



Protect Piha Heritage Society Inc.
PO Box 3, Piha
Waitakere City
New Zealand

Email: protectpihaheritage@xtra.co.nz
www.piha.co.nz/heritage

Submission to:
Waitakere City Council,
Private Bag 93109,
Henderson 1231
Attention: Group Manager Planning & Community Services (Philip Brown)
Re: District Plan Changes 36

Submission on Plan Change 36 of the Waitakere District Plan Rural Activities and Social, Cultural and Economic Wellbeing of the People and Communities in the Waitakere Ranges Heritage Area

1. Background

Protect Piha Heritage was formed in 2007. It is an incorporated society with over 70 members. It focuses on “Piha and its environs”.

The vision for the society is to promote guardianship of the character, heritage and traditions of Piha as an iconic West Coast black-sand surf beach and self-reliant coastal village enclosed by dramatic landforms and forested ranges, which offers respite and the ability to be ‘one with nature’ to locals and visitors. The Society strives to ensure that development does not lead to urbanisation and commercialisation that may undermine the natural, cultural and historic values of the Piha area, resulting in the loss of the experience of being located on the wild edge of the great Tasman Sea.

Many of our committee members were involved in the development of the Waitakere Ranges Heritage Area Act 2008, including the consultations conducted by Waitakere City Council. The Piha community was 100% behind the creation of the Heritage Area, which was seen as protecting the natural values and small village communities of the West Coast and the wider Waitakere Ranges area from further subdivision, and inappropriate development.

The Society submits as follows:

For the Waitakere Ranges Environment and Coastal Villages Environment (Plan Change 36)

1. We OPPOSE the Waitakere Ranges Environment Rules (Rules 7 and 8) and the Coastal Villages Environment Rules (Rules 8 and 9) in their entirety as we submit that

these are not appropriate, have not been adequately consulted on with residents and would result in a range of cumulative and adverse effects on natural heritage values, character and amenity values etc. of the Waitakere Ranges Heritage Area.

2. We OPPOSE Section 5B.4 for the same reasons.
3. We require that these Rules in Plan Change 36 are WITHDRAWN as relief.
4. We have not made a comment on other Rules in Plan Change 36 simply because we believe others who live in these areas are best placed to comment and it has not been possible in the timeframe to confer with them.

We wish to be heard in support of our submission.

2. Reasons for Opposing Plan Change 36

The Society has three reasons for opposing the entire plan change:

1. The lack of consultation with Piha, other coastal communities and the wider Ranges area
2. The proposal for this plan change should not precede the development of Local Area Plans in the Coastal Villages of Waitakere or in the Waitakere Ranges Living Environment
3. The Plan Change makes numerous changes that will facilitate commercialisation of the Waitakere Ranges, Coastal Villages and West Coast of Waitakere.

3. Lack of consultation

In a letter to Piha ratepayers on 10 May 2006 asking them to attend a consultation, WCC stated:

“In the 15 years since we became an Eco City we have, in the words of the Mayor made ‘something of an artform out of consultation’ and that’s because this city must belong to everyone.”

The communities of Waitakere have largely valued this commitment to consult with affected people and settlements. In the case of Plan Change 36, the expected stages of engagement have been entirely omitted. Instead of the usual face-to-face consultation and a discussion document, we are confronted with a hard-to-understand fully developed plan change. The tight timeline (the statutory timeframe only) has precluded any consultation with members or community meetings.

We also note that a number of background documents dated 25 November 2008, January 2009, and 18 March 2009, were prepared for the Council by Lois Easton Consulting. We are not aware that any of the groups at Piha was involved in the preparation of these reports, yet they are, in places, specific to Piha, recommending particular new activities at Piha. These reports make it clear that facilitating tourism is the agenda of the Council, particular for the western side of the Ranges.

The Section 32 Analysis for Plan Change 36 describes the consultation undertaken on pages 62-63.

We are aware of the extensive consultation involving community meetings, open days, a discussion document, and submissions that accompanied the development of the Oratia and Waiatarua LAPs and ensuing plan changes.

As no LAP has been developed at Piha or any of the Coastal Villages, this consultation has not occurred.

The only paragraph in the Section 32 Report that refers to consultation outside the existing LAP areas states that:

“In respect of this plan change, officers have met and discussed issues with interest groups such as land owners, business owners, residents and ratepayers associations, the communities of Oratia, Waiatarua and Henderson Valley/Opanuku through the LAPs process, the Strategic Planning Advocacy Network, Waitakere Ranges Protection Society, Environmental defence Society and West of Auckland Tourism Group.”

