



**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON THURSDAY, 27 MAY 2004,  
COMMENCING AT 9.30 AM.**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 PLAN CHANGE 3 - DELETION OF PROVISIONS RELATING TO SPECIAL SOILS IN  
THE WAITAKERE CITY DISTRICT PLAN**

**1.0 INTRODUCTION**

*A1-A9* The Proposed Plan Change consists of the deletion of the District Plan provisions relating to Special Soils and High Fertility Soils. A copy of the Proposed Plan Change is attached at pages A1 to A9.

*A10-A23* The report sets out the statutory process requirements and the policy framework. Furthermore, the report recommends changes to the Proposed Plan Change to address issues raised in submissions. Copies of the submissions are attached at pages A10 to A20. Copies of the further submissions are attached at pages A21 to A23.

## 2.0 BACKGROUND

At its meeting of the 10 June 2003, the Environmental Management Committee resolved:

- “2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolves to publicly notify Proposed Plan Change 3 to the Waitakere City District Plan to remove all references to “special soils” and “high fertility soils” in the District Plan and associated changes as attached at pages A5 to A12 to the agenda report.”

1182/2003

Reports prepared for the Committees' consideration, which led to the above resolution, outlined the difficulties of the “special soils” identification in the then Proposed District Plan.

A reclassification study and analysis of all land identified as containing “special soils” in the District Plan was carried out in 2001. This study showed that of the 2311 hectares of land currently identified as containing “special soils” (defined as Class II soils under the Land Use Capability Classification Inventory only 191 hectares or 8% are in fact Class II soils. The majority of the land (74% or 1713 hectares) is Class III, and the remainder, 404 hectares or 18% is Class IV.

The Committee noted the reduction in the amount of Class II soils and their lack of versatility due to spatial fragmentation and size. The Committee considered that the identification of “special soils” in the City and their categorisation as an “outstanding natural feature” under Section 6 of the Resource Management Act 1991 (the Act) was not valid or accurate and should be deleted from the District Plan.

The Proposed Plan Change identifies all the areas on the planning maps of the District Plan from which the special soils identification should be removed and also all portions of District Plan text that need to be either deleted or amended to be consistent with this removal.

Proposed Plan Change 3 was publicly notified on 14 July 2003 in the New Zealand Herald. Four submissions were received. The public notice calling for further submissions was publicly notified on Monday, 10 November 2003. Two further submissions were received.

## 3.0 STRATEGIC CONTEXT

Recently, the issues surrounding the Hobsonville and Whenuapai Airbases, structure planning in the Countryside Environment, The Upper Harbour Study, the Auckland Regional Growth Strategy and Northern and Western Sectors Agreement, the SH16/18 designation, growth around Westgate and issues surrounding the extension of the Metropolitan Urban Limits has highlighted the special soils provisions of the District Plan and emphasised the need to examine the special soils issue more closely.

The Auckland Regional Growth Strategy 2050 was developed by the Auckland Growth Forum, and recognises the importance and value of highly productive soils as a natural resource. To this end future urban growth is directed away from areas containing versatile high quality soils as it is recognised that urban development can have an adverse effect on the environment resulting in the destruction or fragmentation of the resource. It is also recognised that the values of productive soils must be taken into account when managing growth in rural areas.

The Regional Growth Strategy - Northern and Western Sectors Agreement sets out how the regional growth in these sectors can be accommodated in appropriate locations, form and sequencing over the next 20 years. It identifies the key issues associated with managing this growth and sets in place agreed principles and methods/ actions to address these issues. The area between the proposed State Highway 18 and the existing urban area has been identified for "Future Urban Expansion" with a 10-29 year sequencing timeframe. The Metropolitan Urban Limits would be extended to accommodate this future growth. The area to the north of the proposed State Highway 18 has not been identified for future urban growth but is recognised as being appropriate for rural structure planning.

All of the areas marked for future urban growth or rural structure planning in the Hobsonville / Whenuapai area are identified as containing "special soils".

#### 4.0 STATUTORY REQUIREMENTS AND PLANNING FRAMEWORK

##### 4.1 Resource Management Act 1991

It should be noted that Proposed Plan Change 3 was publicly notified prior to the coming in to effect of the Resource Management Amendment Act 2003. As such Proposed Plan Change 3 is subject to the provisions of the Act as they stood prior to the changes made by the Resource Management Amendment Act 2003.

