

## AMENDED NOTICE OF SPECIAL MEETING

# ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that pursuant to Standing Order 14.1(b)(i) a Special Meeting of the Environmental Management Committee will be held on:-

|                     |                                   |                             |                |
|---------------------|-----------------------------------|-----------------------------|----------------|
| <b><u>DATE:</u></b> | <b>Monday, 2 December 2002</b>    | <b><u>REVISED TIME:</u></b> | <b>1.00 pm</b> |
|                     | <b>Friday, 6 December 2002</b>    |                             | <b>9.30 am</b> |
|                     | <b>Thursday, 12 December 2002</b> |                             | <b>1.30 pm</b> |

**VENUE:** Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City

to hear and consider Variation 88 and 89 (Swanson Structure Plan) to the Proposed District Plan and to take any necessary action connected therewith.

22 November 2002



Owena Schuster  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

### MEMBERSHIP:

|             |    |                                |
|-------------|----|--------------------------------|
| Councillors | PA | Hulse (Chairperson)            |
|             | DA | Yates, JP (Deputy Chairperson) |
|             | DQ | Battersby, JP                  |
|             | BA | Brady, JP                      |
|             | JM | Clews, QSO, JP                 |
|             | RP | Dallow, QPM, JP                |
|             | AC | Fenton                         |
|             | OE | Hoskin, JP                     |
|             | JP | Lawley                         |
|             | GE | Nash, JP                       |
|             | VS | Neson, JP                      |
|             | GB | Presland                       |
|             | GW | Russell                        |
|             | CA | Stone                          |

Mayor, Bob Harvey, QSO, JP (ex officio)

(Quorum 5 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(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 SPECIAL MEETING OF THE ENVIRONMENTAL MANAGEMENT  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON MONDAY, 2 DECEMBER 2002,  
COMMENCING AT 1.00 PM.**

---

**TABLE OF CONTENTS**

| <b><u>ITEM</u></b> |   | <b><u>PAGE NO.</u></b> |
|--------------------|---|------------------------|
| 1                  | <b>APOLOGIES</b>  | <b>1</b>               |
| 2                  | <b>PROPOSED VARIATION 88 AND 89 -<br/>SWANSON STRUCTURE PLAN HEARING REPORT</b> | <b>1</b>               |

**AGENDA FOR A SPECIAL MEETING OF THE ENVIRONMENTAL MANAGEMENT  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON MONDAY, 2 DECEMBER 2002,  
COMMENCING AT 1.00 PM.**

---

**1 APOLOGIES**



**2 PROPOSED VARIATION 88 AND 89 - SWANSON STRUCTURE PLAN HEARING  
REPORT**

**1. INTRODUCTION**

This report addresses issues that relate to proposed Variation 88 and 89. Variation 88 involves the introduction of a Swanson Structure Plan map and amendments to the Waitakere City Proposed District Plan ("Proposed Plan") Natural Area and Human Environment maps. Variation 89 involves the relocation of the 500m circle at Swanson shown on the Human Environment maps of the Proposed Plan.

Structure Plans are a planning mechanism that have been adopted by Waitakere City Council to manage the effects of development arising from subdivision and as a means of ensuring that environmental enhancement and restoration objectives are met. Structure Plans are intended to establish a long term, permanent settlement pattern for the Foothills Environment. Structure Plans are a regulatory tool that provides for environmental enhancement of existing natural areas by requiring protection through the subdivision consent process. In Waitakere City, 'structure plans' apply to rural areas, whereas 'concept plans' apply to urban areas.

The report sets out the background to the Swanson Structure Plan, the various statutory requirements and policy framework, the technical studies undertaken and the consultation carried out. Furthermore the report addresses Section 32 issues and provides an analysis of the various submissions that were received.

**2. SUMMARY**

Initial funding for the development of the Swanson Structure Plan was allocated in 1997-1998 Annual Plan in response to submissions from landowners. Technical studies to establish environmental constraints for the Swanson catchment were undertaken in 2000. Extensive consultation has been undertaken during this time with local residents, iwi, the Auckland Regional Council, Waitakere Ranges Protection Society and other key interested parties.

In response to public notification of Variation 88 and 89, the Council received a total of 71 and 38 primary submissions respectively. A summary of submissions was notified and 114 further submissions were received in respect of Variation 88 and 8 further submissions in respect of Variation 89.

Issues raised in submissions relate to:

- General Foothills subdivision;
- Re-identification of 1239-1249 Scenic Drive from Waitakere Ranges Environment to Foothills Environment;
- The total number of possible lots identified on the Swanson Structure Plan map;
- The Natural Area identification within the Swanson Structure Plan area;
- Structure plan format and features;
- The strategic and technical basis of the Swanson Structure Plan;
- The 500m radius circle around the Swanson Village.

It is the conclusion of this report that Variation 88 and 89 should proceed with the modifications set out in Section 9.

### 3. LOCATION

The Swanson Structure Plan area comprises 1200 ha and includes all of the land in the Swanson super catchment identified as 'Foothills Environment' in the Proposed Plan (excluding the Birdwood Structure Plan area). The Swanson super catchment comprises five sub-catchments including the Waimoko, Upper Swanson, Ranui, Momutu and Chamberlain. These five sub-catchments drain into the Waitemata Harbour via the Waimoko and Swanson streams, the confluence of which is at the northern end of Waimoko Glen in Ranui.

The central focus of the Swanson Structure Plan area is Swanson Village located on Swanson Road. The village is situated in a central valley floor with surrounding land rising away from the village to the north and south. Land in the immediate vicinity of the village to the north, southwest and east is relatively flat. Between the village and the Swanson stream to the north is the Redwood Country Club and Golf Course. To the south, across the railway line is 41 hectares of land (known as the "Penihana land") that is the subject of a Proposed Plan reference seeking a "Living Environment" identification. A row of large shelterbelt trees that runs along the northern boundary screens this land from the Swanson Village. To the west along Tram Valley Road and the lower part of Christian Road are pastoral lifestyle blocks with a relatively gentle contour. These properties form the visual foreground to views of the bush-clad Waitakere Ranges.

The Swanson Structure Plan area is characterised by a mix of pastoral and vegetated landscapes. The upper parts of the structure plan area tend to be steep and undulating. Roads generally follow ridgelines or valley floors and are significant defining features of the structure plan area. The most significant areas of intact native vegetation are located in the upper parts of the structure plan area, in particular around Welsh Hills Road between Coulter Road and Christian Road, between Christian Road and the southern end of Tram Valley Road, and on the eastern side of Sunnyvale Road.

In many parts of the structure plan area, regeneration of native vegetation is occurring, mainly along stream margins and in gully areas that are relatively inaccessible. However, where stock is present, land remains in pasture and in some areas is infested with weeds including woolly nightshade, ginger, gorse, privet and acmena.

