

SECTION 32 REPORT
PLAN CHANGE 23, HAURAKI GULF ISLANDS
APPENDIX H: NO. 2 REVIEW OF SUBDIVISION CONTROLS

1.0 Subdivision Discussion Paper 2000

This discussion paper contained proposed changes to Part 8 “Subdivision” in the District Plan. The paper was developed as part of an evaluation of the current subdivision rules in Part 8 of the District Plan. It includes an assessment of the subdivision consents approved since the Plan went operative in 1996. Information was also obtained from public enquiries and discussions with landowners and resource management practitioners.

a) Comments on the Discussion Paper

The Paper was circulated to the public and comments were received from the following:

- Ormiston Associates Ltd. – A.W. Ormiston
- George Medland
- Onetangi Heritage Apartments – Mr. & Mrs. Dominikovich
- Mr. Dodd
- Dodd Civil Consultants Ltd. – Peter Dodd, Director
- Northern Barrier Residents & Ratepayers Assn. Inc.
- Department of Conservation
- University of Auckland – Dr. John Ogden
- Brian & Robin Griffiths
- Manukau City Council – Pat Holm
- Mickey O’Shea
- Awana Valley Catchment Group
- Southern & Central Residents & Ratepayers Assn.
- Ross MacRae & Lyn Collins
- Oneroa Commercial Property Owners Group
- Knight Coldicutt – Martin Green
- Gulf District Plan Association (Inc.)
- Nick & Netty Johnstone
- New Zealand Institute of Surveyors
- Royal New Zealand Forest & Bird Protection Society Inc – Hauraki Gulf Islands.
- Ostend Residents & Ratepayers Assn.
- Waitemata Infrastructure Ltd. – S. Norrie
- Kimberly McMurray-Cathcart
- University of Otago – Dr. Mick Strack
- Auckland Regional Council
- New Zealand Leads – Claude Lewenz

- Peter Green
- Great Barrier Community Board
- Mike Elliot

Auckland City submissions

ACE Developmental Engineering – Glenn Broadbent

Auckland *City* Environments – Hauraki Gulf Islands – Nick Pryce

Utility Planning – Garry Peters

b) Topics and Issues raised in comments

c) The discussion paper responses cover many topics, including:

- flexibility in the subdivision rules
- rules and standards for unit title subdivisions
- national importance of the Gulf Islands
- alignment with Hauraki Gulf Marine Park Act 2000
- regional growth strategy
- Oneroa Policy Area
- justification for resource consent activity thresholds and triggers changes
- methodology for determining the area for effluent disposal
- whether minimum lot areas provided the right measure for sustainable subdivisions
- catchment management strategies
- unformed roads
- visitor facilities
- financial contributions
- landowner compensation for conservation initiatives
- hamlet development
- incentives for sustainable developments
- natural hazards
- water allocation and water supply
- land units rules
- specific subdivision rules
- amenity
- character
- public access
- public interest
- natural heritage protection and restoration
- esplanades and other reserve areas
- stormwater and sediment management
- terminology and definitions – use of the words “urban” and “character”, and what development is “minor” or “appropriate”?
- request for section 32 information to be made available to public interest groups

Department of Conservation (DoC) supported the proposed changes to Part 8. Section 8, Hauraki Gulf Marine Park Act 2000 requires recognition of the national significance of the Hauraki Gulf and s.7 sets out the management objectives for the Hauraki Gulf, its Islands and catchments. Together, sections 7 & 8 constitute a National Policy Statement and Council must ensure that its district plan is not in conflict with these principles and objectives. DoC supported the proposal to require a report on the catchment effects of a proposed development.

The Regional Growth Forum is mentioned in some comments and there is concern that the general easing of subdivision rules to facilitate subdivision by some landowners, particularly in Land Unit 14, may contradict or circumvent the Regional Growth Strategy.

Strategies such as “Essentially Waiheke” and the Oneroa Commercial Centre’s Wastewater reticulation and treatment system can be integrated with this subdivision rule review process. Some responses did not support this approach. The Auckland Regional Council is supportive of the discussion paper and refers Council to their technical publications.

Some comments reminded Council that “Part 8 Subdivision” came about after extensive public consultation and only the proposed changes should be opened up for consultation – not the entire part, which could result in a general lowering of the operative standards.

Several submitters referred to paper (unformed) roads and the proposed rule which would require consideration at the time of subdivision whether any existing paper roads within the proposed subdivision should be stopped. Department of Conservation supported this approach, whereas others are concerned that development could be delayed if it meant that a proposed access was through environmentally sensitive areas. Comments were also made that subdivision consent usually requires roading to a higher standard than found on the public roads of Great Barrier and that standardisation of roading is required.