The Act provides a statutory framework for the management of natural and physical resources. The purpose of the Resource Management Act is *'to promote the sustainable management of natural and physical resources'*.

The Act defines 'sustainable management' as:

*"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while -*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment."*

Section 6 of the Act relates to 'Matters of National Importance'. A relevant matter of national importance and on which the identification of special soils in the District Plan is based is:

- "(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:"*

Section 7 of the Act relates to 'Other Matters. Relevant matters to which particular regard must be given to include:

- "(a) Kaitiakitanga:*
- (b) The efficient use and development of natural and physical resources:*
- (c) The maintenance and enhancement of amenity values:*
- (d) Intrinsic values of ecosystems:*
- (e) Maintenance and enhancement of the quality of the environment:*
- (f) Any finite characteristics of natural and physical resources."*

Section 8 of the Act requires that managing the use, development and protection of natural and physical resources, takes into account the principles of the Treaty of Waitangi.

Part IV of the Act relates to functions, powers and duties of Central and Local Government.

Section 31 sets out functions of territorial local authorities for giving effect to the Act within its boundaries. These functions include the integrated management of the natural and physical resources of the district and the control of the effects of the use or development of land.

Section 32 imposes a statutory responsibility to evaluate the options available to achieve the Council's particular objectives or policies.

Part V of the Act relates to Standards, Policy Statements and Plans. Section 73 of the Act provides for changes to District Plans. The First Schedule of the Act sets out the process that must be followed for plan changes.

Section 74 states the matter Council must have regard to when changing its District Plan and includes its functions under the act and any Regional Policy Statements. Under Section 75, a District Plan must not be inconsistent with a Regional Policy Statement.

Section 76 requires that when making a rule that Council must have regard to the actual or potential effect on the environment including adverse effects of that rule.

#### **4.2 Auckland Regional Policy Statement**

The Auckland Regional Policy Statement provides a resource management framework for managing environmental effects within the Auckland region.

Section 12 of the Auckland Regional Policy Statement identifies that the one of the regions' issues is the management of the regions' soils resource to ensure its versatility and productive potential is not further compromised by inappropriate land use and development.

Objective 12.3.1 is to "*To protect the versatility and productive potential of the regions soil resource*". Sustainable management of soils implies the utilisation of that resource for a variety of purposes and includes the management of the pattern of subdivision and development imposed on the land.

A strategic objective in 2.5.1.3 is "*To protect the soil resources, amenity values, rural character, landscape values and mineral resources of rural areas from the regionally significant effects of inappropriate subdivision, use or development.*"

Policies to achieve that objective include:

- Policy 2.5.2.5

*"The subdivision, use and development of rural land is to be managed so that:*

*(i) the life supporting capacity of rural soils is safeguarded as far as is practical; ..."*

- Policy 2.6.1.3(vii)

*"minimising the loss of versatility and productive potential of soil resources. Where it is necessary for the better achievement of the purposes of the Resource Management Act to compromise versatility and/or productivity of the soils resource, the greatest protection shall be given to the most versatile soils."*

The Auckland Regional Policy Statement identifies the Whenuapai/ Hobsonville area on Map 6 Sheet 2 as being "Land Use Capability Class 2" land as recorded by the New Zealand Land Resource Inventory.

The Auckland Regional Policy Statement acknowledges that "At a scale of 1:50,000 it (the Land Use Capability maps) *only allows indicative planning. It provides a tool for defining boundaries in principle. For decisions at the scale of individual property, more detailed survey using the NZLRI methodology would need to be undertaken.*"

The Auckland Regional Policy Statement also has a definition of "prime agricultural land", which "means land which has a high actual or potential value for sustainable agricultural production" and by definition this includes Class II and III soils.

The Auckland Regional Council (ARC) expressed a concern through their submission that the total removal of all references to high quality soils ie. special soils and high fertility soils, from the District Plan, would not be consistent with the purpose of the Act or the Auckland Regional Policy Statement, as soil as a resource would not be taken into account in resource management decisions. This issue has been addressed to the satisfaction of the Auckland Regional Council through recommended changes to the Proposed Plan change as outlined in Section 5.3 of this report.