Eiryn Shields, the Council’s Principal Planner, confirmed that:

“Council did not meet with any location specific groups / R&R at Bethells, Piha, Karekare and Huia. Prior to the drafting of the plan change, and through the development of the LAPs, the West Coast Plan Liaison Group was provided with updates on matters the Council was reviewing and the priority for LAPs.”

Some of our Committee are members of the West Coast Plan Liaison Group and confirm that at no stage was the content and scope of Plan Change 36 made clear to that group.

The Council seems to have relied on the extensive consultation it carried out during the process that led to the Waitakere Ranges Heritage Area Act as sufficient for the development of Plan Change 36. Members of our Committee attended every meeting of the consultation on the Bill at Piha, as well as meetings at the Council.

At no time did the community at Piha express a wish to make development and commercialisation easier at Piha. This is consistent with the position that members of the Piha community expressed during the development of the current District Plan. Because of this, commercial activity was made non-complying in the District Plan (Decision Notice 41, 26 March 1998, “Non-residential Activities and Temporary Activities, Coastal Villages and Commercial Development at Piha”, pp42-43). The District Plan Special Committee stated that

“This conservative stance has been based on residents concerns about the commercialisation of the settlements of the West Coast.”

When it came to the development of the Waitakere Ranges Heritage Area Bill, the Piha community supported the Bill because of the protection from development and subdivision it offered to the area. The notes for the Piha consultation are attached.

Accordingly, it is not sustainable for the Council to rely on the consultation it undertook during the development of the Heritage Area Bill to justify Plan Change 36.

On 25 February 2010 a meeting of the West Coast Plan Liaison Group was scheduled. A member of our Committee, in another capacity, asked for Plan Change 36 to be put on the agenda and for a WCC planner to be present to explain it. Knowing this, some representatives of coastal villages specially attended. However, when they arrived at the meeting, they were told there was no planner available to outline the plan change. This means that at the one meeting at which WCC could have engaged with coastal community representatives over the plan changes, no one was made available, and no alternative date was suggested.

Overall, we submit that the lack of consultation with the Coastal Villages is deplorable and is in breach of the Resource Management Act and Local Government Act requirements to consult with communities over matters affecting their futures.

We submit that the only the parts of the Plan Change relating to Oratia and Waitatarua should proceed and that sections relating to parts of the heritage area where there has been no consultation should be withdrawn by WCC.

4. Plan Change 36 and the role of LAPs

Plan Change 36 zeroes in on one small part of the Waitakere Ranges Heritage Area Act, ahead of the more critical tasks of environmental and heritage protection and enhancement that are the key focus of the Act.

Section 7 The Waitakere Ranges Heritage Area Act identifies 13 heritage features, none economic.

In Section 8 it establishes objectives for the heritage area. The first three objectives are “to protect, restore, and enhance the area and its heritage features”, to consider the impacts on the whole area when decisions are made in a part, and to adopt a precautionary approach.

The ninth objective is

“to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental and cultural well-being.”

Plan Change 36, the first plan change to arise out of the Act, drills down into a single part of one objective of the Act. In ignoring the environmental protection requirements of the Act, WCC distorts and creates a perverse hierarchy within the District Plan which is not supported by the parent Act. The needs of people are recognised in the Act, but they were not to predominate over protection and enhancement of the heritage features. To be true to the Act, Waitakere should have developed actions and plan changes related to these core responsibilities first.

The Council was developing a plan change on a proposed coastal amenity strip. This arose out of concerns at Piha about the detrimental effects of development on coastal pohutukawa. The development of this proposed plan change predated the passage of the Heritage Area

Act, but was given new focus by it. However, WCC decided in mid-2009 it would not proceed with this “due to changes in Auckland governance” (email from Ruth Voitrekovsky 27 July 2009).

We are perturbed that this important plan change, which sought to protect the natural environment, was stalled while Plan Change 36 leapt ahead and was given priority.

Many of the background documents to this plan change talk about fostering economic development that capitalises on the strengths of the heritage area. There are no words that support this approach in the Act. The Act is concerned that people can provide for their wellbeings, but it does not say that this should entail exploitation and commodification of the heritage area’s features.

