



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

POLICY AND STRATEGY COMMITTEE

I hereby give notice that a meeting of the Policy and Strategy Committee will be held on:-

DATE: Monday, 4 October 2010 **TIME:** 5.00 pm

MEETING ROOM: Waitemata Room

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to hear and consider the submissions and give final approval of any further amendments to the Henderson Valley/Opanuku Local Area Plan.

23 September 2010

Judith Moore
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8950

MEMBERSHIP:

Deputy Mayor	PA	Hulse (Chairman)
Councillors	LA	Cooper, JP (Deputy Chairman)
	DQ	Battersby, QSM, JP
	BA	Brady, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP
	MM	Jolley
	JP	Lawley, JP
	PG	Mitchell
	VS	Neeson, JP
Mr	W	Paki, JP (Chairman, Te Taumata Runanga)

Mayor RA Harvey, QSO, JP (ex officio)

(Quorum 5 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(Meeting Room could be subject to change)

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE POLICY AND STRATEGY COMMITTEE TO BE HELD IN
THE WAITEMATA ROOM AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,
HENDERSON, WAITAKERE, ON MONDAY, 4 OCTOBER 2010,
COMMENCING AT 5.00 PM**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	HEARING ON THE HENDERSON VALLEY/OPANUKU LOCAL AREA PLAN	1

**AGENDA FOR A MEETING OF THE POLICY AND STRATEGY COMMITTEE TO BE HELD IN
THE WAITEMATA ROOM AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,
HENDERSON, WAITAKERE, ON MONDAY, 4 OCTOBER 2010,
COMMENCING AT 5.00 PM**

1 APOLOGIES



2 HEARING ON THE HENDERSON VALLEY/OPANUKU LOCAL AREA PLAN

GLOSSARY

Local Area Plan	(LAP)
Henderson Valley/Opanuku	(HVO)
Policy and Strategy Committee	(the Committee)
a subcommittee	(the Hearing Panel)
Waitakere Ranges Heritage Area Act 2008	(WRHAA)
Local Government Act 2002	(LGA)
Waitakere City Operative District Plan 2003	(District Plan)
Resource Management Act 1991	(RMA)
Large Property Management Areas	(LPMAs)
Rural/Urban Interface Management Areas	(RUIMAs)

EXECUTIVE SUMMARY

A draft Henderson Valley/Opanuku (HVO) Local Area Plan (LAP) has been developed, publicly notified for written submissions and amended as a result of those written submissions received.

In accordance with delegations of the Policy and Strategy Committee (the Committee), a subcommittee (the Hearing Panel) has been established to hear verbal submissions from submitters who wish to speak to their submissions, comment on the amendments made to the draft LAP or raise other issues that have not been addressed in the amended LAP.

The Hearing Panel has been delegated the appropriate authority to both hear submissions and to finalise the HVO LAP.

The purpose of this report is to enable the Hearing Panel to consider submissions received on the draft HVO LAP, and to hear further comment from those submitters who wish to speak on the suggested amendments made to the draft HVO LAP as a result of written submissions. The report also summarises written submissions received, and the changes made to the draft HVO LAP as a result.

The hearing is not intended to be an adversarial inquiry on parts of the LAP subject to objection (as is the process under the Resource Management Act 1991 (RMA)), but rather a collaborative yet inquisitorial examination of the soundness and coherence of the whole LAP between the Hearing Panel on behalf of the Council, and submitters on behalf of their community. This approach is provided for under the Waitakere Ranges Heritage Area Act 2008 (WRHAA) and the Local Government Act 2002 (LGA).

The preparation of the HVO LAP has involved extensive engagement and consultation with the local community and interested parties since October 2009 to the present.

This consultation has been undertaken in accordance with sections 25, 26 and 28 of the WRHAA and complies with the principles of consultation outlined in section 82 of the LGA. This process can also be considered as part of the pre-consultation to any RMA plan change to implement those parts of the HVO LAP relating to resource management or land use planning matters considered necessary or desirable to give effect to the HVO LAP.

Not all aspects of the HVO LAP are appropriately addressed though land use planning, and a number of community level actions are required, which should receive, or continue to receive funding and assistance from Council if the HVO LAP is to be successful in the long term.