#### 4.3 Current District Plan Provisions

"High fertility soils" in the City are identified in the District Plan as an "Outstanding Natural Feature" on Map 3.5(e) of the Policy Section of the District Plan. In addition some of these areas of "high fertility soils" are subject to District Plan controls as "special soils" and are also shown on a site-specific basis as an "additional limitation" on the Natural Areas planning maps. "Special soils" are identified on approximately 460 properties in the City located within the Hobsonville/Whenuapai area. All these sites are within the General Natural Area of the City and the majority are within the Countryside Environment.

Protection of "special soils" under the District Plan is achieved through Natural Area rules relating to impermeable surfaces, earthworks and the subdivision rules.

Policies seek to direct urban development away from areas containing high-class soils (Policy 6.1) and the rules relating to subdivision in the Countryside Environment (in which most of the special soils are to be found) limit subdivision to a four hectare minimum site size.

Although the Countryside Environment has a minimum site size it also allows some flexibility through the Structure Plan approach. In undertaking a structure plan the District Plan states that soil conservation, including productive soils, is an issue to be considered (Explanation of the Strategic Direction: Policies and Methods, Page 20).

"High fertility" and "special soils", are by District Plan definition, Class II soils under the LUC system, and were originally identified through the Land Use Capability maps, which are mapped at a 1:50,000 scale. However this broad scale approach does not accurately identify the classification of the soils as shown through site-specific soils mapping. The main issue relating to the District Plan provisions for "special soils" has been found to be the inaccuracy of their identification.

To resolve this a soils scientist, Dr Richard Chapman, was commissioned to reclassify all the soils in the "special soils" area and map them on a 1:5000 scale, which would give accurate soils information to "paddock level".

This accurate identification, showed that not only was the area of “special soils” significantly reduced but their location was found to be in small, spatially fragmented areas. In the opinion of Dr Chapman this reduced their versatility and usability. None of the remaining Class II areas of soil were over 4 hectares in area and/or within one certificate of title which further reduced their versatility, which partly arises from them being present in large contiguous lots.

A1-A9

The plan change as notified sought to remove all references to “high fertility soils” and “special soils” and soils as an “outstanding natural feature” and is attached at pages A1 to A9.

#### 4.4 Section 32 Considerations

Section 32 of the Resource Management Act 1991 requires a rigorous test to ensure that before any objective, policy, rule or other method is adopted, a local authority has had regard to:

- *The necessity of the objective, policy or rule or other method; and*
- *Other means of achieving the purpose of the Resource Management Act 1991; and*
- *Reasons for and against adopting the proposed objective, policy or rule or other method; and*
- *Evaluation of the likely costs and benefits of the principal alternative means; including consideration of effectiveness and efficiency.*

The Section 32 analysis done prior to notification of the Proposed Plan Change identified that the proposed plan change was necessary and the most efficient and effective means of achieving the purpose of the Act. The study by Dr Chapman highlighted that the special soils identification is inaccurate and the control is not appropriate, necessary or effective in achieving Council’s strategic objectives.

It is necessary to remove the special soils classification as an in-depth study has found that the soils are in the main, not Class II soils and as such are not worthy of protection as an “outstanding natural feature” nor meet the definition of “special soils”. As such retention of the “special soils” identification and related policies and rules would be inaccurate and would not be appropriate or effective in achieving Councils strategic objectives. However as a result of a submission from the Auckland Regional Council, it is considered that a new policy is necessary to ensure that the remaining higher quality rural soils in the northern area of the City are specifically taken into account in any resource management decisions, and to ensure that the District Plan meets the purpose of the Act and is not inconsistent with the Auckland Regional Policy Statement.

As a result of this submission from the Auckland Regional Council some changes are recommended to the Proposed Plan Change to ensure that some recognition in policy is given to the higher quality rural soils that lie outside the Metropolitan Urban Limits in Waitakere City and which may be the subject of future urbanisation and development.

