

6.6 Non-statutory management responses

The Rākino Ratepayers Association was set up to promote the interests and welfare of the Rākino Island community and represent their views to Auckland Council and other interested parties. In addition to facilitating dialogue with the Council, the Association promotes the local amenities and encourages the development of the cultural, recreational and educational interests of Rākino Island.[28] The Association also collects and publishes up-to-date information about Rākino Island in the form of newsletters and a blog.

> "Something in the order of 30,000 trees have been planted on the island over the past five years."

There has been considerable regeneration of indigenous forest on the island through replanting efforts. There is a local native nursery which helps to avoid the biosecurity risks of bringing seedlings onto the island. However much remains to be done. There are extensive grassed areas which could be replanted with a resultant reduction in fire risk, increase in habitat for birds and other indigenous species, and enhancement of the island's landscape and natural values.

> "In the future, I hope things will stay the same as they are, with a lot more planting of trees supporting more varied and better bird life. I really do hope there is no commercialisation of the island."

> "If I came back to Rākino in 50 years' time, I would like to see it as an immensely interesting place, with aesthetically designed buildings, grapes and olives groves, a lot of native bush, maybe a cafe at the wharf, and it would be a stepping stone to a marine reserve around the Noises or parts of Rākino."

6.7 Key issues and opportunities

Rākino is one of the few settled islands in New Zealand that is pest free and this creates an enormous opportunity to create a haven for biodiversity. The island is still mainly covered in kikuyu grass although there has been a more recent increase in indigenous planting and the establishment of a nursery on the island. Given the small number of owners of most of the grassed land on the island (including the 25 large lots), the council should consider working individually with them, to identify opportunities and incentives to encourage more extensive replanting. The current subdivision rules for the Rākino amenity area do this to some extent, through making provision for additional lots if replanting is undertaken, and this seems appropriate. However, given the high potential for further subdivision on the island already, replanting incentives should not simply be linked to subdivision. The island could also be a place to experiment with new styles and forms of building, encouraging those that fit within the landscape rather than dominate it (and potentially include this in the residential zone rules).

Restoration should also be considered in the marine area surrounding the island, and as suggested in the case of Waiheke Island, this could be assisted through an integrated planning approach which considered both the island and the surrounding marine area in a specific section of the Auckland AUP.

Rākino Island community hall

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2 Hauraki Gulf Islands Plan Review: Section 32 Report for Rural 3 (Rākino amenity): http://www.aucklandcity.govt.nz/council/documents/hgi/docs/hgis32rural3.pdf
3 Peart, 2016, 177
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18 Hauraki Gulf Islands District Plan, Section 3.4.3
19 Hauraki Gulf Islands Plan Review: Section 32 Report for Rural 3 (Rākino amenity): http://www.aucklandcity.govt.nz/council/documents/hgi/docs/hgis32rural3.pdf
20 Hauraki Gulf Islands District Plan, 10a.21.3.1
21 Hauraki Gulf Islands District Plan, 10a.21.3, Policy 1
22 Hauraki Gulf Islands District Plan, 10a.21.5
23 Hauraki Gulf Islands District Plan, 12.8.7
24 Hauraki Gulf Islands District Plan, 10a.9.5
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26 Hauraki Gulf Islands District Plan, Table 12.4
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28 Rakino Ratepayers Association, 2014

PART THREE: CONCLUSIONS

7. KEY FINDINGS

The three Hauraki Gulf islands which are the subject of this case study are all very different and each is unique in a New Zealand context. The largest – Aotea/Great Barrier Island – is 28,500 ha in size, but given its distance from Auckland (around 90km) and small economy, it has only a modest population of around 936. Prior to Covid-19, there was a thriving tourism industry on the island, with a focus on natural heritage. The majority of the island is in public ownership which means that the management of public land has a large impact on the island overall. Most of the island has been identified as an ONL highlighting its strong natural and landscape values.

Waiheke Island is only a third of the size (9,324 ha), but given its proximity to Auckland (22 km) and frequent ferry service, it has ten times the population size at around 9,350. Visitor numbers have been well over a million a year. The sizeable population and high visitation have resulted in strong development pressures on the island's fragile natural environment. Most of the land on the island is in private ownership but there are some sizeable DOC, Auckland Council and Royal Forest and Bird Society reserves. Identified ONLs are largely confined to the eastern end of the island which is largely rural.