In addition while the heritage area objectives and LAP objectives talk about “social, economic, environmental, and cultural wellbeing”, Plan Change 36 deals only with economic development. Although the Plan Change is entitled “Wellbeing of people and communities in the Waitakere Ranges Heritage Area”, the only way the Plan Change sees this happening is through “non-residential” activities. Of course, social and cultural wellbeing of communities can be fostered in many ways that are not commercial but the Plan Change does not explore this at all.

The objective for Plan Change 36 (5B.4.2) introduces the notion of benefits to visitors to the Heritage Area, but the Act only describes wellbeing in terms of “people [who] live and work in the area in distinct communities”. The Act does not talk about the wellbeing of visitors at all.

In sections 25 to 28, the Waitakere Ranges Heritage Area Act provides for the development of Local Area Plans. Section 25 (2) says that the purpose of a LAP is to

- (a) Promote the purpose of this Act and the objectives, and*
- (b) provide objectives (particularly long-term objectives) in relation to –*
 - (i) the future amenity, character, and environment of the local area to which the LAP applies; and*
 - (ii) the well-being of the local community within that area (including its economic and social wellbeing); and*
- (c) inform decision-making processes that relate to the heritage area.”*

Section 25 (3) states that a LAP must define its area, identify the heritage features in the area, state how the Act’s objectives will be promoted in the local area and

“identify the distinctive natural, cultural or physical qualities or characteristics of the local area that contribute to the local area’s long-term – (i) pleasantness and aesthetic coherence; or (ii) cultural or recreational attributes; and (e) state policies and objectives in relation to the amenity, character, and environment of the local area.”

Section 25 (4) states that a LAP

“may identify issues relating to the provision of future services to which the LAP applies.”

This description makes clear that economic wellbeing is only one part of what a LAP should address, yet Plan Change 36 is only about economic development.

As already noted, WCC has developed LAPs for Oratia and Waiaatarua and is developing a third for Henderson Valley/Opanuku.

The Society accepts that through the consultation for the Act, it was identified that alternative economic activities needed to be developed in the Eastern foothills to replace defunct rural activities. The Act specifically provides for this in Section 8: “to provide for future uses of rural land in order to retain a rural character in the area”. Therefore addressing economic wellbeing is particularly mandated through the Act for the foothills.

We also note that the development of the Waiaatarua LAP disclosed that people in that area wanted little change, but they too are caught by Plan Change 36.

However, no LAPs have been developed on the west side of the Ranges or any of the Coastal Villages. By preceding the development of a LAP for Piha and other areas with Plan Change 36, WCC pre-empts what a local community such as Piha might determine for its future through the development of a LAP.

Plan Change 36 undermines the process set out in the Act, which requires a LAP to “inform decision-making processes”. Except in respect of Oratia and Waiaatarua, Plan Change 36 is not informed by the existence of LAPs. Plan Change 36 short-circuits the process anticipated in the Act, by leaping straight into a Plan Change.

Plan Change 36 is generic to all the Coastal Villages and the entire Waitakere Ranges Living Environment yet Section 7 of the Act itself says that the heritage features of the area include:

*“the individual identity and character of the coastal villages” and
“the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship” and
“its distinctive local communities”.*

Piha is different from Karekare and from Huia, but the Plan Change treats all Coastal Villages as the same. Part of the “historical, traditional and cultural relationships” of the Piha community is that everything is run by the community, from the library, to the post office to the surf clubs and First Response. There are 26 groups and societies in Piha.

This could be one of the “heritage features” or “cultural characteristics” that people at Piha would want to identify and protect.

Instead the future of Piha, other Coastal Villages and the Ranges, is already predetermined as tourism and private sector commercial and retail development. This is what is facilitated through the Plan Change. The Act requires a LAP to be about much more than economic development.

Plan Change 36 should only apply to those areas where a LAP has already been developed which has enabled the local community to discuss and define its area’s heritage features and future.

5. Specific aspects of Plan Change 36

Coastal Villages Environment Zone

We have already mentioned that we disagree with the approach of treating all Coastal Villages as the same. The Act recognises that they are distinctly different. The Plan Change takes a “one size fits all approach” that is profoundly at odds with the heritage legislation. This is alone reason enough to reject it entirely.

The Society strongly disagrees with the enablement of economic activity contained in the rules. The result of what is proposed is that more applications would be processed by a Council officer on a non-notified basis and the first things residents would know would be when development started on a site.

This is fundamentally at odds with the democratic intent of the Act, which is to empower communities to be involved in the future of their communities and to act to protect and enhance their local environment.