It is proposed that these higher quality soils are referred to in a new policy in the Plan and in other appropriate places throughout the Plan Policy document. Although they should not be classified as an “outstanding natural feature” pursuant to Section 6 of the Resource Management Act, they are still never the less the only remaining higher quality soils (that meet the definition of “prime agricultural land” in the Auckland Regional Policy Statement) in a large contiguous mass within the City. This would ensure specific recognition in the District Plan of this unique non-renewable resource and is necessary to ensure that the District Plan achieves the purpose of the Act.

## 5.0 ANALYSIS OF SUBMISSIONS

A total of four submissions and two further submissions were lodged in respect of Proposed Plan Change 3. Three submissions were in support and one submission from the Auckland Regional Council was in opposition to the Proposed Plan Change as notified. Two further submissions were lodged, one in support and one in opposition.

### 5.1 Submissions in Opposition

The Auckland Regional Council lodged a submission (3/2/-) in opposition to the Proposed Plan Change on the basis that it would make the Waitakere City District Plan inconsistent with the Auckland Regional Policy Statement. The Auckland Regional Council have acknowledged that although it is appropriate that the special soils should not be identified as "*outstanding natural features*" under Section 6 of the Act, they should still be recognised as a non renewable resource and sustainably managed pursuant to sections 5, 7(b), (c), (f) and 9(g) of the Act.

The Auckland Regional Policy Statement recognises land containing both Class II and III soils as "*prime agricultural land*" worthy of protection and considers that it should be recognised that soil underpins the opportunities to use land in a way that maintains the rural character and thereby the integrity of the Metropolitan Urban Limits. It is considered by the Auckland Regional Council that soils are one of the values that need to be considered in any future plan changes, structure plans and the like.

The Auckland Regional Council requested that Proposed Plan Change 3 be declined or appropriate changes be made to ensure that the District Plan is not inconsistent with the objectives and policies of the Auckland Regional Policy Statement.

Anne Grace lodged a further submission (3/2/1) in support of that part of the Auckland Regional Councils submission which sought to decline the Plan Change on the basis that a District Plan must not be inconsistent with a regional plan. As the Auckland Regional Policy Statement provides for protection of soils, the District Plan should not be silent in terms of issues relating to soils. Anne Grace sought that the plan change be declined, on the basis that it does not promote sustainable management.

#### 5.1.1 Discussion

It is acknowledged in the Auckland Regional Policy Statement that the scale of the Land Use Capability maps is such that they only allow indicative planning and as a consequence of the reclassification study that "*special soils*" should not be categorised as "*outstanding natural features*" under Section 6 of the Act. As such the Auckland Regional Council have accepted this part of the Proposed Plan change involving the deletion of all references to "*special soils*" and "*high fertility soils*" as "*outstanding natural features*".

As the soils are no longer to be classified as "*outstanding natural features*" all policies in relation to them have been removed including Policy 6.1 which seeks to direct urban development away from areas containing high class soils. This means that there would be no specific reference in the District Plan to the higher quality rural soils outside the Metropolitan Urban Limits in the Whenuapai/ Hobsonville region, (which would still be classified as "*prime agricultural land*" in the Auckland Regional Policy Statement). However, when the Proposed Plan Change was promulgated it was considered, after consultation with the Auckland Regional Council, that although it was appropriate to remove the "*special soils*" identification, the fact that soil is a resource with its own intrinsic values that would need to be taken into account in any resource management decision, would still be reflected in the District Plan and as such the Proposed Plan change would not make the District Plan inconsistent with the Auckland Regional Policy Statement.

When preparing a Plan Change, Council is required to have regard to a Regional Policy Statement and a District Plan must not be inconsistent with a Regional Policy Statement. Case law has identified that consistent is understood in the sense of “to conform” but that not everything that “fails to promote” should be seen as being inconsistent with a regional policy statement. A District Plan will only fail to promote the things in question if it does nothing at all to bring them about (Canterbury RC v Waimakariri DC & Pegasus Bay Coastal Estates Ltd, C005/02).

Issue 5.3 of the District Plan is:

*“the reduction in the life supporting capacity of all soils in the city from contamination, compaction, erosion, topsoil removal and coverage with impermeable surfaces”.*

Objective 3 of the Plan is:

*“To maintain the life supporting capacity of the City’s land resource”.*

This objective is supported with policies and rules relating to the efficient use of land in the urban area, the avoidance of adverse effects on soil structure and topsoil through earthworks, management of hazardous materials to avoid adverse effects on the health and fertility of the City’s land resource and the avoidance of the discharge of contaminants into the City’s soils.