Land uses in the structure plan area tend to be dominated by countryside living where land is generally not being used for productive purposes. However, there are some rural industries operating either within or in close proximity to the structure plan area including Nga Rakau Nursery on the corner of Birdwood and Mudgeways Road. This business makes a significant contribution to the area in terms of local employment and has indicated a desire to continue operating in its present location. In addition there are pockets of close residential subdivision located along parts of Candia and Christian Road.

In terms of infrastructure, the area is currently serviced with reticulated water supply. The area is not however serviced with reticulated wastewater. The existing roading infrastructure is typically rural in that it does not include urban amenities such as footpaths or street lighting. Currently Drower Road is unsealed. The existing Natural Gas pipeline runs in a north-south direction through the southern part of the Swanson Structure Plan area.

#### 4. BACKGROUND

Council initiated preparation of the Swanson Structure Plan in response to submissions by residents in Swanson to the 1998-1999 Annual Plan. These submissions sought funding for a structure plan for Swanson. Submissions to the Annual Plan followed earlier submissions to the Proposed District Plan lodged by various landowners in Swanson seeking that a structure plan be prepared for the Swanson catchment. The Council Decision Notice on Structure Plans (Decision Notice 68) stated that decisions to undertake structure plans in Waitakere City would be made through the Council's Annual Plan process.

Technical studies were undertaken in 2000, along with extensive consultation with the local community about the future of the rural part of Swanson.

##### 4.1 Resource Management Act 1991

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

The Resource Management 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 Resource Management Act relates to 'Matters of National Importance'. Matters of national importance include:

- "(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga."*

Section 7 relates to 'Other Matters. Particular regard must be given to:

- “(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) Recognition and protection of the heritage values of sites, buildings, places or areas:*
- (f) Maintenance and enhancement of the quality of the environment:*
- (g) Any finite characteristics of natural and physical resources:*
- (h) The protection of the habitat of trout and salmon.”*

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

Part III of the Resource Management Act sets out Duties and Restrictions to, amongst other things, subdivision of land. Section 11 states that no person may subdivide unless the subdivision is expressly allowed by a rule in a district plan or resource consent. In addition, Section 17 states that every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of that person, whether or not that activity is in accordance with a rule in a plan, or a resource consent.

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

Section 31 sets out functions of territorial authorities for giving effect to the Resource Management Act in its district including:

- “(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) The control of any actual or potential effects of the use development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:*
- (c) The control of the subdivision of land:*
- (d) The control of the emission of noise and the mitigation of the effects of noise:*
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) Any other functions specified in this Act.”*

Part VI of the Resource Management Act (Section 106) specifies the circumstances when a territorial local authority cannot grant a subdivision consent. These apply to:

- “(a) Any land in respect of which a consent is sought, or any structure on that land, is or is likely to be subject to material damage by erosion (falling debris) subsidence, slippage, or inundation from any source; or*
- (b) Any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to that land, other land, or structure, by erosion, (falling debris) subsidence, slippage, or inundation from any source –*

*Unless the consent authority is satisfied that sufficient provision has been made or will be made in accordance with subsection (2).*

- (2) A consent authority may grant a subdivision consent if it is satisfied that the effects described in subsection (1) will be avoided, remedied, or mitigated by one or more of the following:*
  - (a) Rules in the district plan;*
  - (b) Conditions of a resource consent, either generally or pursuant to section 220 (1) (d):*
  - (c) Other matters, including works.”*

Furthermore, Section 220 enables territorial authorities to impose conditions of consent for the protection of land against erosion, subsidence, slippage, or inundation from any source.

While Sections 106 and 220 apply to the granting of resource consents, the principles that underlie these sections have been applied when considering appropriate densities for future subdivision of existing sites within the Swanson Structure Plan area.

## **4.2 Building Act 1991**

The purpose of the Building Act 1991 is to regulate the construction and use of buildings to ensure that they are safe and sanitary and have means of escape from fire, and to ensure that any controls are coordinated with other controls relating to building use and the management of natural and physical resources.

The Building Act requires that all buildings comply with the Building Code irrespective of whether a building consent is required.

Section 36 of the Building Act requires a territorial authority to refuse to grant building consent involving the construction of a building or major alterations if:

- “(a) The land on which the building work is to take place is subject to, or is likely to be subject to, erosion, avulsion, alluvion, falling debris, subsidence, inundation, or slippage; or*
- (b) The building work itself is likely to accelerate, worsen, or result in erosion, avulsion, alluvion, falling debris, subsidence, inundation, or slippage of that land or any other property -*  
*unless the territorial authority is satisfied that adequate provision has been or will be made to -*
- (c) Protect the land or building work or that other property concerned from erosion, avulsion, alluvion, falling debris, subsidence, inundation, or slippage; or*
- (d) Restore any damage to the land or that other property concerned as a result of the building work.*

- (2) *Where a building consent is applied for and the territorial authority considers that -*
- (a) *The building work itself will not accelerate, worsen, or result in erosion, avulsion, alluvion, falling debris, subsidence, inundation, or slippage of that land or any other property; but*
- (b) *The land on which the building work is to take place is subject to, or is likely to be subject to, erosion, avulsion, alluvion, falling debris, subsidence, inundation, or slippage; and*
- (c) *The building work which is to take place is in all other respects such that the requirements of section 34 of this Act have been met -*

*The territorial authority shall, if it is satisfied that the applicant is the owner in terms of this section, grant the building consent, and shall include as a condition of that consent that the territorial authority shall, forthwith upon the issue of that consent, notify the District Land Registrar of the land registration district in which the land to which the consent relates is situated; and the District Land Registrar shall make an entry on the certificate of title to the land that a building consent has been issued in respect of a building on land that is described in subsection (1) (a) of this section."*

The application of Section 36 (2) (b) of the Building Act can occur where the Council is satisfied that the building work itself will not accelerate or worsen or result in erosion, avulsion, alluvion, falling debris, subsidence, inundation or slippage of the subject property or any other property, but where the land on which the building work is to take place is or is likely to be subject to these things. This is required to be recorded on the certificate of title for the property as information for future landowners.

### **4.3 Auckland Regional Policy Statement**

The Auckland Regional Policy Statement provides a regional resource management policy framework for managing environmental effects associated with urban and rural development within the region. Regional strategic objectives seek to ensure that soil resources, water quality, amenity values, rural character and landscape values are protected from the effects of inappropriate subdivision, use or development and that the Region's growth is accommodated in a manner that gives effect to the purpose and principles of the Resource Management Act 1991. Briefly, the following policies (summary only) are relevant:

- Regional strategic objectives for rural areas are to protect soil resources, rural character, landscape values, and mineral resources, from the regionally significant effects of inappropriate subdivision, use or development (Strategic Objective 2.5.1.3);
- Urban development is to be contained within defined metropolitan urban limits (Strategic Policy 2.5.2.3);
- Countryside living is subject to constraints as to location, scale and extent to avoid, remedy or mitigate adverse effects (Strategic Policy 2.5.2.4);
- Where countryside living is being considered, the Auckland Regional Policy Statement states that it should be provided for through a Structure Planning Process (or other similar mechanism) - Method 2.6.2.8.
- For rural areas not rated as being outstanding or regionally significant landscapes, the protection of those elements, features and patterns which contribute to the character and quality of the landscape and to its amenity value or which help to accommodate the visual effects of subdivision is required (Policy 6.4.19.2);
- Before provision is made enabling significant development or redevelopment of land which will result in intensification of land use, any flood hazards and measures to avoid or mitigate their adverse effects shall be identified (Policy 11.4.1.4);
- Development shall not be permitted in areas subject to erosion/land instability unless it can be demonstrated that the adverse effects can be avoided or mitigated (Policy 11.4.1.9).

