

Unitary Plan submission from SSOSI

Sandspit SOS Inc, a society representing environmental interests of Sandspit residents, makes the following submission to the Unitary Plan.

Summary

This submission addresses the following issues with the plan in its present form. It is restricted to specific issues affecting residents of Sandspit.

Our principal request is that a Sandspit Precinct be created to enable a specific set of rules to be developed, thereby avoiding the actual and potential harm to residents' interests.

The specific aspect of the Draft Unitary Plan that create problems for Sandspit residents are:

1. The destination of significant areas of Sandspit as SEAs and the conflict between the SEA rules and the existing private covenants that have successfully protected our native bush environment for the past 25-30 years.
2. The Unitary Plan definition of Residential Large Lot zoning specifies a section size minimum of 4,000m². Present Rodney District Plan zoning rules applying to most of Sandspit sets a minimum of 8,000m², and this lot size needs to be retained in the Unitary Plan to protect the environment from wholesale subdivision and increased population density.

Discussion

1. Designation of Significant Ecological Areas (SEAs)
 - a. In broad terms we welcome the introduction of this designation, but we find the activity constraints imposed by the rules excessively restrictive of our rights.
 - b. A number of large sections in Sandspit, comprising approximately 40% of the total area have not been identified as having an SEA component. These sections are zoned Residential - Low Density at present.
 - c. The sections identified as having an SEA area are those in the Kauri Developments subdivision 25-30 years ago.
 - d. This subdivision comprised large sections in the main, over 8,000m², zoned Residential, Landscape Protection.
 - e. The original and regenerating bush on the sections referred to at (e) are protected by a private covenant, and residents have respected this covenant for 30 years. The present state of the bush in Sandspit is a tribute to past and present residents commitment to a 'custodial' approach to living in a beautiful natural environment.
 - f. In a community survey conducted by the Sandspit Residents and Ratepayers Association in October 2010 87.5% of respondents valued the Sandspit wildlife, closely followed by 77% valuing the rural or bush lifestyle. (Ref. Appendix 1.)
 - g. Planners need to be aware that the council reserves that are the 'jewel in the crown' for Sandspit were created by an agreement between Rodney Council and Kauri Developments Ltd in the early 1980s.

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These reserves have been maintained and enhanced by a network of walking tracks constructed by community volunteers.

Protection, in the form of designation as a SEA, should be reviewed and may be extended to large lot properties not presently identified by the Unitary Plan.

2. Proposed rules for conservation of SEAs on private property are in conflict with the terms of the present covenants on the Kauri Developments Ltd subdivision.
 - a. The rules ignore the existence of a designated building platform on each section where residents are able to freely manage their property. All native bush outside the defined building platform on each section is protected by covenant.
 - b. The rule permitting pruning and trimming of vegetation is restricted to an area within 3m of a dwelling and has the potential to create fire and other hazards.
 - c. It prevents installation of additional water tanks, storage sheds or other needed facilities on the building platform.
 - d. The list of potential unintended adverse effects of this restriction is long.
 - e. In the case of the sections in the Kauri Developments subdivision the rule is redundant as a visual inspection of Sandspit would reveal.

The solution to this problem lies in the creation of a Sandspit Precinct that would contain a set of rules that do not infringe residents existing rights. Specifically the activity restrictions must not apply to the designated building platform.

3. The 'Large Lot' zoning proposed for Sandspit in the draft plan and the definition of large lots as having a minimum size of 4,000 m² is potentially destructive of the 8,000 m² lot size that prevails in Sandspit today. We propose that the Sandspit Precinct should specify a minimum lot size of 8,000m² to retain the present population density.
 - a. Sandspit is an unserviced small coastal settlement of approximately 230 dwellings and a permanent resident population estimated at 450.
 - b. Sandspit residents depend on roof water collection, supplemented by a small number of bores, and on-site sewage treatment and disposal on their large sections.
 - c. Commercial activities are minimal, being confined to the waterfront, and are devoted to servicing visitors. Rodney District Council and residents have resisted the introduction of additional commercial activities for many years.
 - d. Residents make an active choice to live in Sandspit and use the services available in the townships of Warkworth, Snells Beach, and Matakana. They prefer the Sandspit lifestyle over the convenience of urban living, and tolerate the additional time and cost of their isolation.
 - e. The 2010 Sandspit Community Survey (op.cit) confirmed these preferences in their responses to questions 1, 2,4, 5.

