

SECTION 32 REPORT

PLAN CHANGE 23, HAURAKI GULF ISLANDS

APPENDIX F: NO. 3 OBJECTIVES AND POLICIES

A. Proposed Objectives and Policies

The objectives are more focused and specific than the previous objectives in order to provide a direction in respect of subdivision in the Gulf Islands.

8.4.1 Natural Coastal Character

To enable subdivision that leads to the protection of areas of high ecological, landscape, heritage and amenity value.

Policies

- a) Subdivisions shall minimise the proliferation of buildings; earthworks and impermeable surfaces associated development as a means of maintaining the ecological and visual quality of the coastal environment.
- b) By providing incentives through subdivision rules to encourage the maintenance and enhancement of areas of ecological and heritage significance.

8.4.2 Diverse Land Use Opportunities

To provide for a range of subdivision options that enable a diversity of lifestyle and land use opportunities.

Policies

- a) To relate subdivision opportunities to land use capabilities and environmental capacities.

8.4.3 'Village' Character-Inner Islands

To ensure that subdivision within Land Units 11 and 12 maintains and enhances the existing character of the area.

Policies

- a) Subdivision shall take into account existing character and amenity, including elements of built form, lot size and vegetation types and patterns.
- b) Where necessary to maintain amenity, building areas and vehicle accessways shall be defined on new lots.

8.4.4 Iwi

To facilitate Iwi input into the subdivision consent process.

Policies

- a) By ensuring that Iwi are properly consulted in accordance with statutory obligations

8.4.5 Water Quality

To maintain and enhance the quality of ground water, streams, wetlands and coastal waters.

Policies

- a) By avoiding or minimising the modification of any natural water systems.
- b) By ensuring that all discharges of wastewater and stormwater have been treated to the appropriate standard.
- c) By restoring the natural ecology of waterways and their riparian margins where possible.

8.4.6 Vehicle Access

To ensure that lots have a legally approved and fully useable vehicle access.

Policies

- a) Vehicle access shall follow the natural landform wherever possible and minimise adverse ecological and visual effects.
- b) Lots with limited or no vehicle access shall only be approved in circumstances where there is an alternative access, such as from the coast.

8.4.7 Pedestrian Access to the Coastline

To enhance access from public places to and along the coast line.

Policies

- a) By consistently implementing Plan rules that define the circumstances where an esplanade reserve or an esplanade strip is required.
- b) By requiring pedestrian links to the coastline from public places as a general policy.

8.4.8 Natural Hazards

To ensure the safety of people and property from natural hazards, and to minimise danger and damage should those hazards occur.

Policies

- a) By avoiding subdivision in areas subject to coastal and other natural hazards unless steps are taken to avoid, remedy or mitigate any risks.
- b) By ensuring that subdivision designs reflect that some natural features may migrate inland as a result of coastal processes.

8.4.9 Land Stability and Soil Conservation

Subdivision design shall minimise soil-disturbing activities.

Policies

- a) By encouraging low impact design in accordance with accepted practices.
- b) Where soil disturbance is required, by implementing appropriate mitigation and remediation measures.

8.4.10 Financial Contributions

To remedy or mitigate potential effects arising from greater demand on public infrastructure, services and amenities by requiring financial contributions.

Policies

By setting out in the Plan, rules that specify;

- a) the circumstances in which a financial contribution is required, and
- b) Assessment criteria and the means by which the extent of any financial contribution is determined.

8.4.11 Utility Services

To ensure that utility services, including any private power generators, are installed in a manner that minimises any adverse environmental effects on the environment, including visual amenity and noise effects.

Policies

- a) By requiring the undergrounding of electricity and telephone services, other than where this is impracticable or financially not sustainable.
- b) By requiring that the provision of utility services be assessed as an integral part of any subdivision application.

8.4.12 Fire Safety

To ensure that subdivision design minimises potential risk to people and property from fire hazards.