#### 4.4 Waitakere City Proposed District Plan

The Swanson Structure Plan area is identified as “Foothills Environment” in the Proposed Plan. The strategic intent for the Foothills Environment is to establish a permanent settlement threshold that maintains the role of the foothills as a visual and ecological buffer between the urban area and the Waitakere Ranges. In this regard, the protection of open space character, native vegetation, riparian areas and limiting the provision of urban infrastructure are all key to maintaining the integrity of the foothills area.

In the Foothills Environment, where there is no structure plan in place, the minimum lot size for subdivision is 4 hectares. Subdivision less than 4 hectares may be possible where a structure plan has been prepared. In a structure plan, subdivision density is enabled on a site-by-site basis, with provision for protection and enhancement of native vegetation, streams and water quality. In some cases, no subdivision beyond the 4-hectare minimum may be provided due to existing development constraints.

*AI-All*

The general themes of the relevant Proposed District Plan objectives and policies are summarised as attached at pages A1 to A11.

##### Effects on Water Quality

Ensuring that the adverse effects of land use on the quality and quantity of the City's water resources are avoided, remedied or mitigated and that settlement is located away from coastal edges, riparian margins and areas prone to flooding. (Objective 1; Policy 1.1).

Ensuring that clearance and damage to native vegetation within riparian margins of rivers and coastal margins is avoided. (Policy 1.5).

Encouraging the absorption of rainfall and surface water runoff on-site thereby avoiding the creation or exacerbation of stormwater flooding problems and minimising runoff of surface water to stream catchments and waterways. (Policy 1.7).

Avoidance of contamination of the Cities waterways by movement of solid waste and sewage (Policy 1.14).

##### Effects on Land Stability

Avoiding activities that exacerbate slipping, subsidence and/or erosion of soils and any natural hazard event within an identified natural hazard area. (Policy 3.4).

##### Effects on Ecosystem Stability

Ensuring that future development does not prevent future regeneration of native vegetation in areas identified as Ecological Linkage Opportunities. (Policy 5.1).

In structure plan areas, ensuring that the quality of natural resources including native vegetation and amenity planting is protected and enhanced and re-establishment of linkages between areas of native vegetation and fauna habitat (Policy 5.5).

##### Effects on Outstanding Landscapes

Settlement within the sewered parts of the Bush Living and Waitakere Ranges Environments, and within the Foothills Environment, should be designed and located, and be of a density, that recognises their key positions in relation to the surrounding natural and physical resources.

Structure plans in these areas should provide for opportunities to protect and enhance the outstanding landscape qualities of the Waitakere Ranges and Bush Living Environment. Within the Foothills Environment structure plans should reflect a building density and level of development that does not compromise the significance of the foothills as an ecological and visual buffer between the urban area of the City and the bushed area of the Waitakere Ranges. The level of intensification of development must be appropriate to the capacity of the landscape to absorb that level of development without degrading the essential landscape qualities of these areas. (Policy 9.2).

#### Effects on Amenity Values - Landscapes, Local Areas and Neighbourhood Character

Within Structure Plan Areas subdivisions should be designed so that subsequent development is compatible with landscape character, amenity values and the noted landscape features of the area including providing for:

- protecting the amenity values and privacy of each lot;
- protecting the amenity values, and character of each Structure Plan Area;
- retaining and protecting existing areas of indigenous vegetation;
- enhancing and restoring areas of indigenous and exotic vegetation for reasons of visual amenity and/or ecosystem stability, and/or soil retention;
- a density of development that does not compromise Council's urban consolidation policies or undermine the urban containment policies of the Auckland Regional Policy Statement;
- a permanent pattern of subdivision that does not increase pressure for, or engender expectations of, further subdivision at a later time; and
- a level of development and density of population that does not increase demands for an urban level of infrastructure, roading and servicing. (Policy 11.29).

#### Effects on Heritage Values

Ensuring activities are carried out in such a way that avoids demolition or partial demolition of listed heritage sites. (Policy 12.2).

Rule 7.2 of the Foothills Environment subdivision rules apply to subdivision activities within structure plan areas. Currently, subdivision in accordance with the densities specified on a structure plan map forming part of the Proposed Plan is a limited discretionary activity. For structure plans other than the Oratia Structure Plan, subdivision exceeding the density shown on the structure plan map is non-complying activity. This rule is currently the subject of a reference in respect of Variation 87 (Birdwood Structure Plan) that seeks a more restrictive activity status for subdivision beyond that shown on the structure plan map.

## **5. SWANSON STRUCTURE PLAN**

### **5.1 Assessment of Environmental Constraints**

Technical studies relating to stormwater, land stability, vegetation and ecology, landscape character and archaeology have been completed to identify the environmental constraints within the Swanson Structure Plan Area. The results of these studies are discussed in the following paragraphs and have been applied to each site within the structure plan area to identify an appropriate settlement threshold.

### 5.1.1 Geotechnical Constraints

Tonkin & Taylor Limited has completed a land stability assessment of the Swanson Structure Plan area. This assessment divides the structure plan area into four different zones that identifies degrees of land stability and development capability. Zone A is considered to be land suitable for residential development without specific design requirements. Zone B is land considered to be generally suitable for residential development with geotechnical investigations and specific foundation design. Zone C is land of more marginal stability that is potentially subject to erosion or slope movement. Building is not precluded in this zone, but ground conditions across much of these areas are considered relatively marginal without significant stabilisation. Zone D is a 'no building' zone where due to the presence of existing slope instability or other geotechnical hazards, building is not recommended.

The land that is least constrained by land instability (Zone A) is located in the lower part of the structure plan area around the periphery of Swanson Village. The upper parts of the structure plan area are severely constrained where topography is steeper and more undulating. These include areas in the upper parts of Christian and Coulter Roads, as well as the steeper land on the eastern side of Sunnyvale Road.

In terms of the assessment of future development potential of sites within the structure plan area, land that has been identified as 'Zone C' has been excluded from consideration unless landowners or the Council's geotechnical engineer has been able to confirm otherwise. This is an approach that has been consistently adopted throughout the development of the Birdwood and the Swanson Structure Plans to ensure that the density shown on the structure plan map accurately reflects the existing constraint and to provide a reasonable level of confidence that the densities identified on the structure plan map can be achieved. Whilst it is acknowledged that with sufficient engineering work, most land can be 'made stable', large-scale stabilisation works are not always appropriate in a sensitive environment such as the Foothills. The Proposed Plan policies seek to avoid extensive land modification that has the effect of significantly modifying the existing landscape character.