This report addresses the matters raised in submissions and the amendments to the LAP that have been made, and discusses a number of themes that have emerged from submissions received.

RECOMMENDATIONS

It is recommended that the Policy and Strategy Committee resolve to:

1. **Receive** the Hearing on the Henderson Valley/Opanuku Local Area Plan report.
2. **Agree** to amend the Henderson Valley/Opanuku Local Area Plan including Background Reports, with any appropriate further amendments, after consideration of written submissions received, and verbal submissions made at the Henderson Valley/Opanuku Local Area Plan Hearing.
3. **Approve** the Henderson Valley/Opanuku Local Area Plan, as amended in accordance with Resolution 2, on behalf of the Waitakere City Council, and in accordance with the Waitakere Ranges Heritage Area Act 2008 and Local Government Act 2002.

BACKGROUND

Purpose of Local Area Plans

1. The purpose and requirements for LAPs are outlined in section 25 of the WRHHA. In summary, a LAP must identify the local area to which it applies and the extent and nature of the heritage features existing in that local area. It must outline how the objectives of the WRHHA will be promoted in the local area and identify the distinctive natural, cultural, and physical qualities and characteristics that contribute to its long-term pleasantness, aesthetic coherence, and amenity. The LAP may also identify issues relating to the provision of future services within the area. As a guide, long-term is taken to be beyond a period of 50 years; the LAP seeks to establish the elements and outcomes that should be expected in that future.
2. A LAP provides certainty to the community by providing objectives and policies to inform decision making in relation to the amenity, character, and the environment of the local area. The LAP defines the future that is expected so that decisions can be made as to whether activities and proposals assist or detract from the achievement of that desired future. This provides a goal oriented approach to managing adverse effects, particularly cumulative effects.

3. Section 26 of the WRHAA provides for the process of developing a LAP to be tailored to the unique issues and communities of the local area it focuses upon. This Committee has encouraged an approach of community engagement in the development of the LAP through a community workshop process along with meetings with individuals and stakeholders. This process has encouraged interested residents, stakeholders and tangata whenua to participate in and contribute to the LAP.
4. A LAP may be considered as a type of spatial plan, assisting to localise the more general Objectives and Heritage Features set out in the WRHAA to specific places within the Heritage Area. The LAP also sets out a consideration of what should happen when and where, but goes beyond traditional land use planning and sets out a strategic framework to guide both future physical development and policy interventions, whether or not these relate to formal land use planning control.

Previous Council Resolutions on Local Area Plan development:

5. The Committee has previously provided direction on the location and process for the development of LAPs across the Waitakere Ranges Heritage Area, with an initial focus on the Foothills:
6. At the 7 August 2008 Committee meeting, it was resolved to undertake a series of LAPs in the Heritage Area as follows:

“The Policy and Strategy Committee resolved to:

3. *Agree to adopt the Local Area Plans under the Waitakere Ranges Heritage Area Act 2008 report for the purpose of engaging with communities on the purpose of Local Area Plans and the process of developing Local Area Plans.*
4. *Agree that the priority area for an initial Local Area Plan under the Waitakere Ranges Heritage Area Act 2008 be the Foothills area as outlined in option 3 of the report and that a report regarding the process and priorities for this be reported back to the Policy and Strategy Committee meeting scheduled to be held on Thursday, 4 September 2008.”*

1300/2008

7. At the 4 September 2008 Committee meeting, it was further resolved to commence the LAPs process in the Oratia area as follows:

“The Policy and Strategy Committee resolved to:

2. *Agree that the first Local Area Plan should be prepared for the Oratia Local Area, because this is a distinct local area where the Local Area Plan process will reveal many issues that are common to the wider “Foothills” area.*
3. *Agree that the process for undertaking the preparation of the Local Area Plan should include:*
 - *preliminary research on the characteristics and issues of the area that includes economic analysis;*
 - *definition of the local area, in consultation with the local and wider community; and*
 - *an informed but open and participative “enquiry by design” process, similar to the process that has been used to develop plans for New Lynn and Westgate.”*

