

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** A Primary Submission on Plan Change  
87: Coastal Area for Whangarei District  
Council.

**BY** The General Trust Board of the  
Diocese of Auckland ('GTB').

Submission number: 255

**IN RESPECT OF** Plan Change 87: Coastal Area

**TABLED STATEMENT OF THE POSITION OF THE GENERAL TRUST BOARD OF THE  
DIOCESE OF AUCKLAND**

**23 June 2017**

- 1.1 My name is Reina Priya Devi England. I hold a Master of Urban Planning degree from the University of Auckland. I am an intermediate member of the New Zealand Planning Institute and a Planner with Harrison Grierson.
- 1.2 I have over three years' planning experience in district and regional planning. Details of my relevant and recent experience are contained in Appendix 1 of this statement. I prepare this tabled statement on behalf of the General Trust Board of the Diocese of Auckland ('the Submitter') who made a primary submission (reference: 255) on Plan Change 87: Coastal Area in relation to their site at 88 Church Street, Onerahi.

### **Primary Relief – removal of Coastal Area Overlay**

- 1.3 The Submitter lodged a submission that included a primary relief to remove the Coastal Area overlay from their site at 88 Church Street, Onerahi (the 'GTB site'). There were no further submissions opposing this relief.
- 1.4 Mr Cook has acknowledged that the site is within an established urban area in his s42A report and supports the removal of the overlay from the GTB's site, stating that

*"there is little benefit in including such a small area of the property in the CA in a highly developed area."*<sup>1</sup>

- 1.5 I agree with this reason and I share his view that the Coastal Area overlay should entirely be removed from the GTB site.

### **Secondary Relief – implementation of the Coastal Area Overlay**

- 1.6 The submission also included a secondary relief if the Hearings Panel did not accept the submitter's primary relief of removing the Coastal Area Overlay from the GTB site.
- 1.7 The submission raised a concern that the rules that implement the overlay were not sufficiently clear that they only applied to the extent of the overlay. It sought that the following new eligibility rule was included in the plan to provide clarity on this issue and avoid inconsistent interpretation and implementation of the plan:

**New Eligibility Rule (sub-clause):**

**CA2.1.2. The provisions only apply to the area subject to the Coastal Areas Overlay as identified on the proposed planning maps.**

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<sup>1</sup> Part 4, Proposed Plan Change 87 Coastal Area, s42A Hearing Report, paragraphs 289 and 293, pg 44-45

- 1.8 Common sense would suggest that the overlay rules would only apply to the extent of the overlay, but in my experience, unless the plan specifically states this it does have the potential to create uncertainty for plan users. The uncertainty generally occurs when the overlay only covers a portion of a site (such as the case as the GTB site), which can lead to uncertainty over whether the rules are then triggered for the entirety of the site or only the portion that is within the overlay.
- 1.9 Mr Cook does not support the GTB's request for the above provision as he considers the plan already provides this clarity through Eligibility Rule CA.2.1.1. This rule only states that the '*most restrictive control applies*,' which in my view does not provide the necessary clarity on the issue and may instead lead to the perverse effect of applying the overlay rules to parts of any site that is outside of the overlay.
- 1.10 A similar issue was recently identified as part of the hearings for the Auckland Unitary Plan, and in that situation the Council planners and the Independent Hearings Panel included the following guidance (within the general rules section of the plan) to clearly set out how the overlay and corresponding rules should be applied.

*"Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay, zone, or precinct applies."*

- 1.11 Although I acknowledge this was a different plan, I do think it is useful to see how the issue has been addressed elsewhere. In my view a similar rule or explanation within the plan would address the issue.

## **2.0 Secondary Relief – Provision of non-residential activities within Coastal Area Overlay**

- 2.1 The Submitter also requested that non-residential activities are provided for within this overlay.<sup>2</sup> Mr Cook considers that these activities are appropriately provided for within the underlying zoning provisions or the Coastal Overlay. I agree with Mr Cook's recommendation.

## **3.0 Conclusion**

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<sup>2</sup> GTB submission, paragraph 6.0.

- 3.1 This summary statement has been prepared in lieu of evidence on the basis that Mr Cook has accepted the submitter's primary relief within his s42A report. I ask that this statement be tabled ahead of the hearings for the benefit of the commissioners on the Hearings Panel.
  
- 3.2 The Submitter supports the agreed position and I ask the Panel to adopt Mr Cook's recommendation on the removal of this overlay from their site. I also request that the Panel provides another sub-clause to the eligibility rule to ensure that the implementation of the Coastal Overlay is clear to the plan user.

**Reina England**  
**23 June 2017**

## **Appendix 1 – Relevant Experience**

Harrison Grierson: 2013 to present – Planner

Recent projects of relevance include

- Preparation of submissions, further submissions and evidence on nationwide Regional Policy Statements and District Plans.
- Processing joint subdivision and land use consents on behalf of Auckland Council.
- Preparation of complex regional, land use and subdivision resource consent applications nationwide.