### 5.1.2 Landscape and Ecological Constraints

Boffa Miskell Limited has completed a Landscape and Ecological Study for the Swanson Structure Plan Area. This study divides the structure plan area into landscape character areas and ecological units.

Six distinct landscape character area types were identified that reflect a range of attributes including topography, ecology and human land use patterns. These range from the relatively flat lowland areas around the Swanson village to the upland bush areas in the upper parts of the structure plan area.

The Boffa Miskell report concludes that the areas with the highest ability to absorb change (although not necessarily low visual quality) are located around the town fringe immediately north, south and west of Swanson village. Further up the catchment, the more open pastoral landscape units (units 3 - 5C) have a moderate ability to absorb change given their relative exposure to the surrounding area and lack of vegetation. The upland bush areas are the most constrained having high visual value due to relatively intact native vegetation and elevation at highest points in the structure plan area. These areas have little or no opportunity for further residential development.

The ecology of the structure plan area is also divided into six units. As with the landscape units, land in the upper part of the catchment is the most constrained due to the presence of semi-intact regenerating native vegetation. These areas contain extensive mature kanuka bush with several more mature areas in which podocarp (rimu, kahikatea and kauri) regeneration is clearly evident. The lower part of the structure plan area (Units 2-5) is less constrained due to topography and less intact vegetation. However these areas do contain many of the mainstream corridors that provide opportunities for riparian enhancement and protection as well as better weed control. The area with the lowest remaining ecological value is land around the periphery of Swanson village.

The Boffa Miskell study has recommended areas that would benefit from focussed riparian enhancement, restoration and ecological linkage. These recommendations are largely reflected in the proposed Swanson Structure Plan.

### **5.1.3 Stormwater Constraints**

URS New Zealand Limited has completed a study of the existing stormwater regime within the Swanson catchment. This study includes recommendations for management of stormwater within the catchment based on proposed land uses and for the protection and enhancement of existing stream networks.

As with many of the foothills areas, additional development in the upper part of these catchments is constrained by existing urban development in the lower catchment. To date, a conservative approach to stormwater management in the foothills has been adopted. EcoWater has developed the 'Countryside and Foothills Code of Practice for Stormwater Management' for the Oratia Structure Plan area that sets out management options to ensure that stormwater runoff is kept to pre-development levels (hydrological neutrality) and runoff mimics natural runoff patterns.

URS has recommended that this Code of Practice be adopted for the Swanson Structure Plan. This is consistent with the Auckland Regional Council's Air, Land & Water Regional Plan (Variation 1) that indicates for subdivision in rural areas, the Code of Practice provides guidance on how the regional plan rules for stormwater discharge can be complied with. During the course of developing the structure plan, requirements of the code of practice have been made known to landowners to ensure that they are aware of what is likely to be required as a condition of subdivision consent. In addition, URS has recommended changes to riparian margins, in particular existing non-riparian streams. These recommendations are reflected in the draft structure plan.

Since the close of submissions on the Swanson Structure Plan, EcoWater has undertaken stormwater modelling of the Swanson super catchment. This modelling has incorporated a number of development scenarios including likely development arising from the Swanson and Birdwood Structure Plans, the Birdwood Urban Concept Plan area as well as a number of other areas that have been earmarked for possible future development such as the Crows Road Urban Concept Plan area and the Penihana land. This modelling shows that without any mitigation to control total stormwater runoff, the effects on existing flood levels will be negligible. It is expected that with mitigation (including bush planting/roof tanks for rural residential sites), hydrological neutrality is achievable.

#### **5.1.4 Wastewater Constraints**

The effect of wastewater disposal to ground has not been specifically addressed by any technical studies for Swanson. However, it was considered in relation to the Birdwood Structure Plan area, which has similar ground conditions. It is considered that wastewater can be reasonably disposed of within the catchment without causing an adverse effect on watercourses or destabilising existing land and that this issue can be further dealt with as part of an application for subdivision and ultimately a building consent.

#### **Roading Constraints**

The effect of additional development within the structure plan area on the existing road network has been considered. In particular, the extent to which existing vehicle crossings can be utilised. It is possible that an increase in residential development in the structure plan area will require some road upgrading (such as the sealing of Drower Road). However, it is considered that this can be addressed at the time of subdivision and suitable financial contributions made by landowners seeking subdivision.

No new roads will be required as a result of subdivision arising from the structure plan.

#### **5.1.6 Archaeological/Heritage Constraints**

An archaeological study has been carried out by Rod Clough & Associates for the Swanson Structure Plan Area. Whilst the area has an extensive pre and post-European settlement history, there are no specific sites identified within the Swanson Structure Plan area that have been identified for specific protection.

Consultation with iwi has not identified any specific waahi tapu sites that should be avoided. However, it is noted that appropriate conditions of consent can be applied to ensure that areas of archaeological significance that are uncovered during development can be investigated.

#### **5.1.7 Cumulative Effects**

Consideration of cumulative effects is critical when considering further intensification of rural catchments. Of particular interest is the cumulative effect on land stability, stormwater runoff, existing ecosystems, existing rural and landscape character, the existing road network, and future demand for community facilities such as parks, open space and schools. In terms of land stability, earthworks and the disposal of stormwater and wastewater to ground can significantly destabilise whole areas creating significant risk for landowners. As these areas are not reticulated for stormwater or wastewater, careful consideration needs to be given to how this additional water is disposed of. In addition, further development can lead to changes in stormwater volumes and peak flows that have adverse effects downstream. The approach that has been adopted in Swanson in this regard, seeks to avoid increased stormwater flows by requiring hydrological neutrality.

With respect to landscape character, the settlement density that is identified on the structure plan map reflects the varying landscape character throughout the Swanson Structure Plan area and avoids significant changes to settlement densities in the upper catchment close to the bush-clad Ranges. When considering subdivision of individual sites, particular regard has been given to how the site naturally divides itself, for example using watercourses, landform such as ridgelines and valleys as well as bush areas. This in contrast to a more conventional surveying approach that attempts to divide sites into equal portions.

With respect to ecology, it is anticipated that significant enhancement will arise from planting along stream margins and for stormwater mitigation. Where subdivision is undertaken, these areas will receive permanent protection through covenants on titles and possibly fencing requirements where stock are to remain on the site.

With respect to infrastructure and community facilities, it is not expected that the proposed increase in density provided by the structure plan will generate adverse effects. There is no requirement for reticulated wastewater. Furthermore, the existing road network is considered to be capable of dealing with the increased demand. With respect to Mudgeways Road, it is expected that any roading upgrading requirements (i.e. sealing) will be addressed largely via financial contributions on subdivision. Once the structure plan is confirmed, it will be possible to carry out an overall assessment of the area to determine the level of financial contributions to be levied from each site.

