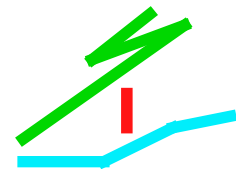


HAURAKI GULF ISLANDS : DISTRICT PLAN REVIEW

EARTHWORKS PROVISIONS

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CONTENTS

INTRODUCTION	3
BACKGROUND	3
LAND UNITS	4
POLICY AREAS	5
CONCLUSIONS AND RECOMMENDATIONS	6

INTRODUCTION

Melean Absolum Limited have been commissioned to assist in the consideration of landscape and visual issues as part of the current review of earthworks controls within the Auckland City Operative District Plan – Hauraki Gulf Islands Section (HGI Plan).

To assist with this consideration, the following documents have been reviewed:

- Auckland City Operative District Plan – Hauraki Gulf Islands Section;
- Report from Erosion Management Ltd on erosion and sediment issues;¹
- Draft Plan Change No 24
- Draft Section 32 Analysis report

BACKGROUND

As part of its progressive review of the HGI Plan, Auckland City commissioned Hill Young Cooper to review the earthworks, lot coverage and indigenous vegetation controls. In their report², they recommended that the existing cubic metre earthworks control be replaced with a square metre of exposed area, linked to angle of slope, control. It was considered that this would more directly relate to and control the principal adverse effects of earthworks, namely erosion of exposed areas resulting in sedimentation of streams, wetlands and the sea.

While this approach has generally been supported in addressing the erosion and sediment control role of earthworks provisions within the HGI Plan, it is also recognised that the earthworks controls have other functions within the Plan. These include assisting in the:

- protection of natural character in the coastal area;
- protection of broader landscape values by controlling changes to landform.

It is particularly in relation to these two functions that the review by Melean Absolum Ltd was carried out.

In line with the format of the HGI Plan this report first considers the provisions within the Land Units, followed by consideration of provisions applying to Policy Areas. Other matters are addressed after this with a summary of recommendations as a conclusion.

¹ Erosion Management Ltd, *Review of Earthworks Provisions, Hauraki Gulf Islands Section, Auckland District Plan*, December 2001

² Hill Young Cooper, *Hauraki Gulf Islands – Review of Earthworks, Indigenous Vegetation and Lot Coverage Mechanisms*, November 1999

LAND UNITS

Based on the recommendations of the Erosion Management Ltd report, the draft Plan Change suggests that Table 1, Standards for Permitted Activities, should be amended so that the different volumes (m^3) of earthworks which, in the operative Plan can be undertaken as a permitted activity, are replaced with an area (m^2) of permitted earthworks. Under the proposed Plan Change, $50m^2$ of earthworks would be permitted as of right in Land Units 2, 3, 5-15, 17-25 on land with a slope of greater than 5%. $400m^2$ of earthworks would be permitted as of right in Land Units 2, 3, 5-15, 17-25 on land with a slope of 5% or less. Earthworks in excess of these standards would be provided for as a restricted discretionary activity which would be dealt with on a non-notified basis.

While the areas proposed (ie the m^2 limits) follow the recommendations for ensuring erosion and silt effects from earthworks are adequately managed, the issue of broader landscape and visual effects needs further consideration.

Within LUs 1 and 4, Coastal Cliffs and Wetland Systems, respectively, no earthworks are allowed as a permitted activity. This is the case in the operative Plan and is proposed to continue to be the case within the Plan Change. The HGI Plan currently provides for earthworks in LUs 1 and 4 as a non-notified discretionary activity. Under the Plan Change, they would be a restricted discretionary activity and non-notified. These two LUs have been dealt with in this way because of the vulnerability of the landscapes found within these LUs, particularly in respect of erosion and sedimentation effects.

Section 6a of the RMA requires *“the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.”* While treating all earthworks within the Coastal Cliff and Wetland LUs as restricted discretionary activities is entirely consistent with s6a, it would be appropriate to extend this level of protection to other LUs within the coastal environment, where earthworks have the potential to impact upon natural character.

One such area where there is potential for adverse landscape and visual effects as a result of earthworks being undertaken is within LU 2, Dune Systems. In some parts of the Gulf Islands, such as the east coast of Great Barrier, the dunes are an important landscape feature and even small areas of earthworks should be considered carefully. There are also potential ecological effects which would benefit from consideration of all earthworks as a restricted discretionary activity.

Land Unit 3, Alluvial Flats, encompasses flatter landforms where landscape effects as a result of earthworks are likely to be minimal. However, other LUs, such as LU5, Foothills and Lower Slopes, LU6, Steep Pastoral Slopes, LU7, Steep Infertile Coastal Slopes, and LU9, Low Fertility Slopes, all of which occur along the Great Barrier coast and which encompass areas where earthworks have the potential to impact upon the natural character of the coast, should also be considered for inclusion in the group of LUs within which all earthworks are to be considered as restricted discretionary activities.

Consideration could be given to allowing a small area of earthworks within these LUs as a permitted activity with restricted discretionary activity consent required for larger areas. However, it is recommended that this area be kept quite small, perhaps 5m² at most. The reason for this is that the depth of any cut may well be the dimension which creates adverse impacts on landform, particularly sensitive coastal landforms. If the cut is not subsequently 'filled' by development or screened by planting this can lead to adverse impacts on the natural character of the coastal environment.