1522/2008

8. This process was followed and an Oratia and a Waitatarua LAP were developed and have since been approved. Implementation of these LAPs is now underway, including through Waitakere City District Plan changes.
9. At the 4 June 2009 Committee meeting, it was further resolved to undertake a LAP process in the Henderson Valley/Opanuku area as follows:

“The Policy and Strategy Committee resolved to:

2. **Agree** that further Local Area Plans for the remainder of the foothills be developed through the 2009/2010 financial year in a sequence beginning with Henderson Valley/Opanuku, then Swanson and finally Anzac Valley.
3. **Agree** that the process for undertaking the preparation of the Local Area Plans follow the process used for the development of the Oratia and Waitatarua Local Area Plans including:
 - preliminary research on the characteristics and issues of the area;
 - definition of the local area, in consultation with the local and wider community;
 - consultation through a mixture of small group and larger public meetings; and
 - a “community enquiry” workshop to develop the draft Local Area Plan.”

875/2009

10. This consultation process formally commenced with a public meeting in October 2009, and has been underway since, with a range of public meetings, private cottage meetings, stakeholder discussions and technical background work. A fuller description of the consultation undertaken to June 2010 is included in the Henderson Valley/Opanuku Local Area Plan Consultation Report as part of the background information to the LAP. This report will be updated to reflect the consultation that has occurred after this date and the time the LAP is finalised.
11. At the 3 July 2010 Committee meeting, it was further resolved to approve the draft HVO LAP for the purposes of public consultation to obtain community views on the draft as follows:

“The Policy and Strategy Committee resolved to:

1. **Approve** the proposed Henderson Valley/Opanuku Local Area Plan, subject to any changes made by the Policy and Strategy Committee in workshop, for the purposes of public consultation in accordance with the Waitakere Ranges Heritage Area Act 2008 and the Local Government Act 2002.
2. **Agree** to delegate to the Chairman of the Policy and Strategy Committee final approval of any further minor amendments to the proposed Henderson Valley/Opanuku Local Area Plan made prior to public consultation.”

3. **Direct** the Chief Executive Officer to report back to the Policy and Strategy Committee or Council on the submissions received through the consultation process outlined in resolution 2 above and any proposed amendments to the Henderson Valley/Opanuku Local Area Plan.
4. **Agree** to convene a public meeting to enable the community to provide feedback and discussion on the Henderson Valley/Opanuku Local Area Plan and provide for engagement with stakeholders in the Henderson Valley/Opanuku area.”

746/2010

12. At the 5 August 2010, Policy and Strategy Committee meeting, following a verbal update on submissions received on the draft HVO LAP, which closed on 30 July 2010, it was resolved as follows:

“The Policy and Strategy Committee resolved to:

1. **Receive** the presentation on the Proposed Local Area Plans - Updates.
2. **Agree** that the Chairman of Policy and Strategy Committee report back to Committee Members on the desirability and practicality of listening to submitters on the Henderson Valley Local Area Plan at the Policy and Strategy Committee meeting to be held 31 August 2010.”

1051/2010

13. At the 2 September 2010 Committee meeting, after considering submissions received on the draft HVO LAP and the recommended changes to the LAP as a result, as well as comment on the desirability and practicality of holding a hearing, it was resolved as follows:

“The Policy and Strategy Committee resolved to:

1. **Receive** the Submissions on the Henderson Valley/Opanuku Local Area Plan report.
2. **Approve** the amendments to the text of the Henderson Valley/Opanuku Local Area Plan drafted in response to matters raised in written submissions (as attached to these minutes as pages A1 and A26).
3. **Agree** to the creation of a subcommittee (the Hearing Panel), consisting of the Chairman of the Policy and Strategy Committee, Councillor Paul Mitchell, and the Director: Strategic Planning to consider submissions received on the Henderson Valley Local Area Plan.
4. **Agree** that the amended Henderson Valley/Opanuku Local Area Plan as endorsed in Resolution No. 2 above, be the basis of further discussion with interested submitters at a Hearing to be held on 4 and 5 October 2010.

