

House of Representatives

# Supplementary Order Paper

Tuesday, 23 May 2017

## Point England Development Enabling Bill

### *Proposed amendment*

Eugenie Sage, in Committee, to move the following amendment:

*New clause 8A*

After *clause 8* (page 4, after line 12), insert:

**8A Resource consent**

- (1) Any subdivision, earthworks, building development, housing, or other structures on the development land must require a resource consent under the Resource Management Act 1991 as a discretionary or non-complying activity.
- (2) Any resource consent under **subsection (1)** must be publicly notified in accordance with section 95A(2)(a) of the Resource Management Act 1991 as being likely to have adverse effects on the environment that are more than minor.
- (3) Any subdivision, building, housing, or similar development on the development land must protect the habitat of tūturiwhatu/Northern New Zealand dotterel, shore plover, variable oystercatcher, South Island pied oystercatcher, bar-tailed godwit, and other wading and shore birds, and avoid any adverse effects (including from predators) on them or their habitat.
- (4) Land disturbance and earthworks on the development land must be minimised in order to avoid any adverse effects of sediment on the Tāmaki River and estuary, Omaru Stream, and other waterways.

## Explanatory note

This Supplementary Order Paper inserts *new clause 8A* into the Point England Development Enabling Bill. This Bill rezones public recreation reserve currently zoned and protected as open space as Residential-Mixed Housing Urban land without going through the plan change process normally required under the Resource Management Act 1991. The plan change process would have required public submissions and close scrutiny of the effects of the zoning change and potentially new plan objectives, policies, and rules to guide future use and development of the land.

Recent changes to both the notification and subdivision provisions in the Resource Management Act 1991, which make subdivision a permitted activity on land zoned residential, mean that there is no certainty that a resource consent will be required for the housing development or that Auckland Council will notify any resource consent to allow public submissions. The proposed development of around 300 homes on part of the Point England Recreation Reserve is a significant size and potentially involves substantial earthworks, site hardening, building, and other structures. The development has potential adverse effects, including on the natural character of the Tāmaki River and estuary, and Omaru Stream, on water quality and quantity, on significant indigenous species such as shore birds, and on existing open space and amenity values. Site hardening will change natural drainage patterns and increase stormwater runoff.

The Supplementary Order Paper inserts *clause 8A* in the Bill to require a resource consent application for the subdivision of the development land and any housing or building development on it, and require that the application is publicly notified. Many submitters on the Bill wanted to see the land identified for development retained as open and green space rather than covered in houses. Notification of the resource consent application will enable the community and interested individuals and organisations to provide information on the values and current use of the area, on the potential effects of the housing development on these values and uses, and on ways of avoiding, remedying or mitigating adverse effects. Public submissions will contribute to better informed decisions by the Auckland Council.

The Point England Recreation Reserve is a roosting and nesting area for indigenous shore and wading birds including the tūturiwhatu/Northern New Zealand dotterel and the New Zealand shore plover, both of which are threatened with extinction. An increased concentration of homes with cats potentially increases the predation pressure on birdlife. *New clause 8A(3) and (4)* seek to ensure that the proposed housing development avoids any adverse effects on indigenous wading and shore birds.