The draft Plan Change includes a list of assessment criteria for earthworks as a restricted discretionary activity. One of the assessment criteria is intended to address landscape and visual impacts. The proposed assessment criteria is imprecise and it is therefore recommended that the following clause should replace clause 6C1.3.6 3 of the draft Plan Change:

"The extent to which the proposed earthworks will:

- have adverse effects on the natural character of the coastal environment;
- have adverse visual effects or negative effects on landscape qualities which cannot be avoided, remedied or mitigated by planting or other landscaping."

POLICY AREAS

There are four Policy Areas on each of the larger Gulf Islands, Great Barrier and Waiheke. In six of these, Policy Areas 1 – Tryphena, 2 – Medlands, 4 – Port Fitzroy, 5 – Oneroa, 6 – Onetangi and 7 – Ostend, earthworks are to be considered as controlled activities. In Policy Area 3 – Claris, earthworks within part of the Airport Protection Area are a discretionary activity, otherwise earthworks are a controlled activity.

In Policy Area 8, Rangihoua Park, the Plan is confusing. Under the Controlled Activity Assessment Criteria, 7.8.3.3 B (b), earthworks are listed as being a controlled activity. Under the General Rules for Discretionary Activities, 7.8.3.5 A (b) earthworks within the Heritage and Conservation Protection Areas of the Policy Area are a discretionary activity. Presumably the intention of the Plan is that earthworks will be a discretionary activity in the more sensitive parts of the Policy Area, ie. the Heritage and Conservation Protection Areas but elsewhere it will be a controlled activity. Further confusion is created by the statement in Policy A, under Clause 7.8.2.4 Objective, that earthworks in the Heritage Protection Area are a controlled activity. This should be clarified, subject to comments on controlled activities discussed below.

Assessment criteria are included in the HGI Plan for earthworks being considered as controlled activities in Policy Areas 1, 2, 3, 4, and 6. These criteria include consideration of visual impacts as they relate to alteration of predominantly natural landforms and will appropriately cover matters which should be considered.

However, section 105 (1) (a) of the RMA requires that resource consent applications for controlled activities be granted consent, although conditions relating to those matters over which the Council retains control may be imposed. Where the resource

consent application is for earthworks which will have adverse landscape and visual effects, the imposition of conditions may well not be sufficient to avoid, remedy or mitigate those adverse effects. It would be preferable if earthworks within Policy Areas were assessed as restricted discretionary activities. This would be in keeping with the approach in the proposed Plan Change which provides for earthworks consents in the Land Units to be dealt with as restricted discretionary activities.

In Policy Areas 5, and 7, no assessment criteria are included against which earthworks proposals are to be assessed. As Policy Area 5, Oneroa, is already a developed urban centre, where natural landscape elements are dominated by the built environment, this omission is acceptable and earthworks controls could be removed from PA5. The Land Unit controls would still apply within the Policy Area.

This is not the case, however, in Policy Area 7, Ostend. The close proximity of the two sub-areas, Okahuiri and Tahiri to the sensitive tidal areas of Okahuiri and Tawaipareira Creeks, suggest that earthworks assessment criteria would be appropriate. These should be written to address erosion and sedimentation effects as well as landscape and visual effects. The Ostend sub-area does not have the same sensitivity to earthworks, having no wetland areas and already being largely developed for commercial and residential purposes. Earthworks controls could thus be removed from the Ostend sub-area of PA7.

In Policy Area 8 the controlled activity assessment criteria included in Clause 7.8.3.3 B (a) are primarily aimed at avoiding erosion and sedimentation effects, as opposed to landscape and visual effects. Avoidance of sedimentation is an important consideration in this Policy Area, given its proximity to Rangihoua Creek and Sites of Ecological Significance (SES). However, some criteria assessing the potential for adverse effects on landform, particularly for the Rangihoua Maunga Heritage Protection Area (where it is a discretionary activity) would also be appropriate.

RECOMMENDATIONS & CONCLUSION

Land Units

Restricted discretionary activity status should be extended to all earthworks within Land Unit 2, Dune Systems and Sand Flats, as they have the potential to impact upon the natural character of the coastal environment.

The same approach should be considered for earthworks within sensitive coastal LUs such as Land Unit 5, Foothills and Lower Slopes, LU6, Steep Pastoral Slopes, LU7, Steep Infertile Coastal Slopes, and LU9, Low Fertility Slopes, for the same reasons, although a very small area might be allowed as a permitted activity.

The following clause should replace clause 6C1.3.6 3 of the draft Plan Change:

“The extent to which the proposed earthworks will:

- have adverse effects on the natural character of the coastal environment;
- have adverse visual effects or negative effects on landscape qualities which cannot be avoided, remedied or mitigated by planting or other landscaping.”

Policy Areas

It is recommended that earthworks within Policy Areas be assessed as restricted discretionary activities rather than controlled activities.

Assessment criteria for earthworks should be included within the Okahuiti and Tahi sub-areas of Policy Area 7, incorporating consideration of landscape and visual effects.

Assessment criteria for potential adverse effects on landforms should be included within Policy Area 8, Rangihoua Park.

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