5. *Agree to delegate to the Hearing Panel, as agreed to in Resolution No. 3 above, final approval of any further amendments to the amended Henderson Valley/Opanuku Local Area Plan as a result of discussions with submitters at the Hearing into the Henderson Valley Local Area Plan prior to the Henderson Valley/Opanuku Local Area Plan being finally adopted by the panel on behalf of the Council, in accordance with the Waitakere Ranges Heritage Area Act 2008 and Local Government Act 2002.”*

1271/2010

14. This report covers the written submissions received, and provides a background for changes made to the draft HVO LAP as a result, and provides a brief summary of some of the themes and issues that have been raised in written submissions.

Consultation on the Draft Henderson Valley/Opanuku Local Area Plan:

15. In addition to the considerable consultation that has occurred prior to the development of the draft HVO LAP document, public consultation on the draft HVO LAP has included:

- Over 880 individually addressed packs containing a covering letter (including an invitation to the drop-in day), a Frequently Asked Questions, a submission form and a full colour copy of the draft LAP were posted to every ratepayer and resident in the area as well as known interested parties;
- Colour copies of the draft HVO LAP and the background reports and appendices were uploaded to the Council website, made available at all Waitakere Libraries and the Waitakere Central One Stop Shop, and full colour bound hard copies also provided to key stakeholders;
- A public drop-in day was held on 8 July 2010, at the Henderson Valley Community Hall between 3.30 and 7.30pm. Approximately 30 enquiries were fielded at this meeting, mainly from local residents; and
- In addition to the public drop-in day, a number of meetings have continued with key stakeholders and interested parties throughout the LAP consultation period, providing opportunity for staff to provide clarity on various aspects of the LAP.

- 00001-00190 16. Submissions on the draft HVO LAP closed at 4.30pm, 30 July 2010. A total of 37 submissions were received to date, including a number received after closing date, which have been accepted and summarised. A full copy of all the submissions received and accepted are attached at pages 00028 to 00160, with a table summarising all the submission points, and brief analysis of the submission points attached at pages 00001 to 00027 and a list of recommended changes to the draft HVO LAP as a result, attached at pages 00161 to 00190.

17. A number of submitters also indicated that they wish to have the opportunity to speak to their submissions and appear before the Committee, so that their concerns and comments can be heard by decision makers first hand.

- 00161-00190 18. At the 2 September 2010 Committee meeting, the Committee resolved to have a public hearing to hear submitters concerns, and endorse the amended HVO LAP text (as attached at pages 00161 to 00190) as a basis for those discussions.

DECISION MAKING

19. It is considered that decisions made on the matters raised by submitters and responses with recommendations and amendments to the LAP are in line with the relevant criteria of the LGA, in particular sections 76 to 82 inclusive, and will assist in the achievement of the objectives of the WRHAA.
20. The Hearing Panel, in undertaking decision making on behalf of the Council will need to satisfy itself as to the appropriateness of any further changes it determines are required to the LAP, after hearing from submitters.

Issues

Changes to the Draft Henderson Valley/Opanuku LAP

- 00161-00190
21. Many issues have been raised in the submissions received, some of which have resulted in amendments and additions to the draft HVO LAP. Recommended responses to submission points are included and attached at pages 00161 to 00190. These amendments will be reflected in the revised text (altered text highlighted in ~~strike through~~, added text underlined), and as noted above were endorsed by the Committee on 2 September 2010, for the purposes of provision to all submitters.
 22. On 15 September 2010, all submitters were posted a letter containing a covering letter, a copy of the amended LAP, and a copy of the 2 September 2010 report to the Committee, along with a Hearing Attendance Form. At the time of writing, Hearing Attendance Forms have yet to be received back from submitters.
 23. The amendments made to the proposed LAP, are a result of submissions received, further conversations and technical work, and can be summarised under the following key topic headings (in no particular order):
 - Boundary of the Local Area;
 - Rural Economic Wellbeing;
 - Foothills Walkway and general walking issues;
 - 'Lifestyle' blocks as valued feature;
 - Rural Design Guidelines; and
 - Subdivision.
 24. These topics are a somewhat artificial grouping, as most submissions raise concerns that are interlinked between across these categories. The majority of submissions received were generally supportive of the draft HVO LAP as proposed, but raised particular issues of concern that could be improved or changed, often as matters of emphasis in the LAP and/or it's supporting Policies and Actions.
 25. It is important that the LAP provide guidance on the issues that have the potential to impact on the Character and Amenity of the area, in particular new or expanded residential and non-residential development. Unfortunately, the provision of guidance or parameters for consideration of these often contentious issues can be interpreted as tacit approval, particularly where the proportion of the LAP devoted to these issues is perhaps greater in volume than that given to other aspects of the area that the community have generally expressed a preference see stay the same.