Policy

Subdivision designs should address fire safety matters including the use of fire resistant planting, provision of fire hazard buffer areas, the location of generators and storage of fuel and available emergency water supplies.

1. Extent to which the proposed objective and policies are necessary in achieving the purpose of the Resource Management Act.

8.4.1 The preservation of the natural character of the coastal environment is a matter of national importance. Other matters of national importance include protecting outstanding natural features and landscapes from inappropriate subdivision, use and development. (Section 6).

Other matters, which are to be given importance, include the maintenance of amenity, and recognition of heritage values, and the recognition that natural and physical resources are finite and should be used efficiently. (Section 7). The focus is to ensure the focus is on the potential adverse effects of development in a catchment and on water quality as well as protecting the “natural character” of the coastal environment, and other areas and features of value in the Gulf Islands.

Incentives to encourage the safeguarding and enhancement of significant environmental features is considered a proven and successful method of meeting the objectives of the Act. This approach is given high priority in this plan change. The incentive concept also extends to the rehabilitation of farmland.

8.4.2 This has simplified and shortened Objective 8.4.3 and focuses on providing for subdivision opportunities that relate to environmental capacity.

8.4.3 This reflects the community expectation expressed in “Essentially Waiheke” and reiterated by the Waiheke Community Board that the “village” character of Land Units 11 and 12 will be maintained and enhanced. The existing minimum subdivision size of 2000sqm is to be retained to maintain amenity.

Sustainable management includes providing for the social, economic and cultural wellbeing and health and safety of communities. By ensuring that residential lots in the villages maintain an adequate undeveloped area to meet the requirements of TP58 (2nd ed), and maintain their own sewage system in a healthy state, then the health and safety of residents is secured. Retention of the low-impact village character has been emphasised by Waiheke residents through the Liveable Communities survey. Objective 8.4.3 set in place a direction for subdivision on Waiheke Island that will help to ensure the ongoing village character, therefore providing for cultural wellbeing

8.4.4 This objective and policies reflect the need to consult with tangata whenua where subdivision proposals require this. This is required under S6 “Matters of national importance” and s8 “Treaty of Waitangi. The submission to the discussion document from Ngati Paoa signals a strong desire on their part to for greater participation in the resource consent process.

8.4.5 Again, the philosophy behind the proposed plan change is on to consider subdivision on an ecological level. This includes an integrated management approach which takes into account the potential adverse effects resulting from subdivision on waterways, including coastal waters. This approach also requires that rehabilitation work on the margins of wetlands and the banks of streams is carried out as part of a subdivision consent, where appropriate

8.4.6 Vehicle access is specifically singled out to avoid circumstances where these have resulted in adverse ecological effects on the ecology and the visual amenity of the coastal environment. A policy was also required that stated that in cases where legal vehicle access is not available from the land, that coastal access will be considered appropriate where practical coastal access can be achieved.

8.4.7 Under the RMA S 6. (d) it is a matter of national importance to maintain and enhance public access to the coastal marine area. In the RMA, under Sections 229 and 230 there is a great deal of flexibility regarding esplanade reserve widths, waivers, and where an esplanade strip can substitute for an esplanade reserve. There is the flexibility as to whether an esplanade strip needs to be made available for public access. It is necessary that the District Plan contains a clear message to those designing, assessing or presiding over decisions related to subdivisions applications that public access to the coastal marine area remains a high priority.

The Waiheke Island recreation strategy includes policies and actions related to developing an island-wide network of walkways and public open space reserves. It is considered efficient to ensure that where appropriate, these are provided for at the time of subdivision.

8.4.8 Natural hazards are referred to in this objective and the requirement that Council provides information on natural hazards acknowledges Council's requirement under s.35(5)(j) RMA. Esplanade reserves and strips are to be located by TLAs and this is currently done by AK City through Planning Maps and aerial overlays as well as the more recent document identifying

Waiheke's esplanade areas, "Waiheke Island Esplanade Areas Management Guidelines" (1999).

