

SECTION 32 REPORT

PLAN CHANGE 23, HAURAKI GULF ISLANDS

APPENDIX B: NO. 5 MATERIAL

1. Section 8.6 Esplanade Reserves And Esplanade Strips

The rules in the proposed plan change are very similar to those in the existing plan. There is an emphasis on providing for public access to the coastline, protection of the coastal features and protection from natural coastal hazards. In accordance with the Act, esplanade reserves and esplanade strips along the coastal margin and the edges of rivers and streams are required to be set aside. The Act requires that an esplanade reserve or an esplanade strip is to be provided where an allotment of less than 4 hectares is formed, when land is subdivided.

The nature of the coastline and rivers of the Hauraki Gulf Islands is such that it is desirable that the provisions of the Act are used to the fullest extent. However, it is recognised that there may be circumstances where an increase, reduction or waiver of the esplanade area requirements could be justified.

The Act provides for rules to be included in a district plan for the width of an esplanade reserve or esplanade strip to be increased or decreased or waived under certain circumstances (Section 77 of the Act).

The Council may require a width greater than 20 metres to be vested as an esplanade reserve or esplanade strip, where there are significant conservation or recreational benefits, or to mitigate natural hazards, or to improve public access. When a reserve or strip greater than 20 metres is required the Council will compensate for the extra land in accordance with Section 237E of the Act.

The decision of the most appropriate method of achieving the Plan's objectives, and policies, either by setting aside esplanade reserves or by creating esplanade strips upon subdivision will depend on the circumstances and the purpose for which the land is required.

Esplanade strips are appropriate to protect areas with the following characteristics:

- land instability
- moderate or low conservation values
- where public access should be restricted
- can be left in private ownership without detriment to the natural coastal environment and watercourses.

2. Section Natural hazards

Rules have been altered and amended to state more explicitly the standard that Council requires. (See Objectives and Policies 8.4.8, General Requirement 8.5.1.2 (e) and Assessment Criteria for Discretionary Activity Applications 8.5.2.6 p), and other references in the chapter).

The intention of the objectives policies and rules is:

- To ensure that all anticipated land use activities likely to ensue following subdivision will have no adverse environmental effects which cannot be mitigated on-site
- Greater certainty for new landowners who are planning to develop their lot.
- Enable greater consistency for assessing land use consents for newly created lots prior to information being placed on new Council site file.

The rule will be effective in establishing a threshold below which further assessment will be required prior to Council's making a decision whether to approve a subdivision or not. This rule will clarify the use of the assessment criteria already in Part 6 of the District Plan and make it easier for Council staff to ask for further information if this is necessary.

Implementation of the rule is likely to make costs higher for applicants as there may be need for expert reports if the subdivision is deemed to be non-complying. This is particularly concerning on the Gulf Islands as the costs of travel time and fares raise the overall cost of the application. It is extremely important that Council staff make sound judgements when passing on information to prospective developers, and when assessing applications under S92, 94 and 104 and 105. The services of technical experts should only be required when this is this is necessary.

There is likely to be less compliance costs because Council will have satisfied itself prior to granting consent that any on-site activity will likely be sustainably managed.

The "do nothing" option would be that it is the prospective purchaser's responsibility to ensure that the lot is not affected by natural hazards. However this option would be inefficient, as each prospective buyer would need to have the lot checked. Also this approach would not assess the accurately the true costs of subdivision.

Subdividers pass the obligation and costs of site development to purchasers and people new to the area may be unaware of the extra costs involved of developing in areas which are hazard prone, or the necessity to hire an expert to design an effluent system appropriate for the site.

References:

Auckland City. Overview of Natural Hazards and Wastewater Disposal, Great Barrier Island. Engineering Design Services, Auckland City, June 1991.

NOTE: Contaminated sites are not included in the register of natural hazards.