Subdivision rules also direct urban development away from areas containing high-class soils with 4ha minimum site sizes in the Countryside or Foothills Environments unless a Structure Plan approach is followed. Soil conservation including productive soils is recognised as a matter to be considered in structure planning.

It is therefore considered that the District Plan currently reflects that the City’s soil resources are a matter that should be taken into account in any future decisions regarding development in the City, in accordance with Part II of the Act. Although removal of the “*special soils*” identification is needed to ensure that the Plan remains accurate (a duty required of Council under Section 35 of the Act) this would not remove all references in the District Plan to the sustainable management of the City’s soil resource including rural soils.

The Auckland Regional Policy Statement identifies other areas in the City containing Class II and III soils, (Map 6, Sheet 2 of the Auckland Regional Policy Statement maps). However the District Plan has never specifically identified or regulated Class III soils in the City. This has not previously been considered an issue or inconsistency with the Auckland Regional Policy Statement.

At the time the District Plan was written, Class II soils outside the Whenuapai/Hobsonville area were not identified as “*special soils*” or protected through specific regulation in the Plan (although they were identified as “*Outstanding Natural Features*” on Map 3.5(e) of the Policy Section of the District Plan).

This was mainly because they were either within the Metropolitan Urban Limits and already urbanised or developed and did not form a continuous undeveloped area such as to be found in Whenuapai/Hobsonville. Most of the other areas that contain Class II soils (as identified by Map 6 of the Auckland Regional Policy Statement and Map 3.5(e) of the District Plan) are within the Metropolitan Urban Limits, eg. Lincoln Road, Harbourview and Sturges.

The Auckland Regional Policy Statement is concerned to ensure the region’s soils resource is managed in such a way as to ensure its versatility and productive potential is not further compromised by **inappropriate** land use and development (Issue - Section 12).

It would not be reasonable or practical to require that the soils within the Metropolitan Urban Limits be specifically protected in terms of their productive potential, fertility and versatility. The fact that land is within the Metropolitan Urban Limits must mean that urban development is deemed to be an **appropriate** land use.

Map 3.5(e) identifies Class II soils in the City as “*outstanding natural features*” based on the Land Use Capability maps and Map 6 of the APRS and is to be deleted as part of the Proposed Plan Change.

As discussed previously most of the Class II soils in the City are inside the Metropolitan Urban Limits and have therefore been deemed to be available for urban development. The inaccuracies of identification found in the “*special soils*” area of the City, also means that it is highly likely that similar levels of inaccuracy would be found in these areas. It is therefore considered that it would be difficult to insist that there is any resource management reason that Map 3.5(e) remain as part of the District Plan. It also highlights the issue that Map 6 of the Auckland Regional Policy Statement is no longer accurate and raises a concern about the validity of using the Land Use Capability maps as the basis for planning documents.

Further, even if the Land Use Capability classification is correct ie. they are Class II soils, it is difficult to justify their categorisation as “*Outstanding Natural Features*” under section 6 of the Act. As stated by Dr Chapman in his study ...

*“From a soil science point of view all soils are special, however LUC Class II soils are not the most versatile or elite and therefore in my opinion should be deleted from the outstanding natural feature category of the Resource Management Act ... I don’t know of any other council where Class II soils have such high ranking, including elite Class I soils of Waikato and Franklin ...”*

It is therefore considered appropriate that Map 3.5(e) be deleted along with all references to high fertility soils as an “*outstanding natural feature*”.

However it is acknowledged that the Whenuapai / Hobsonville area contains the remaining large undeveloped area of higher quality rural soils in the City outside the Metropolitan Urban Limits, that would fall into the Auckland Regional Policy Statement definition of “*prime agricultural land*”, and that there would be no specific reference to these remaining higher quality rural soils in the District Plan. As such, to ensure that these soils are recognised as a non-renewable resource and are specifically considered in any future resource management decisions relating to development or future urbanisation of the area, it is agreed that it would be appropriate that these soils are recognised specifically in the Plan. This would ensure that the District Plan is not only, not inconsistent with the Auckland Regional Policy Statement, but can be seen to be not inconsistent, ie. that it is not silent in relation to the specific higher quality rural soils in the northern area of the City.