- 00001-00190 26. The submission summary and recommended response (attached at pages 00001 to 00027) and the amended text of the draft HVO LAP (attached at pages 00161 to 00190) show the responses to the submissions received (attached at pages 00028 to 00160).

Boundary of the Local Area

27. A number of submissions noted concern with the process of determining the boundary, but are generally accepting of the proposed boundary for the purpose of the draft HVO LAP.
28. A key issue in relation to changing the boundary is whether to include the Upper Paremuka Catchment (noted on the LAP maps as the Paremuka Structure Plan Area/Babich Area B) within the LAP area for the following reasons:
- The area is subject to a pre-WRHAA District Plan appeal, which could significantly alter the look and feel of the area and would be quite different to other areas of Henderson Valley (refer submission #32) resting uncomfortably with the planning and future of the rest of the Local Area as outlined in the amended LAP; and
 - The area is within a separate visual and water catchment to the rest of the valley and has arguably a greater 'connection' with the urban area to the east, and most submitters from the area have sought increased development potential (i.e. support the Paremuka Structure Plan as per Submission #32, or seek more urban type development).
29. It is recommended that the boundary of the Local Area be amended to remove the Paremuka Structure Plan Area from the draft HVO LAP, but otherwise the boundary be confirmed.

Rural Economic Wellbeing

30. A number of submissions noted that the draft HVO LAP appeared to focus significant attention on provision of Future Rural Uses, and that such uses, particularly recreation and visitor type activities could negatively impact on the listed valued heritage features of the Valley, particularly peace and quiet, and traffic generation.
31. This concern is also linked to the Foothills Walkway and Lifestyle block topics, particularly by apprehension regarding the potential impact of enabling increased tourism and visitors to an area that is generally considered quiet and disconnected from the deeper Waitakere Ranges, and does not currently experience high visitor numbers or though traffic and issues associated with this. HVO does have a number of large and successful visitor based businesses, but these are mostly located in the lower valley. It should be noted that many of the visitor businesses and activities rely on the retention of the valued heritage features that set this area apart from the urban area in particular, but also other rural areas in the Waitakere Ranges and the region.
32. The LAP process of localising the WRHHA, can give local guidance to more general regulatory provisions that are to apply broadly, such as those outlined in Plan Change 36, which provide for a more detailed assessment framework for the appropriateness of small scale activities such as bed and breakfasts, roadside stalls and food production, and larger scale activities, by specifying the existing and future amenity of an area that proposals can be assessed against.

33. Amendments to the LAP are proposed to highlight that various areas of HVO are different, including the inappropriateness of traffic generating activities locating in the residential enclaves and upper valley in particular, and that the values of peace and quiet and low traffic volumes are especially important in these areas. These aspects will be useful tools for consent planners, applicants and the community when considering the assessment criteria outlined in Plan Change 36.

Foothills Walkway and general walking issues

34. A number of submissions raised concerns over the Foothills Walkway concept, and have suggested that a better focus would be on improving local walking connections for the community. This concern is perhaps based on a perception that the Foothills Walkway is primarily for tourists and visitor businesses, rather than an overarching programme of prioritising local connections, improving walking safety, and identifying and securing opportunities for additional connections.
35. Other walking related issues included the potential for increased tourist/visitor numbers (as outlined above), connections/conflict with current regional parkland policies regarding cycles and horses, safety concerns regarding horses on footpaths, and traffic volumes, speeds, and speed limits.
36. Two submissions specifically noted issues regarding parking at the end of the Opanuku Walk and Cycleway, an issue which is increasing due to the popularity of the facility, particularly on the weekends. Provision of a dedicated car park is not recommended, but there is potentially space on the roadside adjacent to the cycleway that could be investigated and formalised for people that drive to walk or cycle on the walk and cycleway. These submissions highlights that the more general submissions relating to provision of infrastructure for visitors including those using a future Foothills Walkway are justified, and will need to be managed carefully to avoid negatively impacting on local amenity.
37. The draft HVO LAP should be amended to reflect the intended walking priority of improving and maintaining local connections in the shorter term, while maintaining the intention to implement the wider Foothills Walkway concept over time and as opportunities permit.