We similarly disagree with proposals to make it easier for existing activities to expand. A feature of Piha is that activities are small scale. This fits in with the size of the community and the scale of the village in the landscape. Plan Change 36 would enable existing activities such as the clubs serving alcohol and meals to expand in scale, bulk and prominence which we believe is undesirable. They are already some of the larger buildings in the landscape. The restaurants in these facilities are adequate for the local community even during the peak of summer. The rationale for expansion seems to be an intention to open the clubs to outside visitors/tourists which we believe would not be in the interests of the Piha community or the protection of the heritage features of Piha.

We oppose the proposal to allow new buildings to be erected for commercial activity. This would create additional buildings in the landscape which should be avoided in the Heritage Area.

We note that the activities to be encouraged are arts and crafts, convenience shops, and food and beverages. This choice of activities is entirely WCC's, based on its case studies which were of places such as Matakana, Rotorua, Yarra Valley, Mornington Peninsula and so on, which are radically different to the West Coast.

Residents of Piha might prefer other activities that are not based on this twee middle class notion of urbanites escaping into the rural hinterland. For example, Piha has a strong history of surfing, watersports, tramping and so on which might give rise to some economic activities. Piha already has two surf “shops”. It is our reading of the plan change that these would be non-complying, whereas an urban-style glass gallery would not.

We contend that the assessment criteria for filming activities are too narrow, and should include an assessment of when and where, noise, light and so on. Piha is a very busy place and filming activities can disrupt local communities. Filming could clash with another big event, and should be assessed for their impact on the heritage features and against all the objectives of the Act.

The assessment criteria 8 (a) to 8 (i) make no mention of the Heritage Act and do not incorporate the heritage features and objectives outlined in the Act. For example, there is no mention of the ecosystems of the area that the Act says have “intrinsic value”, nor of ecological restoration which is given prominence in the Act, nor of “the quietness and darkness” of the heritage area.

We particularly reject 8(g) which proposes that minor adverse effects can be offset through the provision of works and services or a payment through a financial contribution. This is particularly inappropriate in a nationally significant heritage area.

The Plan Change is very weak on avoiding cumulative effects. In the Section 32 report, WCC says it proposes to consider activities “on its individual merits, with consideration of its scale, intensity, character and context” p25.

Avoiding cumulative effects - the “death by a thousand cuts” - was one of the main purposes of the Act. The Preamble for the Act states that because of “development and urban intensification pressures” local statutory guidance is needed in relation to

“Managing the cumulative and precedent effects of development on the landscape.....”

Objectives 2 and 4 of the Act are:

- *“to ensure that impacts on the area as a whole are considered when decisions are made affecting any [part of it]” Section 8 (b),*
- *“to recognize and avoid adverse potential, or adverse cumulative, effects of activities on the area’s environment (including its amenity) or its heritage features” Section 8(d).*

Perversely, Plan Change 36 encourages the growth and expansion of commercial and retail activity which is currently at a very low level in the Heritage Area, especially the western side of the Ranges. Retail and commercial activity of the kind contemplated in Plan Change 36 is not identified as a heritage feature in the Act. The traditional relationships of people with the area are identified as a heritage feature, as are rural activities. There is nothing in the Act to say that restaurants, art galleries and other retail activities are heritage features, but these are the very things that the Plan Change would encourage.

Plan Change 36 would **set precedents** by enabling economic activities in Coastal Villages **where they do not now exist**, and would encourage cumulative effects by making certain activities permitted or limited discretionary. For example, there are no galleries on Piha Road, or in Karekare, Huia or Te Henga villages. There is no convenience store at Karekare or Te Henga. The path to establish these would be greatly eased by Plan Change 36. Similarly, there is one store and one café at Piha. Plan Change 36 would enable the establishment of more such businesses, thus creating cumulative effects that the Act was trying to prevent..

We oppose the change in the traffic generation rules to be based on effects rather than numbers. Effects-based criteria are hard to assess and enforce.

We also oppose the changes to Rule 13, Signs. There is no need for residential signs to be more than that already permitted in the district plan. With regard to signs for Limited Discretionary Activities, we believe the Assessment Criteria should more strongly reflect the

Heritage Area objectives, particularly 8(a).

Conclusion

In view of the inadequacy of the consultation process for Plan Change 36 for much of the Heritage Area, the risk that it will preempt the chance for local communities to define the future of their areas through LAPs, the facilitation of unwanted commercialization in the Heritage Area, and the style of commercialization sought, we submit that Plan Change 36 should be withdrawn.