## 5.2 Consultation

Extensive consultation with key stakeholders has been undertaken during the development of the Swanson Structure Plan. The Council has endeavoured to ensure that meaningful opportunities for public participation in the structure plan process have been provided.

From the outset a representative committee from the Swanson community was established through the Swanson Ratepayers Association to liaise with Council and report back to the wider community. This committee comprises representative landowners from within the structure plan area including the Neil Group (owner of approximately 50% of the Penihana land), together with councillors and council staff. The group has met on a 'needs to' basis over the past two years and has provided valuable guidance on communication with the wider community and input into issues relating to the development of the structure plan.

The early stages of the process involved a visioning exercise with the local community to determine views about the future of the Swanson area. Over 2000 households were contacted by mail and invited to participate in visioning meetings based on street areas and to hear from consultants involved in technical studies.

Council facilitated a public meeting in September 2000 to report back on the visioning meetings and present the consultant studies that was attended by over 100 people). The consultation completed in the early development stages of the structure plan was reported to the Planning & Regulatory Committee in November 2000.

Following the September public meeting, Council staff began applying the base technical information on a site-by-site basis to identify areas for protection and enhancement as well as subdivision potential. Site visits to 170 properties were conducted between February and April 2001. As well as being an opportunity to become familiar with the area, Council staff were able to talk to landowners one on one about the structure plan process either by telephone or where possible on their own property.

The draft structure plan, along with an information sheet was sent out to every landowner in the Swanson catchment (approx 3000 households) and other key stakeholders on 23 August 2001. A drop in day was held on September 1, 2001. Council staff attended to answer questions about the draft structure plan. Over 80 people attended the drop in day.

Consultation on the draft structure plan resulted in some amendments being made to the plan in terms of the number of potential sites identified. 17 additional sites were added to the proposed structure plan, as well as a recommendation to re-identify 1239 Scenic Drive from Waitakere Ranges Environment to Foothills Environment. This is because the site is more characteristic to the Foothills Environment as it is largely pastoral with some native trees along the road boundary. It is also adjacent to land that is already identified as Foothills Environment to the west and north.

### 5.3 Swanson Structure Plan - Proposed Variation 88 & 89

A12-A15

Proposed changes to the Proposed Plan to include the Swanson Structure Plan, and which have been publicly notified as Variation 88 and 89 as attached at pages A12 to A15.

These include:

- **Bush Protection Areas;**  
These are largely based on protected and managed natural areas currently identified on the Natural Area maps in the Proposed Plan.
- **Revegetation Areas/Restoration Areas;**  
These are areas that could benefit from extensive weed removal and restoration. In some cases they provide a linkage between areas of native vegetation or are an important amenity feature. Again they are largely based on existing restoration areas identified in the Proposed Plan.
- **Stream Enhancement Areas** (with modified Riparian margins as shown);  
These are located along stream margins. New riparian margins are proposed as shown. Proposed widths for riparian margins are based on recommendations by URS New Zealand Limited and have been endorsed by EcoWater Solutions.
- **Provision for 141 additional lots** within the structure plan area based on the natural and physical constraints of each existing property. This results in an average density across the Swanson Structure Plan Area of 1 dwelling per 2.6 hectares or 6.5 acres. As for the Oratia Structure Plan, subdivision in accordance with the densities identified by the structure plan would be a limited discretionary activity. Under the current Proposed Plan subdivision rules, additional lots over and above the specified density on a structure plan map forming part of the Plan would be a non-complying activity. However, this rule is currently the subject of a reference to Variation 87 (Birdwood Structure Plan) that seeks prohibited activity status for this type of subdivision.
- **Relocation of the 500m Radius Circle around the Swanson Railway Station shown on the Proposed District Plan Human Environment maps (Variation 89)**  
Due to the outstanding Proposed Plan reference in respect of the Penihana land (41 hectares of land on the southern side of Swanson Village), the Swanson Structure Plan development process has involved consideration of future urban growth around the town centre. Whilst no clear conclusions have been drawn about the nature of development that may occur on the Penihana land (as it is currently the subject of a community based mediation process), it is not considered appropriate that further urbanisation of Swanson should occur beyond the appeal land. This land is clearly defined by O'Neills Road in the east, Christian Road in the west and a ridgeline in the south and is within the Inner Drainage Area. Urbanising land beyond Christian Road to the west would lead to a form of development that would be very difficult to prevent sprawling right up the Tram Valley Road valley as there is no physical barrier (such as a road or a watercourse) to stop it.

Unlike other town centres, the train station in Swanson is located at the edge of the village. As a result, the present location of the 500m circle extends into rural land west of Christian Road and is inappropriate that this land may be suitable for intensive urban development despite the fact that this land is identified as Foothills Environment. It is considered that it would be more appropriate that the centre of the circle be the existing shops in the Swanson Village rather than the train station.

- **Re-identification of 1239-1249 Scenic Drive North from Waitakere Ranges to Foothills Environment**

This site is located at the juncture of the North Auckland railway line and Scenic Drive. The majority of the site is identified as Waitakere Ranges Environment, with the northern part identified as Foothills Environment. The site is largely clear of vegetation with some regenerating kanuka along the road frontage. The site appears to be an anomaly in terms of how it has been identified in the Proposed Plan. The property immediately to the northwest is within the structure plan area and is also largely pastoral land. The properties immediately to the west and east are covered in intact native vegetation and are appropriately identified Waitakere Ranges Environment. Given that the site is located well down in the catchment and is generally clear of vegetation, it is considered that the re-identification of this property from Waitakere Ranges to Foothills Environment is appropriate.

#### 5.4 Section 32 Considerations

Section 32 of the Resource Management Act requires every territorial authority to consider alternatives, and assess benefits and costs before adopting any objective, policy, rule or other method in relation to its district plan.

- “(a) *Have regard to -*
- (i) *The extent (if any) to which any such objective, policy, rule or other method is necessary in achieving the purpose of this Act; and*
  - (ii) *Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives, and the levying of charges (including rates); and*
  - (iii) *The reasons for and against adopting the proposed objective, policy, rule, or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and*
- (b) *Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and*
- (c) *Be satisfied that any such objective, policy, rule or other method (or combination thereof) -*
- (i) *Is necessary in achieving the purpose of this Act and*
  - (ii) *Is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.”*

The proposed variation to adopt the Swanson Structure Plan does not involve the adoption of any new objective or policy or method. The Variation simply involves changes to the existing Proposed Plan maps for which there are existing rules, objectives and policies.

Structure Plans are a method that has been adopted into the Proposed Plan to give effect to objectives and policies that relate to the management of environmental effects arising from land use in the Foothills and Countryside Environments. The Section 32 assessment for the use of structure plans over other methods such as minimum lot sizes was completed during the preparation of the Proposed District Plan. This has subsequently been tested through a statutory public notification process and more latterly the District Plan references for the Oratia Structure Plan.

The structure plan method has been adopted for the Swanson Structure Plan Area to establish a permanent settlement pattern consistent with the environmental constraints of the catchment. The structure plan method is considered to be the most effective planning mechanism for comprehensively managing land development in the Foothills and Countryside Environment and dealing with cumulative effects.