Lifestyle blocks as a valued feature

38. Related to the Rural Economic Wellbeing and Foothills Walkway above is a concern that the perceived focus on enabling rural business and tourism in the draft HVO LAP ignores that fact that most properties are not, and probably will not be 'productive' in terms of generating income. Many properties are used for 'lifestyle' purposes, for small scale grazing, horse riding and so-called hobby farming, and that this is a valid and valued feature of the area. These small holdings also contribute positively to the maintenance of a rural character, both visually for visitors and locals, but also physically and culturally for landowners. The ability to have a horse or a few sheep and some chickens is a key reason why many residents so value living in the area. Many submissions also noted that it would be unlikely that many properties will ever be truly 'productive' in the future, and that more emphasis should be given in the draft HVO LAP to providing for lifestyle land use and assisting owners (and tenants) to manage their properties.

39. The LAP has been improved to recognise this aspect of HVO, including Policies and Actions to assist landowners and tenants in the management of these sites. Most owners are working full time, and have little experience of or time for mixed pastoral and bush land management, and assistance and practical guidance would be beneficial both to the owners and the long term sustainability of the bush and pasture. This could include such things as promoting or enabling farm equipment exchanges and farming skills workshops, or providing a grazing land register, though to providing realistic pre-purchase advice to prospective purchasers regarding the work required to maintain such a block, in addition to already noted focus on assistance with re-vegetation, pest and weed management.
40. Peri-urban areas like HVO are nationally recognised as a place of reducing average tenure. This is anecdotally, partly a result of people seeking the 'rural idyll' but seriously underestimating the work needed to maintain large semi-rural properties. Reducing tenure length can also have impacts on community cohesiveness and social capital as a more transient population develops less meaningful connections to a place and their neighbours. Assisting people to remain in an area through assistance with land management is therefore beneficial across a wide range of wellbeings. A number of submissions have raised this point as a reason for seeking additional subdivision opportunities to improve the manageability of (resulting smaller) sites, and noting that with the lack of time many owners are currently able to spend on basic land management, it is unlikely that a rural business could be squeezed in as well.
41. This issue will be compounded in the future, as the current land ownership pattern, other than in sites with subdivision potential (such as the identified Large Properties and potentially the Rural/Urban Interface Management Areas), will be more or less permanent and the LAP has been amended to reflect the issues raised.

Rural Design Guidelines

42. This topic relates to concerns around the potential for development and redevelopment to occur across the LAP area and the extent to which this may impact on Character and Amenity, and the suggestion for provision of design guidelines in the Policies and Actions to address this concern.
43. Some submitters have sought a high level of certainty and prescription of outcome, particularly in relation to areas of significant potential for change such as the Large Properties and Urban Edge areas. To be blunt, insufficient work has been completed to provide this level of certainty in the draft HVO LAP – the LAP is therefore limited to identifying that this work should be done to improve outcomes, and as a result of this future work, certainty can be provided though a Plan Change or resource consent process.
44. Other submissions are concerned that design guidance will be overly controlling or prescriptive, limit people's ability to build what they please, result in the Council determining detail beyond what is appropriate and reasonable, or will result in a cookie cutter approach to development.
45. The draft HVO LAP is not intended to stifle building innovation or architectural response, but it is concerned with the potential for impact of development on identified heritage features including rural and bush landscapes. To this end a number of rural design principles are being developed into Rural Design Guidelines, concerned not with architecture per-se but matters like building location and placement, spacing, bulk, landscape response and mitigation.

46. The Rural Design Guidelines will need to find a difficult balance between providing guidance and ensuring poor outcomes are avoided. Each site and development is different, and it will be impossible and unreasonable for guidelines to be site specific. In addition the guidelines (which are currently under development) will be used as an advocacy tool along with other matters such as sustainable building design guidelines, which can be considered should a development require resource consent, or to assist developments to avoid triggering a resource consent in the first place.
47. Draft Foothills Design Guidelines were approved for further refinement at the Committee meeting on 2 September 2010.
48. A number of changes made to the draft HVO LAP, including those made in response to the Managing Subdivision issue (see below) will assist in clarifying these concerns.