In comparison to the two others, Rākino is a tiny island with a very small resident population and relatively few houses. Virtually all the land is privately owned with Auckland Council managing only a few small reserve areas. Unlike the other islands, it is predator free but has little indigenous vegetation, with the main species being kikuyu grass. This dominance of exotic vegetation, and a poorly designed settlement pattern which has located many of the houses along ridgelines where they are visually prominent, is reflected in only a few small rocky outcrops on the island being identified as ONLs.

The three islands sit within the Hauraki Gulf Marine Park (which strictly speaking only includes the surrounding marine area and conservation land on the islands). Special legislation (the HGMPA) recognises the importance of the islands and has been designed to provide for their management, along with the rest of the Hauraki Gulf and its catchments, in an integrated manner. However, as described in Chapter 3, the Act has done little to influence decisions made under the RMA and therefore to provide an extra layer of protection for the special characteristics of the islands. It needs to be strengthened. If this was to occur, it would provide tailored protection for the island's landscapes, which could help overcome any weaknesses in the national framework.

In terms of the RMA framework, the NZCPS provides robust protection of ONLs and areas of outstanding natural character in the coastal environment and this flows down into the planning documents. The three islands come within the Hauraki Gulf Islands District Plan which has yet to be integrated into the AUP. In order to retain the special character of the islands, they should be subject to their own framework once incorporated into the AUP. This could be in the form of an Overlay containing specific objectives, policies and rules for the management of the Hauraki Gulf islands. Precincts, as described below, could sit below these and address the issues unique to each island.

The Hauraki Gulf Island District Plan was an innovative document for its time, in applying a landscape and catchment-based approach to zoning. It still is. For Aotea/Great Barrier and Rākino islands, where there has been little or only modest development pressure, the plan appears to have responded reasonably well. Design guidelines would be useful in ensuring new development is sympathetic to the landscape values. However, the District Plan is not delivering good environmental outcomes on Waiheke Island where development pressures have been intense. This is due to the cumulative impacts of cases-by-case consenting, where effects may seem small on an individual basis, but collectively are having a significant impact. The plan provisions applying to Waiheke Island need to be much stronger and clearer, leaving fewer matters to the discretion of planning officers. Where discretion is exercised, there needs to be more mana whenua and public input through public notification procedures.

The role of area plans under the Auckland Unitary Plan could also be strengthened. Area plans allow for local

Island	Size (ha)	Distance from Auckland (km)	Population (2018)	Houses (2018)
Aotea/Great Barrier	28,500	90	936	1,125
Waiheke	9,324	22	9,350	5,862
Rākino	146	22	20	120

Figure 7.1 *Comparison of the three case study islands*

input and can be used to provide long-term strategic direction and help guide development in an area. These could be aligned with the Auckland Plan model which includes a spatial plan illustrating how development is expected to occur over the next 30 years.

Within a small island context, the connection between the land and the sea is much more immediate than in many places on the mainland. This close connection is highlighted in the HGMPA which refers to the "complex interrelationships" between the Gulf, its islands and catchments "that need to be well understood and managed."[1] This close relationship merits consideration of the merits of adopting integrated planning for the islands encompassing both the land and surrounding marine area. With Auckland Council progressing towards integrating the Hauraki Gulf Islands District Plan into the AUP there is an opportunity to apply an innovative approach recognising the islands' unique characteristics. This would involve developing new plan provisions for 'island precincts', that would sit within the proposed Hauraki Gulf Islands Overlay in the AUP, and would cross the land-sea divide. We note that the AUP currently includes precincts that extend into the coastal marine area such as the Waitematā Navigational Channel Precinct. The existing AUP landscape overlays (for example, ONLs, outstanding natural character and high natural character) also cross the land-sea interface and could provide a good basis for integrated coastal and district planning provisions.

A Waiheke Island precinct, for example, could include specific rules and standards applicable to the island's land-sea interface including stronger controls on sediment-generating activities and stronger protection for small wetlands. It could include tailored rules for the design of infrastructure that is suited to the fragile island environment including encouraging the use of green infrastructure and discouraging hard engineering solutions such as kerbing, channelling and piping. The new precinct plan could also include more nuanced management of the marine environment including protecting important marine biodiversity around the island from fishing activity (both commercial and recreational) as has been undertaken to protect reef systems near Motiti Island in the Bay of Plenty Regional Coastal Environment Plan. This could help meet the aspirations of islanders for better protection of their marine environment.

A Rākino Island precinct plan could include more specific incentives (for example, rating relief) for the replanting of indigenous vegetation and design guidelines to encourage the more sensitive location of buildings and for the use of innovative architecture. It could include protection for biodiverse areas surrounding the island and/or for the adjacent Noises Islands from harvesting impacts building on their predator free status and importance for seabirds.