The rationale that forms the basis of the proposed Swanson Structure Plan has arisen out of technical studies specific to the Swanson Structure Plan area. Clearly a structure plan is necessary for the Swanson Structure Plan area to establish a more permanent settlement pattern that is effects based and to achieve the net environmental benefits that will arise through the subdivision consent process.

The density of development proposed for Swanson is based on an assessment of development constraints such as land stability, landscape character, vegetation and riparian protection and enhancement, and stormwater. Provision for the protection of waterways and riparian margins are implicit within the Council's Green Network Strategy and the objectives and policies of the Proposed District Plan. These are reflected in the proposed changes for the Swanson Structure Plan area.

## **6. ANALYSIS OF SUBMISSIONS IN RESPECT OF VARIATION 88 (SWANSON STRUCTURE PLAN)**

A total of **71** primary submissions and **114** further submissions were lodged in respect of Variation 88. A total of **38** primary submissions and **8** further submissions were lodged in respect of Variation 89. Eight primary submissions, received from LJ & AL Pauling (88-64), Shirley Ferneaux (88-65), Diane Hyde (88-66), Ian Hyde (88-67), Michelle Tyrell (88-68), M Baker (88-69), Linda Hamilton (88-70) and Bob and Sue Vaughan (88-71) were received after the close of submissions. In respect of Variation 89, two primary submissions from LJ & AL Pauling (89-37) and Shirley Ferneaux (89-38) were received after the close of submissions.

*A16-A30*

A full copy of the submissions appears in a separate volume to this agenda. A summary of submissions is attached at pages A16 A30.

### **6.1 Submissions Relating to General Foothills Subdivision**

- 6.1.1** Robyn Melles (88-1), seek that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-72), Margaret Parr (88-185), Susan & Ray Harrison (88-184) and The Enright Family (88-135).
- 6.1.2** Robin & Colin Cameron (88-7) seek that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission was supported by Tracy McIntyre (88-182). This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-76), Susan & Ray Harrison (88-184) Margaret Parr (88-186) and The Enright Family (88-135).
- 6.1.3** Grant & Carol Scott (88-9) seek that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission was supported by Tracy McIntyre (88-182). This submission was opposed by Margaret Parr (88-185), Susan & Ray Harrison (88-184) and The Enright Family (88-135).
- 6.1.4** Brad Kunin (88-15) seeks that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission was supported by Tracy McIntyre (88-182). This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-84), Susan & Ray Harrison (88-184) and The Enright Family (88-135).

- 6.1.5** Paul & Jean Robinson (88-22) seeks that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission is supported by Tracy McIntyre (88-182), Sue Longdon (88-100), Jodie Halberg (88-101), Kelly Compin (88-103), Diane & Rod Harry (88-104). This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-102), Margaret Parr (88-185), and The Enright Family (88-135).
- 6.1.6** Trevor Heskell (88-24) seeks that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission is supported by Tracy McIntyre (88-182). This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-107), Margaret Parr (88-185), The Enright Family (88-135) and Susan & Ray Harrison (88-184).
- 6.1.7** Jean Berry (88-26a) seeks that the Council make additional lots a prohibited activity (including the 17 extra lots added after Council inspections). This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-108), The Enright Family (88-135) and John & Heather Money (88-143).
- 6.1.8** Mr & Mrs J & H Cartwright (88-31) seek that the minimum permissible subdivision in the Swanson Foothills area be retained as 4 hectares. This submission is supported by Tracy McIntyre (88-182). This submission was opposed by Kitewaho Bush Reserve Co. & Others (88-118), Susan & Ray Harrison (88-184) and The Enright Family (88-135).
- 6.1.9** Dale Heale (88-34) seeks that the Swanson Structure Plan is withdrawn and 4 hectares should be the smallest permissible subdivision allowed in the foothills of the Waitakere Ranges. This submission is supported by Tracy McIntyre (88-182). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-119), and The Enright Family (88-135).
- 6.1.10** Gerd Loos (88-39) seeks that no further subdivision be allowed, and current 4 ha rule be retained. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-124) and The Enright Family (88-135).
- 6.1.11** Jane Lovell (88-40) seeks that the Council limit lot sizes in the Foothills Environment to 4 hectares (or lot sizes not less than 2 hectares in the Foothills Environment). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-125), and The Enright Family (88-135).
- 6.1.12** Sidney Lovell (88-41) seeks that the Council leave the Foothills Environment at a minimum of 4ha. This submission is supported by Tracy McIntyre (88-182). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-126), and The Enright Family (88-135).
- 6.1.13** Ron Reid (88-43) seeks that the Council leave Swanson and the Waitakere Foothills as it is. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-127), and The Enright Family (88-135).
- 6.1.14** Sally Sherratt (88-45) seeks that additional lots should be prohibited including the extra 17 lots applied for. This submission is supported by Cherie Enright (88-132) and Kathy Phillips (88-131). This submission is opposed by The Enright Family (88-135).
- 6.1.15** Warren Boswell (88-46) seeks that additional lots should be prohibited including the extra 17 lots applied for. This submission is supported by Cherie Enright (88-132) and Kathy Phillips (88-131). This submission is opposed by The Enright Family (88-135).

- 6.1.16** Thomas Michael Jenkin (88-59) seeks that Variation 88 is withdrawn and strict enforcement of the 4 hectare lot be overseen by the Council. This submission is supported by Tracy McIntyre (88-182). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-167), and The Enright Family (88-135).
- 6.1.17** Geoffrey Tallet (88-62) seeks that there is no provision for additional lots in Swanson. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-72), and The Enright Family (88-135).
- 6.1.18** Diane Hyde (88-66) seeks that the Variation is withdrawn and that the minimum permissible subdivision in the Swanson Foothills area is retained as 4 hectares. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-170), and The Enright Family (88-135).
- 6.1.19** Ian Hyde (88-67) seeks that the Variation is withdrawn and that the minimum permissible subdivision in the Swanson Foothills area is retained as 4 hectares. This submission is supported by Tracy McIntyre (88-182). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-177), and The Enright Family (88-135).
- 6.1.20** M Baker (88-69) seeks that the Variation is withdrawn and that the minimum permissible subdivision in the Swanson Foothills area is retained as 4 hectares. This submission is supported by Tracy McIntyre (88-182). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-178), and The Enright Family (88-135).
- 6.1.21** Linda Hamilton (88-70) seeks that there be no further subdivision in Swanson. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-179), and The Enright Family (88-135).

Discussion:

The above submissions generally seek that the status quo subdivision size of 4 hectares be retained. The Council's decision to move away from an arbitrary minimum lot size was made during the development of the Proposed Plan. At that time it was seen as necessary to establish a more refined and effects based planning tool (structure plans) to manage the cumulative effects of subdivision and development within a logical geographical area (a water-based catchment). This was in recognition of the fact that the Foothills Environment is subject to significant pressure for subdivision. Rather than see the land developed through ad hoc subdivision, the Council has taken a more proactive approach by introducing a structure plan method to anticipate future development and manage it in a comprehensive way. It is intended that structure plans establish a permanent settlement pattern for the Foothills Environment.

