

7 DISTRICT PLAN MONITORING: BUILT DEVELOPMENT IN PIHA

PURPOSE OF THE REPORT

The purpose of this report is to update the Planning and Regulatory Committee on work being undertaken by staff in response to amenity concerns relating to recent built development in Piha. The report also advises of further investigative work that is proposed to be undertaken.

BACKGROUND

As a result of community concern that recent built development is detracting from the amenity of the natural character of the Piha Coastal Village area, staff have been undertaking preliminary analysis to assess the scope of the issue. The focus of concern relates to the built development that has occurred in the last 10 years, under the current Waitakere City Council District Plan.

Staff work to date has included site visits, a brief review of resource consents, a meeting with the Piha Residents and Ratepayers, and the development of an overview of relevant statutory and non statutory documents. The findings to date are discussed below.

Much of the unique character of Piha stems from its location, lying between the coastal edge of the beach and the steep ridges of the bush covered Waitakere Ranges. The coast is a significant element defining the character of Piha and includes coastal vegetation, streams, dune systems, and natural landforms. The elements recognised as contributing to the character of Piha include a sense of quiet; wind-swept beaches; rugged landscapes; low scale development; bush covered ridges; and recreational values relating to surfing, swimming and bush walking. Vehicle access to Piha is restricted to one road, steeply descending from the Waitakere Ranges down to the coast.

For the purposes of this report Piha village is considered to consist of those sites starting at 172 and 209 Piha Road (i.e. west of Karekare Road) to the end of North Piha Road. It is characterised by low density residential dwellings on sites ranging from between 800m² to 3000m². The number of privately owned sites within this area is estimated to be 936. There are approximately 127 vacant sections in Piha, with 90 in the Coastal Villages Environment and 37 in the Waitakere Ranges Environment. In terms of built environment Piha has, until recently, been developed with mostly 1-2 storey small "bach" dwellings used for holiday accommodation.

As early as 1976 it was recognised that Piha was undergoing a change in its function, from a predominantly recreational (holiday) function to that of a more permanent residential nature. Due to its proximity to the Central Business District of Auckland City (within one hours drive) and the value of coastal property, there has been increasing pressure on the character of Piha from both development and visitors.

Over the last 10 years demand for coastal property has resulted in exponential price rises across the country, with Piha experiencing a 36% increase between 2002 and 2003. Anecdotal evidence suggests these property prices have continued to rise over the last two years. A total of 186 resource consents were approved by the Council from 1997-2004, with new dwellings making up approximately 39% of these. Establishment of a dwelling and a minor household unit (on sites larger than 1500m²) is a permitted activity in the Coastal Villages Environment, so additional dwellings will likely have been constructed as permitted activities, requiring only building consent.

It is noted that the concerns expressed by the Piha community extend also to issues relating to visitors. Recent surveys by the Council indicated that up to 10,000 people visit Piha on the busiest day, with these busy days increasing in number throughout the year. However, while the community's concerns are acknowledged the current project does not attempt to address visitor issues. Rather, the focus of the current work is on the District Plan rules that govern physical development that may occur at Piha.

STRATEGIC CONTEXT

There are a number of key statutory strategic documents that are particularly relevant to the consideration of physical amenity issues in Piha. In summary this cascade of legislation (and non statutory strategic documents) gives a clear mandate for the protection of the coastal areas from inappropriate development.

Resource Management Act 1991, Part 6: Matters of National Importance

Under Part 6 of the Resource Management Act 1991 (RMA),

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:

is listed as a matter of national importance. This creates the onus on the Regional and Territorial Authorities to make relevant objectives, policies, and rules to achieve this outcome.

New Zealand Coastal Policy Statement

Chapter 1 of the New Zealand Coastal Policy Statement states the national priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development. Regional and District Plans shall not be inconsistent with the New Zealand Coastal Policy Statement. Therefore the District Plan has a clear policy linkage to the New Zealand Coastal Policy Statement that seeks to protect natural character from inappropriate subdivision. Cumulative effects are one element in the definition of "effect" outlined in Section 3 of the Resource Management Act 1991. The policies of the New Zealand Coastal Policy Statement give particular emphasis to cumulative effects as opposed to other types of effects covered by Section 3 (i.e. actual or potential effects).