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- f. SSOSI members have tested the water quality of streams as part of the Waicare programme and stream-life surveys. The results show that water quality is good confirming the effectiveness of disposal of treated effluent on large densely vegetated bush lots.
- g. Residents are concerned that a change in lot size to 4,000 m² will intensify the pressure for subdivision of existing properties, and potentially lead to an increase of 70% in population density.
- h. The Sandspit section of the Snells Beach, Algies Bay, Sandspit Structure Plan adopted by Rodney District Council in 2000, makes the following statement at 3.3:

"A second important aspect of the overall strategy is discouraging further development pressure on the Sandspit – Brick Bay area, by retaining the area as a large lot residential environment, and limiting further conventional; townships and wharfside developments on the Matakana Estuary."
- i. The topography of Sandspit is steep (Slope > 1:5 = >12%) and is unsuitable for more intensive subdivision. (op.cit Plans 1 & 2)
- j. The geology of Sandspit is described at 2.2.3(b)(ii) as Waitemata Group, comprising interbedded sandstones and mudstones of the Pakari formation. Waitemata group rocks stand very steeply in cuts and coastal cliffs and the jointing characteristics allow rockfalls to occur."
- k. This combination of steep topography, unstable geology and soil conditions on steep slopes where the natural vegetation has been removed has led to a long history of major slips posing a major threat to residential construction and roading infrastructure.
- l. For example, in winter 2012 heavy rain led to a major slip at the northern end of the McCallum Drive subdivision dumping large quantities of unstable clay onto downslope properties on Sandspit Road. The same weather event also generated slips on the devegetated steep slopes between Kotare Place and the Brick Bay Drive reserve.
- m. Sandspit Road is inherently unstable and has been subject to many slips over the years. Repairs and protection works are a costly rates burden. Planners should refer to the 1999 Sandspit Road Risk Assessment Report by Opus Consultants, and to the Hutchinson Report (2009) which followed a major slip close to Kanuka Road.
- n. Present Sandspit residents have relied on the present zoning and District Plan rules to be enforced and maintained by council, thereby securing the integrity of the land they have invested in.
- o. The Sandspit community relies on the judgment in New Zealand Sunday School v Auckland Council (formerly Auckland City Council) [2012] NZEnvC 268 (9 November 2012). This rejected the appeal which would have permitted cluster subdivision in Sandspit, and confirms the change to the Rodney District plan to require a minimum lot size of 8,000m² in Sandspit.

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We conclude from intimate knowledge of our environmental history that Sandspit is unsuitable for any intensification of residential activity. The proposed Large Lot zone of 4,000 m² minimum size is clearly inappropriate for Sandspit. We make no comment on its suitability for other parts of the metropolis.

We propose that this issue can be simply resolved by creating a Sandspit Precinct.

4. Development policy for Sandspit should be informed by and follow the strategic and management guidelines set out in Rodney District Council's policy "Planning Rodney" 2010 at p31.
 - a. "Sandspit is a "Dormitory residential, resort and visitor settlement The strategic approach envisages no significant expansion of the residential component and the containment of these settlements within clearly defined limits in order to retain the qualities that make them special."
 - b. " people value these settlement because they are what they are – remote and different in character from the main urban areas"
 - c. ".... Council will not encourage the establishment of businesses in these areas."
 - d. "What the council will do." can be summarized as nothing or very little beyond responding to some existing service issues. In Sandspit there are few if any service issues beyond maintenance of the existing infrastructure.

We conclude that these principles are well established by the work of Rodney District Council, and that the best protection for Sandspit residents is to incorporate them into the Sandspit Precinct documents.

5. Community Consultation
 - a. SSOSI believes that this submission will be generally approved by the Sandspit Community. This support has not yet been demonstrated by a consultation process, and the complex issues and options need to be explained in full to enable productive discussion..
 - b. SSOSI is willing to take a lead in a local consultation process to inform the community of what is proposed for Sandspit and engage it in the development of the policy and rules for the Sandspit Precinct.
 - c. We have set up an information process to ensure sound understanding, and are prepared to organize public meeting(s) to gauge the level of support and seek residents' contributions.
 - d. We seek from the Unitary Plan team their support and guidance for this consultation process.
6. Finally, we request a response and follow up contact on this submission.

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