It is considered that retention of the 4ha minimum subdivision rule is inappropriate and unrealistic in the Foothills context. Retention of this rule is unlikely to mean that subdivision below 4 hectares will not occur. By taking a proactive approach, the Council can determine from the outset a level of subdivision that is consistent with the environmental constraints of a catchment and set in place a permanent pattern of settlement that is more appropriate to the Foothills Environment as a visual and ecological buffer to the Waitakere Ranges.

*It is recommended that the submissions of Robyn Melles (88-1), Robin & Colin Cameron (88-7), Grant & Carol Scott (88-9), Brad Kunin (88-15), Paul & Jean Robinson (88-22), Trevor Heskell (88-24), Jean Berry (88-26a) Mr & Mrs J & H Cartwright (88-31), Dale Heale (88-34), Gerd Loos (88-39), Jane Lovell (88-40), Sidney Lovell (88-41), Ron Reid (88-43), Sally Sherratt (88-45), Warren Boswell (88-46), Thomas Michael Jenkin (88-59), Diane Hyde (88-66), Ian Hyde (88-67), M Baker (88-69) be rejected for the reasons set out above.*

**6.2 Submissions Relating to the Re-identification of 1239-1249 Scenic Drive from Waitakere Ranges Environment to Foothills Environment**

- 6.2.1** D McDiarmid (88-5), F & F & S Sale (88-10), Robert Steenhuisen (88-20), Jane Lovell (88-40), Sidney Lovell (88-41), Paul HeimeI (88-44), Ian Hutchinson & Michelle O'Neill (88-58), Marlene Reid (88-61), Geoffrey Tallet (88-62) seeks that the Council decline to re-identify 1239-1249 Scenic Drive from Waitakere Ranges Environment to Foothills Environment and retain the status quo.
- 6.2.2** The Swanson Residents & Ratepayers Association Inc. (88-50) and AR & BR Silvester-Clark seek that the re-identification from Waitakere Ranges to Foothills Environment of the property 1239-1249 Scenic Drive North is not allowed to proceed until adequate consultation has been undertaken with the community
- 6.2.3** Amy Lane (88-32) and Graeme Moor (88-33) seek that the Council support re-identification of 1239-1249 Scenic Drive from Waitakere Ranges to Foothills Environment.

Discussion:

The merits of the existing Waitakere Ranges Environment identification for 1239-1249 Scenic Drive were assessed as a result of feedback on the draft Swanson structure plan. The property is currently identified in Proposed Plan as Foothills Environment (northern part adjacent to the railway land) and part Waitakere Ranges Environment. Upon visiting the site, it was clear to Council officers that the site has been incorrectly identified. The majority of the site is in pasture and is identified as General Natural Area on the Proposed Plan Natural Area maps. There are some pockets of native vegetation (mainly regenerating kanuka) along the road frontage and in the lower western part of the site. Given that the site is situated in the lower part of the Foothills, it is adjacent to other land identified as Foothills Environment to the north and west and that it has characteristics consistent with the Foothills Environment, it is considered entirely appropriate that this land be re-identified as Foothills Environment rather than Waitakere Ranges Environment.

*It is recommended that the submissions of D McDiarmid (88-5), Robert Steenhuisen (88-20), Jane Lovell (88-40), Sidney Lovell (88-41), Paul HeimeI (88-44), Ian Hutchinson & Michelle O'Neill (88-58), Marlene Reid (88-61) in respect of the re-identification of 1239-1249 Scenic Drive North is rejected.*

The submissions of the Swanson Residents & Ratepayers Association Inc. and AR & BR Silvester-Clark seek further consultation on the re-identification of 1239-1249 Scenic Drive North before this is allowed to proceed. Extensive consultation has been undertaken in respect of the development of the Swanson Structure Plan. The statutory notification period also constitutes consultation and has provided the community with an opportunity to input into the final format of the Swanson Structure Plan. It is considered that adequate consultation has occurred and that this re-identification should proceed.

*It is recommended that the submissions of the Swanson Residents & Ratepayers Association and AR & BR Silvester-Clark regarding re-identification of 1239-1249 Scenic Drive North be rejected.*

*It is recommended that the submissions of Amy Lane and Graeme Moor be accepted for the reasons set out above.*

**6.3 Submissions Relating to the Total Number of Possible Lot Identified for Properties in the Swanson Structure Plan Area**

- 6.3.1** Alan Wagstaff (88-2) seeks that the Council allow three (in total) house sites at 57 O'Neills Road, Swanson. The third house site would be at the extreme eastern end of the site or on the mid point of the southern boundary.

Discussion:

The submitter is seeking that the number of lots identified at 57 O'Neills Road be increased from two to three sites. 57 O'Neills Road is a long, relatively narrow site that has extensive road frontage. The existing dwelling is located at the eastern end of the site. The site is mainly pastoral with some existing exotic vegetation at the western end of the site. The site has a moderate to steep slope toward the northwest.

When considering the subdivision potential of the subject site, Council officers did consider the potential for a third building site. The most obvious building platform that met all of the structure plan criteria was located at the western end of the site, some distance from the existing dwelling. A third building platform was considered at the midpoint of the southern boundary. However it was considered that this site would be too close to the existing dwelling for which the outlook from the existing living areas is to the west. The submission suggests that third building site could be located behind the existing house in the eastern corner. However, this area is also considered to be too close to the existing dwelling and would also be too close to the additional building site that has been identified for the neighbouring property immediately adjacent to the eastern boundary.

*It is recommended that the total number of lots identified on the Swanson Structure Plan map for 57 O'Neills Road remain at two.*

- 6.3.2** The Philburn Family Trust (88-8) seek that the Council identify 6 lots for 7-11 Christian Road.

Discussion:

The submitter seeks that the total number of sites for 7-11 Christian Road be increased from four to six. 7-11 Christian Road is located at the corner of Christian Road and Tram Valley Road. Being an elevated site located in the lower part of Swanson, along with two road frontages makes this site highly visible and an important foreground to views of the bush-clad Waitakere Ranges. It is considered that changes to this site, along with other rural properties at the eastern end of Tram Valley Road and Swanson Road west of Christian Road have the greatest potential to impact the rural character of Swanson. This is because they are so prominent and seen by so many people travelling through Swanson on a day-to-day basis.

The assessment of the development potential of 7-11 Christian Road by Council officers has been determined on the basis of how the site naturally divides itself (using minor watercourses and existing landform), as well as having regard to the context of this site within the wider Swanson area. Four sites is considered appropriate to ensure that the rural character of this site and the surrounding area is retained.

*It is recommended that the total number of lots identified on the Swanson Structure Plan map for 7-11 Christian Road remain at four.*

- 6.3.3** Barry and Julie Morgan (88-12) seek that the Council identify 3 sites at 47 Coulter Road.