Auckland Regional Policy Statement

Section 75 of the Resource Management Act 1991 requires that a District Plan must not be inconsistent with the Regional policy statement. The Auckland Regional Policy Statement includes sections on the regional overview and strategic direction, heritage and the coastal environment, which are of particular relevance to Piha.

At the time of writing this report, due to the Local Government Auckland Amendment Act process, various parts of the Auckland Regional Policy Statement are under submission, in particular Chapter 2 and the definitions, which both address matters around urban growth and the interrelationship with development in rural and coastal locations. In addition the Heritage section of the Auckland Regional Policy Statement, Chapter 6, which refers to landscapes and their protection is also in the process of being reviewed and should be notified before the end of the year. Both of these review processes will impact on any further work that is undertaken in relation to Piha, particularly if the work was to include changes to the Waitakere City Council District Plan. Chapter 7, Coastal Environment, of the Auckland Regional Policy Statement is also relevant, and relates specifically to subdivision, use and development.

Heritage issues surrounding landscape quality and sensitivity to development are identified in Chapter 6 of the Auckland Regional Policy Statement, where the Waitakere Ranges is identified within the Maps (2 and 3) as being a significant natural heritage area (landscape quality value of 6); and significant landscape sensitivity (landscape sensitivity value of 7 and 5). Specific policies (6.4.19 – Landscape) within the Heritage Chapter seek to control subdivision, use and development within those areas identified in Maps 2 and 3.

The Waitakere City Council District Plan identifies “outstanding landscapes” in Map 3.6(B) in Part 3 of the Policy Section. Although this map reflects the Auckland Regional Policy Statement identification of the Waitakere Ranges as ‘outstanding,’ much of Piha Village is not included.

Waitakere City Council District Plan

The District Plan identifies key issues, including Urban Consolidation, the Green Network, Landscape, Amenity Values and Neighbourhood, all of which are associated with management of development in Piha. Development within Piha contributes to the strategic direction of Council by providing options for where people live, by assisting in protecting the Waitakere Ranges and natural ecosystems associated with the Green Network, and also by seeking to protect the natural landscape characteristics. However, the scale and speed of development at Piha has resulted in some degradation of the landscape, amenity and ecological values of the area.

Although Part 6 of the District Plan begins to provide for some elements and characteristics to the coastal environment, it is not specific regarding the particular character of Piha, and thus provides a somewhat limited basis to assess the suitability of activities at Piha (not just landscape). This is because the District Plan, at the time that it was developed, took a more general approach, considering all coastal villages as having similar characteristics, such as low scale development with a bach heritage, assuming that specific landscape character will be assessed as part of future development. Piha is identified as being generally a Coastal Village Environment, with much of the village also identified as an ‘outstanding landscape’ being part of the West Coast Area. Notably, the ARC review of the region’s outstanding landscapes, discussed above, has resulted in a downgrading of the landscape values of part of Piha because of the level and nature of development that has occurred there in the past few years.

The objectives and policies of the Waitakere City Council District Plan, relating to development in the Coastal Village form the basis for managing development in Piha, including the recognition of character and outstanding landscape. The most relevant objective that relates to the Coastal Villages Environment is Objective 11, recognising that there are different patterns of development and attributes that contribute to character. Therefore although specific reference is made to the ‘coastal village’ it is the unique character of that environment that must be considered further, and for which further work is required.

The rules of the Waitakere City Council District Plan have set out a two-tiered approach to manage the effects from land use activities. This has entailed assigning an appropriate Human Environment and Natural Area identification to all land within the City. These layers of land-use management form the basis for applying the policies and rules of the District Plan. The Natural area rules pertain to matters such as vegetation removal and earthworks. The Human Environment rules pertain to matters of bulk and location of buildings, and cover specifics such as density, height, yard setbacks and building coverage. These rules also cover non residential activities.