Managing subdivision

49. It is fair to say that the majority of submissions received commented on the issue of subdivision. The majority of these comments fall into three main categories:
 - Cautious or conditional support for the Large Property Management Areas (LPMAs);
 - Support for the Rural/Urban Interface Management Areas (RUIMAs); and
 - Opposition to the RUIMAs.
50. Discussion of subdivision in HVO has been a complex issue and has been difficult to consider dispassionately because of the depth of feeling on the issue and strong polarity of opinions. Unlike neighbouring Oratia, HVO has not had the difficult experience of going through a Structure Plan process, and as such the matter of subdivision was still to be widely debated in the community, and there are still a wide range of opinions on the issue. However, most residents appear generally comfortable with the approach taken in the draft HVO LAP which may be summarised as follows:
 - managing the potential that exists better, without increasing capacity, and not removing the option of making a non-complying activity application on sites that do not have existing potential; and
 - highlighting discrete areas on the urban edge that could be investigated in the medium to long term for provision of additional development potential that retains a rural character and maintains a contrast between urban and rural.
51. The research undertaken to develop the LAP has indicated that a Structure Plan for the area would not be appropriate (there are few areas that could accommodate development over what is currently enabled, and even current potential in most places requires better management), and therefore the LAP has concentrated on managing the majority of potential that does exist, within the four LPMA's, that collectively contain 90% of the subdivision capacity in the area.

52. Three additional areas were identified for further investigation: The Upper Paremuka catchment because it was already undergoing a process predating the WRHAA potentially leading to significant change in the area; The Opanuku/Sturges Area: a pastoral area between the Opanuku Stream, the MUL and the surrounding bush; and Lower Henderson Valley Road, a pastoral area to the rear of the existing urban zoned row of houses fronting lower Henderson Valley Road/Parrs Cross Rd, and the crest of the low hills behind. All these areas are on the urban/rural boundary and to a greater or lesser degree have their rural character compromised by the juxtaposition or proximity of urban development, yet their future must remain rural under the WRHAA, District Plan and Regional Policy Statement. Urban development in these areas is considered inappropriate, but careful and integrated planning for these areas could deliver some limited additional potential while also addressing some discrete issues within each of these areas, and improving on the rural character of the wider area.

Large Property Management Areas:

53. Submitters raised concerns regarding the process for determining the long term future of these sites, particularly if the potential for further development if a large parent lot remains. The LAP is recommended to be amended to reflect that each sites outcome will be different and responsive approaches will be required, and to strengthen the 'one time only' aspect of this provision to ensure a permanent settlement pattern results. Amendments have been made to Policy 19 to reflect this. This change will also apply to the RUIIMAs, discussed below. This Policy will also require Plan Change(s) to implement (or Non-Complying Activity Resource Consent), and it is expected that each property will require more site specific investigations, building on, and going beyond the general catchment wide information gathered though this LAP process to best ascertain the appropriate site layout.

Rural/Urban Interface Management Areas:

54. These areas were identified as a result of landscape based investigations which identified these areas as having 'Low Landscape Sensitivity' (Refer Proposed Henderson Valley/Opanuku Local Area Plan, Appendix F: Henderson Valley Landscape Assessment, Stephen Brown Environments Ltd, April 2010). The areas are intended to illustrate where it may be appropriate to *investigate the potential* for rural residential development beyond what is currently provided for (i.e. a 4Ha minimum), with the Landscape Report suggesting a working lower limit of around 2Ha minimum. Most submissions in support came from property owners within the areas. Responses from this group generally differed only in the appropriate size of any resulting development, generally reflecting a view that a 'smoother' transition from dense urban into larger rural would be preferable to the present situation which is viewed as a hard and arbitrary contrast. Submissions in opposition were concerned with the potential impact that allowing more development would have on the area, undermining the Metropolitan Urban Limits, or allowing further urban development, and therefore contrary to one of the key reasons for the passing of the WRHAA into law.
55. Such a diversity of submissions is expected, when the expected outcome in the areas has not been clearly specified, other than in relation to principles that could be applied to consideration of development (if any) in these areas. Essentially the proposed LAP has asked the question of the community as to whether the provision of such areas should be further investigated or not.