8.4.9 Again, taking into account the District Plan's direction of maintaining and enhancing the natural character of the Gulf Islands, it is a priority that at the time of subdivision consent, care is taken to take a low impact approach and to limit the amount of soil disturbance in order to minimise sedimentation effects on waterways including waters.

8.4.10 It is a priority of the Council to require that financial contributions to be taken where circumstance warrant this.

B. Removal of existing objectives as follows:

8.4.2 Objective

To ensure that subdivision patterns preserve opportunities for productive use of higher quality land in the Gulf Islands

Policies

- a) By relating minimum areas for lots in particular land units to the physical and natural character and use potential of each land unit.
- b) By including in the Plan, subdivision rules which provide for variations to the minimum areas for lots in different land units in order to achieve a flexible approach to subdivision that facilitates better land use and development potential based on land use capability.
- c) By including in the Plan subdivision rules which provide for variations to the minimum areas for lots in different land units in order to achieve a flexible approach to subdivision that facilitates better land use and development potential based on land use capability.

By limiting the scale and location of buildings on higher quality land.

This has been removed as a major objective because it has less priority than previously, although it is still important. The objective "to preserve higher quality land" is not a specific Resource Management Act objective. The emphasis is moved from protecting higher quality soils, to providing opportunities for rural land to be used for a variety of agricultural and horticultural activities, such as vineyards, olive groves, and orchards, as well as pastoral farming

Where there is good quality land, the plan rules provide for this to be safeguarded. The proposed assessment criteria require that subdivision patterns preserve opportunities for productive use of higher land quality in the Gulf Islands. Pastoral farming was once a major activity on Great Barrier, Waiheke and Rakino Islands and other off-shore islands. However, in many cases this is no longer economic for many reasons that relate to revised national policy in terms of farming subsidies, amalgamation of farming infrastructure such as Dairy Companies and Abattoirs. Though large by Gulf Island standards many of these farms are too small to be economically viable. Also, although there are exceptions, many farms are situated on steep slopes that have minimal soil depth and are wind blown and erosion prone. It is not clear in the above definition whether these types of farms were to be included in the definition of "higher quality land". Many former farmers are turning to other activities to make a living. Over the past 10 years many farms have been subdivided into smaller blocks, many with covenanted bush and other significant environmental features. The retirement of land that is exhausted due to many years of grazing and

chemical fertilisation and its re-conversion to indigenous scrublands, then bush has had a positive effect on the Gulf Islands in terms of soil stability and erosion control, water quality, ecological health and visual amenity. This also has the positive spin-off effect of providing for a wider range of lifestyle blocks to fulfil a growing demand.

The trend is for many farms to be subdivided into “rural/coastal-residential” which owners use as holiday places. There are also many instances where owners are permanently in residence.

Delete Objective

8.4.2 *To provide for and foster subdivision which leads to the protection of areas of high environmental value, of high landscape, heritage and amenity value, and for areas where natural hazards exist.*

Reasons for deletion

The various strands in this objective have been picked up by proposed objectives. These include, 8.4.1

To enable subdivision that leads to the protection of areas of high ecological, landscape, heritage and amenity value.

This is now the first objective. It is given this position because it is considered to be a major priority that has which is at the forefront of the Council’s policy on subdivision in the Gulf Islands.

Objectives 8.4.3 relates to recognising a diversity of lifestyles, cultures and quality of life in the Hauraki Gulf Islands. These aimed are now focused more on land use in proposed objective 8.4.2. A further objective, 8.4.3 picks up on the need to retain the village character on Waiheke Island. There is also an objective related to facilitating consultation with Iwi, where appropriate, in respect on subdivision matters. Other objectives that relate to the issues touched on in the existing 8.4.3 include pedestrian access to the coast.

8.4.4 Objective

To integrate subdivision rules with land use activity rules where appropriate, in order to achieve a more integrated approach to land use and development.

This philosophy is integrated throughout the chapter. However it is not considered that it needs to be included as an objective.