Long Term Council Community Plan

The Long Term Council Community Plan identifies nine outcomes for sustainability, of which the following two are most relevant to issues surrounding Piha:

Urban and Rural Villages - options for living, working and playing: Although neither the terms urban or rural are explicit to coastal villages, this platform looks at the difference between the City’s urban environment and the less urbanised areas. The Long Term Council Community Plan has a precautionary approach to development to enable sustainable development of the city under the Local Government Act 1974, recognising that more intensive development should be directed to the urban areas, maintaining the character of village communities. Development in Piha is therefore expected to reflect and maintain the village character, and not urbanise it with unsympathetic materials and intensified development patterns.

The Green Network is a key strategic platform set out in the Long Term Council Community Plan, and seeks to protect and restore the life supporting capacity of the environment. The Green Network strategy seeks to protect and enhance native plants, wildlife and ecosystems (of both land and water), and the high quality landscapes of the city on both public and private land. The strategy intends to (amongst other things) improve the linkages between the Waitakere Ranges and the Waitemata Harbour, through streams and ecological corridors. Development within this area has a direct impact on the Green Network.

Waitakere Ranges and Foothills Protection Project

The Waitakere Ranges and Foothills Protection Project was initiated in 2003 by the Waitakere City Council and the Auckland Regional Council, together with Rodney District Council, local Members of Parliament and Iwi, in close consultation with stakeholders.

The project has now progressed to the stage where it has been developed into a Bill, the intention of which is to give long-term protection to the important heritage features of the Waitakere Ranges, its foothills and coastal areas in the face of increasing pressures for subdivision and development. This Bill responds to growing concerns about the adverse cumulative effects that this growth pressure is having on the ecological, landscape, historic, traditional and cultural heritage of the area. The issues of development at Piha have featured large in the consultation and policy development that has occurred under the auspices of this project.

This Bill, if enacted, will give effect to a key element of a package of initiatives developed by the Waitakere Ranges and Foothills Protection Project in order to ensure permanent long-term protection of the Waitakere Ranges and Foothills. Piha falls within the area of this Bill, however the matters contained in the Bill are unlikely to have any significant bearing on the outcome of any resource consent processes until such time as the Bill has been enacted.

ISSUES

The key issue revolves around the increasing development pressure for new and larger dwellings. The number of developments over the past 10 years has raised concerns within the community about cumulative effects on the character of Piha. Conversely, concerns have been raised by some residents wishing to develop sites who have found the current District Plan provisions overly restrictive, where rules are not responsive to the changing patterns of development, nor reflective of the development constraints of difficult sites (e.g. steep gradient). The number of recent developments has introduced a more urban context to the coastal environment, and the continuation of this type of development has the potential to irrevocably change the nature of Piha, particularly given the current desire of many landowners to maximise the value of their properties.

However, it must be recognised that these pressures will continue, and must be responded to. The challenge is finding ways to enable the community to look after its needs while protecting and (where possible) enhancing those characteristics of Piha that are so highly valued. The above discussion of the range of statutory and non-statutory measures can, to some degree, be distilled down to the idea that appropriate development should result in the built form not dominating the natural environment, such that there will not be adverse cumulative effects on the character of Piha or the natural environment in which development exists.

Other matters of concern that would have a bearing on any decisions to be made are discussed briefly below.

Infrastructure

For the most part the coastal village areas are self servicing in terms of domestic infrastructure. Currently, there is not an integrated stormwater management system for Piha or any of the other Coastal Village areas. The stormwater in these areas is managed on a site by site basis, and under current requirements a site must be able to achieve hydrological neutrality to receive consent and commence development. However, flooding has been an issue at Piha, and any changes to District Plan provisions would have to ensure that a precautionary approach is taken.

Given the current focus on the work required under the Local Government Auckland Amendment Act process it is unlikely that Piha or any of the other coastal villages could be considered for the work required for a catchment management plan process for another 4-5 years. However, it is to be noted that the stormwater strategy is currently under review, and this could have an impact on methods currently accepted and used.

With regard to water and waste water there is no public waste water system in Piha and for most of the area no reticulated water supply, although North Piha does have reticulated supply. In the event of the controls being changed, this would have to be in the context of any known constraints in relation to the implementation of domestic infrastructure, with a strong emphasis on ensuring that development does not lead to adverse effects from inadequate infrastructure.