It is proposed that these higher quality rural soils in the northern area of the City are referred to in a new policy in the Plan and in other appropriate places throughout the Plan policy document. This would ensure specific recognition in the District Plan of this non-renewable resource. This is consistent with Policy 2.6.1.3(vii) of the Auckland Regional Policy Statement, which requires that the greatest protection be given to the most versatile soils. It is also consistent with Strategic Objective 2.5.1.3 and Policy 2.5.2.5(i) of the Auckland Regional Policy Statement which recognise that the effects of subdivision and development can have the most impact on rural soils.

A25 It is proposed that four appropriate changes be made to the District Plan in a manner that reflects and is not inconsistent with the objectives and policies of the Auckland Regional Policy Statement. These changes consist of a new policy in support of Objective 3, which directly relates to the sustainable management of the City's higher quality soils in the Whenuapai / Hobsonville area as well as reference to this issue in the Explanation. The Auckland Regional Council has verified that these amendments to the Plan Change would meet their concerns, and would ensure that the District Plan would not be inconsistent with the Auckland Regional Policy Statement. As a consequence the Auckland Regional Council have stated that they do not wish to be heard. This letter is attached at page A25.

The proposed amendments to address the concerns of the Auckland Regional Council (3/2/-) are summarised as follows and shown in detail in Section 5.3 below. (The "PC refer" number in the right hand box shows how the amendments relate to the Plan change as notified.)

- A new policy 3.6 relating to the sustainable management of the City's higher quality rural soils in the northern area of the City.
- Reference to the higher quality rural soils in Whenuapai/ Hobsonville area in appropriate places in the Explanation.
- Reference to the new policy 3.6 in the Countryside Environment subdivision rules.
- Addition of a reference to the soil classification study undertaken by Dr Chapman upon which this plan change is predicated, Background Research Papers available from Waitakere City Council - of the Policy Section of the Plan.

## 5.2 Submissions in Support

The New Zealand Vegetable and Potato Growers and New Zealand Fruit Grower Federation (Submission 3/1/-), John and Daphne Gionis (3/3/- and 3/3/1) and Clover Farms Limited (3/4/-) all lodged submissions in support.

The submission by the New Zealand Vegetable and Potato Growers and New Zealand Fruit Grower Federation (3/1/-) supports the adoption of the Proposed Plan Change as notified in its entirety and expresses concern at the general use of Land Use Capability maps being used as a basis for classification and in particular the scale of the maps produced. They also express the view that while high fertility soils may have particular physical characteristics that there is a range of other factors contributing to the ability to use the soils in a production system and that the Land Use Capability classes are not sufficiently robust for inclusion in a regulatory environment such as the District Plan.

The submission by John and Daphne Gionis (Submission (3/3/-) is site specific and requests that the special soils notation be deleted from their property at 69 Trig Road, Whenuapai. They also lodged a further submission (3/3/1) in support of the Proposed Plan Change and seeking that it be upheld but without identifying what submission in particular they supported.

Clover Farms Limited, (3/4/-) supports the Proposed Plan Change in its entirety and removal of the special soils references from the District Plan, as they are aware that high quality soils do not comprise a high percentage of the soils in the area. This submission was received one day late but it is considered that it should be accepted as a valid submission within the time period, extended pursuant to section 37 of the Act.

### 5.2.1 Discussion

It is considered that the submissions in support of the Proposed Plan Change should be accepted. The submission by the New Zealand Vegetable and Potato Growers and New Zealand Fruit Grower Federation (3/1/-) supports the Proposed Plan Change on the basis that while high fertility soils may have particular physical characteristics that there is a range of other factors contributing to the ability to use the soils in a production system and that the LUC classes are not sufficiently robust for inclusion in a regulatory environment such as the District Plan. The inaccuracy of the Land Use Capability maps as the basis for identification of “special soils”, was also the basis for Council’s promulgation of the Plan Change and as such the submission is accepted.