56. The RUIIMAs remain identified, but any development within them is subject to further investigation. The LAP was amended to:
- Remove the Babich Area B/Upper Paremuka RUIIMA from HVO (refer Boundary topic above), as this will need to follow its current statutory process to a conclusion, irrespective of the WRHAA, potentially leading to conflict between the draft HVO LAP as currently written and the possible outcomes in this area; and
 - Retain the Opanuku and Lower Henderson Valley Road areas, with a requirement that further investigations be finalised as to the final form of any development in the area, prior to any such development being enabled. These investigations must address flooding, hydrological neutrality, geotechnical issues, land suitability for onsite waste disposal, landscape issues, and access issues in particular as well as other more general matters. Both the existing District Plan Structure Plan Method and Auckland Regional Policy Statement Structure Planning Appendix provide a template for the process and level of investigation required, but on a smaller geographic scale.
57. A small number of submissions raised issues with planning, the Council, LAPs, the WRHAA and the RMA. Others suggested that landowners should be able to do whatever they wished with their land and that the Council should supply the necessary services and infrastructure for urban development forthwith. No changes are recommended to the LAP as a result of these submissions.

Consideration of Community Views

58. A key purpose of the HVO LAP, in addition to its statutory functions, is to capture for the Auckland Council the local issues and opportunities and the recommended responses to them so that the community is better placed to influence and advocate for the future they desire.
59. The Hearing Panel will have the opportunity to hear the views of the community directly (being those who have made submission to the draft HVO LAP, and wish to take the opportunity to speak to their submission and the Amended HVO LAP).

STRATEGIC CONTEXT

60. The protection of the Waitakere Ranges and Foothills is a central objective of the Long Term Council Community Plan 2009-2019 and the WRHAA. The protection of this area through strict control of rural residential growth and subdivision is a key principle of the Growth Management Strategy for Waitakere, the District Plan and the Auckland Regional Policy Statement, and is the corollary to the urban intensification objectives of this Council and the Auckland Regional Council. As the urban area of the Auckland region intensifies, the social, environmental, cultural and economic importance of the unspoiled coast, the protected ranges and the rural foothills will grow. The WRHAA seeks to avoid urban sprawl, beyond the Metropolitan Urban Limit, that would impact on the rural and natural character of the Waitakere Ranges and foothills. At the same time, the continued existence and sustainable development of the diverse local communities within the Heritage Area, including their economic wellbeing is an objective of the WRHAA.

CONSULTATION

61. Consultation with officers from across Council in the Strategic Planning, Community Wellbeing and City Services Directorates has been undertaken throughout the preparation of the draft HVO LAP.

62. Te Kawerau a Maki, Ngati Whatua o Orakei and Te Taumata Runanga (representing a number of local iwi and urban Māori) were also consulted throughout the development of the draft HVO LAP.
63. Findings from previous community consultation are outlined in more detail in other sections of this report, and in the HVO LAP Consultation report, and the Hearing provides a further opportunity to discuss these issues before the LAP is finalised, and passed on to the community and new Auckland Council (including the Local Board) to implement.

RESOURCES

64. The Annual Plan 2010/2011 and the LTCCP 2009-2019 provides for ongoing work associated with LAPs, on the basis of completing two LAPs per year and other ongoing implementation of the WRHHA.

IMPLEMENTATION ISSUES

65. The methodology for the adoption of the Henderson Valley/Opanuku LAP must comply with the requirements of section 26 and 27 of the WRHHA. The process suggested complies with these requirements.
66. Implementation of the HVO LAP will fall to the new Auckland Council. An implementation and funding plan for the finalised HVO LAP will be developed so that actions can be prioritised and contribute towards the preparation and amendment of the relevant Annual Plan, Long Term Council Community Plan, Local Board Plan, and any necessary or desirable changes to existing 'legacy' and future statutory planning documents.

AUCKLAND COUNCIL TRANSITION ISSUES

67. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Kyle Balderston, Strategic Advisor: Sustainable Management