Comments have been made about interpretations, such as for “character” and the use of the word “urban”. Also, some submitters appear unaware that Council has a legislative duty to align the District Plan with higher legislation, such as national or regional policy statements and we cannot selectively delete some parts, such as the requirement for public access to the coast, or assessment of intrinsic values.

The social cost of conservation is raised by some submitters; compensation for landowners, such as through reduced financial contributions, and the re-statement of private property rights, are also mentioned.

Catchment management plans are proposed by a few submitters, and these could assist in the establishment and management of issues such as the public roading network, and stormwater and sediment management on a catchment basis.

A few comments focussed on the need for opportunities to create innovative developments using sustainable technology, infrastructure and alternative settlement concepts.

Comments were also directed to specific subdivision rules, land unit rules, and there were requests for stringent criteria to be developed before the proposed restricted discretionary activity and permitted activity categories of subdivision should be approved.

Various comments received about the discussion paper supported the approach Council has taken to encourage feedback prior to the notification of a formal plan

change. City Planning believes that prior consultation will result in a more robust plan change which has greater community acceptance, and following the Auditor-General's investigation of Council practice, this would seem to be the recommended approach.

2.0 Iwi Consultation

2.1 Ngati Paoa Whanau Trust Board

Ngati Paoa Whanau Trust Board considered a draft version of the Plan Change and Section 32 report and provided comments in July 2001. Their comments and the Council's response are summarised below.

Comment	Council's Response
<p>The Council should seek through the consents process and other appropriate processes, to facilitate opportunities for greater participation of Ngati Paoa in the monitoring and use of resources and subsequent effects, where this is mutually agreeable to Ngati Paoa, applicants and the Council.</p>	<p>The Plan Change contains an objective with regard to facilitated iwi input into the subdivision consent process.</p>
<p>Planners are not giving due consideration to iwi concerns when assessing an application for development. The Plan should include a section on iwi values.</p>	<p>Noted.</p>
<p>The Council needs to seek agreement with Ngati Paoa on local implementation of the Treaty principles, and their participation in resource management decision-making.</p>	<p>Noted.</p>
<p>'Where evidence of a burial site or any other archaeological ...' An iwi approved archaeologist will provide an assessment on behalf of the Council (within five days) in conjunction with the HPT with a proposal for treatment of the site.</p>	<p>The Plan Change for Earthworks includes a clause which states that where evidence of a burial site or any other archaeological feature is exposed during Subdivision, all work must cease and the Council and Historic Places Trust be advised. The clause further notes that on receipt of such advice it is the Council's practice to consult with the relevant authorities (HPT, DOC, Tangata Whenua) and the owner of the property with regard to the appropriate treatment of the feature.</p>
<p>Seek the following amendments to existing Part 6E General Assessment Criteria – Discretionary Activities</p> <p>Amend 6E.1.1 Assessment Criteria, subclause C to refer to the likely effects of the proposal 'on any significant environmental or archaeological features ...'</p> <p>Add '(d) disturb the heritage feature'</p>	<p>The Plan Change includes the following assessment criteria for Subdivision as a restricted discretionary activity:</p> <p>'The extent to which protection and management measures can be undertaken to avoid, remedy or mitigate adverse effects on significant environmental features, ... heritage items, or sites of cultural significance'</p>

Approaches have also been made to the Ngati Rehua/Ngati Wai ki Aotea Trust and to the Ngati Wai Trust Board, regarding Great Barrier. Preliminary contact has been made with both groups who expressed an interest in further participation. This will be followed up over the next two months during the submission period.

3.0 Consultation Undertaken to Date

Auckland City Staff

- Waiheke Island Service Centre staff – Richard Osborne, Senior Planner; Bill Smeed, Team Leader
- Great Barrier staff – Lance Dixon, Building Advisory Officer;
- ACE - Michelle Hewitt, Team Coordinator, Professional and Technical Services
- Traffic and Roading Services – Neil Forgie, Manager: Professional Services
- Dawne Mackay, Senior Planner
- Andrea Julian, Ecologist
- Garry Peters, Engineer, Utility Planning

Auckland Regional Council –

Ministry for the Environment – Michael Wood, Policy Analyst

Department of Conservation – Debbie Wingate, Planner

Consultants

- Greg Marr - Alethica Ltd
- Barry Kaye – Planning Consultant