The submissions by John and Daphne Gionis (Submission (3/3/-) and Further Submission 3/3/1) seeks the deletion of special soils from a specific property at 69 Trig Road and that the Proposed Plan Change be upheld on the basis that the land cannot be used for cultivation all year round. The reclassification study has shown that the majority of soils on this property are Class IV, with a small portion of Class III. As such, it is appropriate that the special soils notation be removed from the property and the submission and further submission is accepted.

The submission by Clover Farms Limited, (3/4/-) supports the Proposed Plan Change in its entirety and removal of the special soils references from the District Plan, as they are aware that high quality soils do not comprise a high percentage of the soils in the area. The reclassification study carried out by Dr Chapman supports this and consequently it is recommended that this submission is accepted.

However, as discussed in Section 5.1 above it is considered appropriate that a new policy and subsequent explanation be introduced to ensure that the plan change is not inconsistent with the Auckland Regional Policy Statement. The proposed new policy reinforces the existing policies of the District Plan relating to the sustainable management of the soil resource in the City, based on the accurate soils classification in the northern part of the City.

### 5.3 Recommended Changes to the Plan Change

#### 5.3.1 New Policy 3.6

Insert a new Policy numbered Policy 3.6 as follows:

*“The use and development (including settlement patterns and subdivision) of the City’s higher quality soils resource shall be sustainably managed to ensure that the soil’s intrinsic qualities, including productivity and versatility are maintained as far as practical.*

#### *Explanation*

*This policy is intended to ensure that the City’s non-renewable higher quality and versatile soil resource in the northern rural area of the City is recognised and taken into account in resource management decisions relating to settlement patterns and density. Waitakere City has higher quality soils generally located in the Whenuapai /Hobsonville area. Future development and subdivision including future urban development and settlement patterns in the Whenuapai /Hobsonville area should be cognisant of the areas of higher quality soils to ensure that they are sustainably managed in relation to their intrinsic qualities and productive potential.*

#### Methods

- *Subdivision Rules”*

### 5.3.2 Text Changes

Insert the following as indicated in the District Plan

PC Ref No	District Plan Section	Chapter	Pg	Reference No	Proposed Plan Change
3A	<b>Policy</b>	Part 5 - Objectives and Policies	27	Issue 5.3	<b>Insert</b> New Policy 3.6 (as outlined above)
11.	<b>Policy</b>	Part 6 - Explanation	2	Fourth Bullet point in second column	<b>Change</b> the word “high” to “higher, <b>delete</b> the word “special” and <b>insert</b> the word “versatile” in the phrase “ <i>High quality special soils in the north</i> ” so that the phrase reads “ <i>higher quality versatile soils in the north</i> ”.
12.	<b>Policy</b>	Part 6 - Explanation	3	Second paragraph	<b>Delete</b> the whole of the second paragraph starting and ending with the words “ <i>to the north, the question of density ... that minimises coverage of the City’s high fertility soils</i> ”.  <b>Replace</b> the second paragraph with the following:  <i>“To the north, current horticultural techniques and the demand for lifestyle blocks brings pressure for some intensification of settlement. However the Resource Management Act requires that the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations is sustained. This requires that settlement occur in a way that does not detract from the value of the City’s natural higher quality soils”.</i>
30A	<b>Rules #2</b>	Subdivision Rules	38	Rule 6 Countryside Environment -	Insert a reference to the new policy 3.6 in the list of policies at the bottom of the assessment criteria.

PC Ref No	District Plan Section	Chapter	Pg	Reference No	Proposed Plan Change
34	Policy		2	Background Research Papers Available	Insert as reference no 7 - 'Waitakere City Council - Reclassification of Special Soils, prepared for Waitakere City Council by Dr Richard Chapman, 10 August 2001'

It is recommended that the submission by the Auckland Regional Council (3/2/-) to make appropriate changes to the Proposed Plan Change that reflect and are not inconsistent with the objectives and policies of the Auckland Regional Policy Statement be accepted to the extent that the appropriate changes are considered to be those outlined above.

It is recommended that the further submission by Anne Grace (3/2/1) to decline the Proposed Plan Change, be rejected as the proposed amendments would ensure that the plan change is consistent with the Auckland Regional Policy Statement and promotes sustainable management of the City's resources.