Related Statutory Processes

As indicated above there are currently several statutory processes occurring that will have a direct bearing on the next stages of this review process, as they are concerned either wholly or partially with the protection of the coastal landscape. These processes are the continuing development of the Waitakere Ranges and Foothills Protection Project, and the review of the Auckland Regional Policy Statement, under both the Local Government Auckland Amendment Act process, and a separate plan change relating to the Heritage chapter that encompasses landscape protection. It is anticipated that these processes will not see conclusive results until well into 2006.

Given the likely significant impact of these processes, it would not be appropriate to proceed with a comprehensive review of the District Plan provisions at this time. Nevertheless, there are actions that can be immediately taken to help improve outcomes at Piha, and these are discussed below.

Overall, a precautionary approach will continue to be taken with regard to future development, to ensure that the special nature of this West Coast village is not further compromised, until such time that the further direction for the development in the village can be clearly determined. This approach has to assume that a certain level of development is inevitable, given the number of vacant lots. It will take some time to follow through with the areas of investigation outlined below that will contribute to the final measures that will be utilised to maintain the character of this coastal village.

Next steps

Given the environmental sensitivity around the West Coast settlements, the Council has usually taken a precautionary approach when dealing with resource consents. It is considered that this approach, to the management of development in Piha, will continue until such time as the investigations outlined below can be completed. Clearly though, applications will continue to be assessed on their merits in the existing District Plan framework and outcomes cannot be predetermined.

The following further investigation will be instigated:

- Landscape work will be commissioned. This work will have to be undertaken in conjunction with work being undertaken as part of the Waitakere Ranges and Foothills Protection Project, and in response to proposed changes to the Auckland Regional Policy Statement. It is anticipated that this work will assess the current situation, and make recommendations in relation to past and future activities, with a view to protecting and enhancing the existing landscape character. It would guide (and justify) the need, if any, for the modification of District Plan controls relating to both the built and natural environment.
- As a result of the landscape study determine the nature of any changes to the District Plan Objectives, Policies, or Rules.
- That consideration is given to the rules relating to non residential activities. There is a need to ensure that they are sufficiently robust, given the concern in relation to visitor numbers at Piha.
- That consideration should also be given to the context of this work in relation to the other coastal villages, and if the scope of the work/any future changes should be extended to cover them.
- Clarify that the provision of on site infrastructure will continue to be a viable method of infrastructure provision.
- Ongoing monitoring and reporting.

In addition, the Council can and is attempting to influence the outcome of the current review of the regional statutory provisions applying to the area. This includes making submissions to the Proposed Plan Change 6 to the Auckland Regional Policy Statement, in relation to the proposed definition of urban activities, in that it should give more appropriate regard to the less urbanised nature of rural and coastal settlements.

RESOURCES

It is anticipated that for the most part existing staff, utilising current work streams will be able to undertake the majority of work required in terms of the further investigation outlined above. The landscape investigation work will have to be undertaken by a specialist consultant from outside the Council. This work can be covered by the budget of the proposed work streams for 2005/2006. It is expected that this specialist work will be coordinated with the continuing work for the Waitakere Ranges and Foothills Protection Project, and any work required in response to the Auckland Regional Policy Statement in relation to the Plan Changes discussed above.

CONCLUSION

The coastal village of Piha, has, through a recent upsurge in built development over the last 10 years, started to take on a more urbanised appearance. However, recent statutory and non statutory processes have emphasised the community's view that the coastal environment has a unique character that should be retained, or in this instance not eroded any further.

Therefore, it is appropriate that the current statutory and non statutory interventions in Piha are reviewed to establish if they are sufficiently robust to achieve the outcomes desired by the community, or if some modifications to these interventions are required. This review must be carried out in the context of the several significant projects that are currently underway and which will affect the provisions applying to Piha.

It is intended that the findings of the work listed under the heading, "Next steps" will be reported back to this Committee later in the year.

RECOMMENDATIONS:

1. That the District Plan Monitoring: Built Development in Piha report be received.
2. That, upon completion of the further landscape and strategic work outlined in the report, this matter be brought back to the Committee for further consideration

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