The management of conservation land has a significant impact on Aotea/Great Barrier due to the large proportion of the island which is under DOC management (close to 60 per cent). The Department has allocated minimal funds to the island with the result that most of the land is effectively unmanaged when it comes to biodiversity matters. This prompts the question as to whether the current management model is the right one or whether alternatives should be considered. One possibility would be to move towards a co-management model with Ngāti Rehua-Ngātiwai ki Aotea and to create legal personhood for the Aotea Conservation Park similar to the arrangements for Te Urewera. Although not resolving the funding issue directly, this would provide the Park with more status and provide more impetus for its better management, which in turn could help attract more funding from DOC and other sources. It would also help strengthen Ngāti Rehua-Ngātiwai ki Aotea's kaitiaki role on the island. It could be achieved through amendments to the HGMPA.

Tourism is a major part of the economies on Aotea/Great Barrier Island and Waiheke Island, but the sheer number of visitors has threatened to overwhelm residents and fragile local infrastructure. Both islands lend themselves to 'slow' tourism with their rich cultural and natural heritage, extensive walkway systems and dark skies. This needs to be encouraged as tourism rebuilds in the wake of the Covid-19 pandemic. Destination management planning, which is included as a key action in the draft Waiheke area plan, would assist in identifying and addressing the impacts of tourism on the environment and local community. In particular, there seems considerable opportunity for the Aotea Conservation Park to support slow tourism on Aotea/Great Barrier Island and for tourism to in turn support better conservation outcomes on the island. The way the concession system is managed may need to be adjusted to facilitate this including by providing for preferential quotas for local residents. On Waiheke Island, tourist demand needs to be addressed, and a move towards more sustainable forms of tourism encouraged.

Conservation land, Aotea/Great Barrier island

Recommendations

1. ***Strengthen the HGMPA***: to make its objectives, and the priority between them clearer. In particular, the Act needs to provide a stronger protective layer over the important biodiversity and landscape values of the Hauraki Gulf islands.
2. ***Strengthen the District Plan provisions for Waiheke Island***: so that they are clearer and more directive and leave less room for discretion. Where discretion is exercised, make greater provision for public input through notification procedures.
3. ***Develop a Hauraki Gulf Islands Overlay***: for incorporation within the AUP in order to retain the ethos of the provisions in the Hauraki Gulf Islands District Plan and a focus on the individual characteristics of the islands.
4. ***Develop tailored island precinct plans for each island and surrounding marine area***: for incorporation within the AUP below the Hauraki Gulf Islands Overlay. Tailor rules to the sensitive island environments, incorporate design guidelines and control the impacts of fishing on marine biodiversity surrounding the islands.
5. ***Develop more strategic and spatially-focused local area plans*** for the islands along the model of the Auckland Plan to provide greater direction for development and conservation on the islands in the long term
6. ***Consider developing co-governance arrangements and legal personhood for the Aotea Conservation Park***: through amendments to the HGMPA to raise its status, provide a more compelling proposition for funding, and strengthen Ngāti Rehua-Ngātiwai ki Aotea's kaitiaki role on Aotea/Great Barrier Island.
7. ***Promote a move to 'slow' tourism***: on Aotea/Great Barrier and Waiheke islands by supporting the development and implementation of destination management plans, revising the concession system on Aotea/Great Barrier Island and promoting sustainable tourism on Waiheke Island.

A number of these recommendations are already in process or can be incorporated into the plan making process. As such, we consider that this report is timely and can assist in the review of the Hauraki Gulf islands District Plan and its incorporation into the AUP.

Harataonga, Aotea/Great Barrier Island *(Craig Potton)*

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The Hauraki Gulf is a place of outstanding landscapes, rich indigenous biodiversity and spiritual importance to Māori. It is an area used by many to live and work, for recreation and for the sustenance of human health, wellbeing and spirit. The Gulf has been given an extra layer of statutory protection by the Hauraki Gulf Marine Park Act 2000.

This report investigates landscape protection on three Hauraki Gulf islands with permanent settlement: Waiheke Island, Aotea/Great Barrier Island and Rākino Island. These islands each have a unique character and settlement pattern. They face different, but in some cases overlapping, challenges.

The report charts the islands' Māori and natural heritage; historical, current and future pressures; statutory and non-statutory management responses; and key issues and opportunities. It examines the effectiveness of the Hauraki Gulf Marine Park Act, statutory planning provisions and other approaches. It concludes with a set of recommendations on how to better protect and restore these island gems for current and future generations.

EDS
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