#### 5.4 Other Issues

A minor error in the wording of the Proposed Plan Change has been made in Section 24 of the table. This refers to the deletion of the reference to special soils in the Impermeable Surface rules of the General Natural Area rules. As this is only a minor matter it is considered appropriate that it be amended now under Clause 16(2) of the First Schedule of the Resource Management Act, which allows for changes to be made to correct minor errors without further formality. Basically the deletion of the words "*and in any area defined as special soil*" from Rule 4.3 means that Rule 4.3 is superfluous and can be deleted. This results in there being no discretionary activity category relating to Impermeable Surfaces in the General Natural Area as previously only impermeable surfaces on special soils were discretionary. The Proposed Plan Change should therefore be changed at Section 24 to read, "*Delete all of Rule 4.3*".

Further to this, another minor error has also been identified in that a reference to "*special soils*" in the Explanation in the Policy Section of the District Plan was not identified and deleted in the Proposed Plan Change as notified. This is shown at Proposed Plan change reference 15A and should be amended pursuant to Clause 16 of the First Schedule.

Both minor errors are outlined in the proposed amendments below.

PC Ref No	District Plan Section	Chapter	Pg	Reference No	Proposed Plan Change
24.	Rules # 1	Natural Area Rules	11 & 12	General Natural Area Rules	<p><b>Delete</b> the words “<i>provided that no more than 10% of the area defined as special soils on a site is established as an impermeable surface</i>”, from Rule 4.1(i) and 4.1(ii).</p> <p><b>Delete</b> the words “<i>except in any area defined as special soils</i>” from Rule 4.2.</p> <p>Delete all of Rule 4.3.</p> <p><b>Delete</b> assessment criteria 4(i) and renumber the remaining criteria accordingly.</p>
15A	Policy	Part 6 - Explanation	19	2 <sup>nd</sup> Column, 1 <sup>st</sup> paragraph after bullet points	<b>Delete</b> the words “ <i>the Special Soils Area</i> ”.

## 6.0 CONCLUSION

This report sets out the background, technical basis and Section 32 considerations for Proposed Plan Change 3. In addition, the report considers issues raised in submissions and further submissions on the Proposed Plan Change, and recommends changes to the Proposed Plan Change where the submissions have merit under the Resource Management Act 1991 and where a minor error has been identified.

In response to submissions it is proposed to amend Proposed Plan Change 3 to incorporate a new policy and associated explanation that gives recognition of the higher quality rural soils in the northern area of the City and also includes the reclassification study that led to the Proposed Plan Change in the Background Document Appendix of the Policy section of the Plan.

The amendments are identified as follows:

- A new policy, Policy 3.6 relating to the sustainable management of the City’s higher quality soils in the northern area (Whenuapai/Hobsonville) of the City.
- Reference to the higher quality soils in these areas in appropriate places in the Explanation.
- Reference to the new policy 3.6 in the Countryside Environment subdivision rules.
- Addition of a reference to the soil classification study undertaken by Dr Chapman upon which this plan change is predicated - Background Research Papers available from Waitakere City Council - of the Policy Section of the Plan.

## RECOMMENDATIONS

A29-A40

That pursuant to Clauses 10 and 16 of the First Schedule of the Resource Management Act 1991, Proposed Plan Change 3: Deletion of Provisions relating to Special Soils and High Fertility Soils in the District Plan, is adopted as attached at pages A29 to A40, which comprises the Proposed Plan Change as notified with the amendments as described in Sections 5.3 and 5.4 of this report.

That pursuant to Clause 10(1) of the First Schedule to the Resource Management Act 1991, the relief sought by the submitters is rejected, or accepted as set out below for the reasons outlined in the discussions relating to each submission in the body of this report:

- It is recommended that the submission of The New Zealand Vegetable and Potato Growers and New Zealand Fruit Grower Federation (3/1/-) be accepted.
- It is recommended that the submissions of John and Daphne Gionis (3/3/-) and (3/3/1) be accepted.
- It is recommended that the submission of Clover Farms Limited (3/4/-) be accepted.
- It is recommended that the submission of the Auckland Regional Council (3/2/-) be accepted to the extent of the relief provided by recommended changes to the Proposed Plan Change, as outlined in Sections 5.3 and 5.4 above.
- It is recommended that the further submission of Anne Grace (3/2/1) be rejected.

Report Prepared by: Elizabeth Wells, Principal Planner.