Discussion:

The submitter seeks that the Council identify 3 sites at 47 Coulter Road. In developing the Swanson Structure Plan, Council officers assessed the development potential of the subject site. It was agreed at the time that from a landscape perspective, the site lends itself to an additional site and that this could include the area that contains the existing minor household unit. However, the geotechnical assessment of this site shows that the land is identified as "Zone C" on the Tonkin & Taylor Limited geotechnical zonation map. This indicates that the land is marginally stable. Council officers have explained to the landowner that further geotechnical information is required to demonstrate that an additional site could provide for a safe and stable building platform for a full size dwelling that would be enabled through subdivision. Whilst Council officers recognise that the site does have potential for one additional site in terms of landscape constraints, the geotechnical information has not been forthcoming to enable this additional site to be identified on the Swanson structure plan map.

*It is recommended that there are no additional sites identified for 47 Coulter Road, unless the landowner can provide sufficient geotechnical information to demonstrate that a safe and stable building platform is achievable.*

- 6.3.4** Susan Margaret Harrison (88-13) seeks that the Council consider 4-5 lots for 27 Crows Road. This submission is supported by Leonard & Sandra Rooney (88-80), Margaret Parr (88-79) and Ray and Susan Harrison (88-78).

Discussion:

The submitter seeks that the Council identify 4-5 lots for 27 Crows Road. The Swanson Structure Plan map identifies 4 sites for 27 Crows Road. It is considered that this is the appropriate number of sites for this property given the way the site naturally divides itself. The submitter was present when Council officers conducted their site visit, and the reasons for the four sites was discussed at the time.

*It is recommended that the total number of sites shown on the Swanson Structure Plan map for 27 Crows Road remain at four.*

- 6.3.5** Margaret Parr (88-14) seeks that the Council consider extending the area to the east being considered for residential sections to 18 Crows Road and that the Council consider 2 or 3 lots for 18 Crows Road. This submission is supported by Leonard Richard Rooney (88-81), Margaret Parr (88-82), Susan & Ray Harrison (88-83).

Discussion:

The submitter's site is adjacent to land that has been identified as the Crows Road Urban Concept Plan area immediately to the east. This land is identified as Birdwood Special Area and is in the early stages of being considered by the Council for future urban development. However, the land is currently outside the metropolitan urban limits and is unlikely to be re-identified for urban land use in the near future.

It is considered that the submitter's land is appropriately identified within the Swanson Structure Plan. It is land that is currently identified as Foothills Environment and which has a steeper topography than the adjacent land to the east. It is considered that the land has been appropriately identified on the Swanson Structure Plan map with 2 sites.

*It is recommended that the total number of sites shown on the Swanson Structure Plan map for 18 Crows Road remain at two.*

- 6.3.6** Christine Fowler (88-17) seeks that the Council enable 122-124 McEntee Road to be subdivided into 2 x 10 acre blocks.

Discussion:

The submitter seeks that 122-124 McEntee Road be subdivided into 2 x 10 acre blocks. It is assumed that this means that the Swanson Structure Plan identify the potential for two sites on the subject site, rather than the Council issuing a subdivision consent.

The subject site is located in the upper part of McEntee Road that faces south. The majority of the site is identified as either Managed or Protected Natural Area. In addition the upper/plateau area of the site is within a sensitive ridgeline. The access to the site is via a narrow ridgeline that runs north south to the main dwelling. There is an existing minor household unit in the north-eastern part of the site off the main driveway. Immediately to the west of the main driveway is a steep gully that extends back almost to the area where the main dwelling is situated.

When assessing the subdivision potential of this site, it was considered that the site only really lends itself to the level of residential activity that exists. The site of the existing minor household unit is not sufficiently large enough to accommodate a full site dwelling. Furthermore, it is considered that the flat land around the existing house is part of the amenity area of the house. To place a second dwelling within this area would create a suburban residential environment. The remainder of the site is steep and bush-clad and is not suited to residential development.

Whilst the structure plan has not identified any further subdivision opportunities, the existing Proposed Plan subdivision rules already provide for further subdivision of this site. The site size is currently 9.5 hectares. Under the existing subdivision rules that enable subdivision down to 4 hectares as a controlled activity, this property could be subdivided into two sites.

*It is recommended that no additional sites are identified on the Swanson Structure Plan map for 122-124 McEntee Road.*

- 6.3.7** Desmond John & Margaret Ann Grigg (88-18) seek that the Council identify 3-4 lots for 67 Candia Road. This submission is opposed by Lucinda Blakely (88-87) and Christine Hodge (88-88).

Discussion:

The submitter seeks that 3-4 lots be identified for 67 Candia Road. The submitter's site is situated between Candia Road and the unformed part of Perris Road. The end of the formed part of Perris Road is approximately 200m from the submitter's site. It is considered that the site does lend itself to an additional site with the division being the existing watercourse that runs through the middle of the site. However, due to the lack of formed access from Perris Road, it is considered that the additional site is inappropriate at this time. Access from Candia Road would require a significant length of driveway (impermeable surface) and could possibly require further modification to the existing stream. This form of extensive access arrangement is not considered to be consistent with the Swanson Structure Plan criteria that seek to minimise impermeable surface and earthworks required for access and building platforms.

*It is recommended that no additional sites be identified on the Swanson Structure Plan map for 67 Candia Road.*

- 6.3.8** Robert Steenhuisen (88-20) seeks that the Council remove the proposed subdivision sites along Awhiorangi Promenade and Scenic Drive North from Variation 88 and that current sites are not further subdivided.

Discussion

The submitter seeks that the Council remove the proposed subdivision sites along Awhiorangi Promenade and Scenic Drive North and that current sites are not further subdivided. The sites along Awhiorangi Promenade and Scenic Drive North that are included in the Swanson Structure Plan area have been assessed according to the same criteria as the rest of the Swanson Structure Plan area. It is considered that the appropriate number of sites have been identified having regard to the particular characteristics of those sites in the context of the overall Swanson Structure Plan area.

*It is recommended that the submission of Robert Steenhuisen (88-20) that relates to further subdivision in Awhiorangi Promenade be rejected.*

- 6.3.9** Trevor Heskell (8-23) seeks that in the event that the Swanson Structure Plan is approved, the maximum number of sites for Christian Road be shown on the Plan as one not two. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-105) and supported by Jean Robinson (88-106).

Discussion:

It is not entirely clear from the submitter's submission whether the submission relates to the submitter's site at 55 Christian Road or all of Christian Road. The decision sought from the Council relates to all of Christian Road, however the summary of the submission relates to 55 Christian Road only.

Two sites are identified for the submitter's site at 55 Christian Road. This number of sites is considered to be appropriate having regard to the characteristics of the submitter's site and the context of the surrounding area. This is also the case for the remaining sites on Christian Road, which have been assessed according to similar criteria. It is considered that the number of sites for properties on Christian Road has been appropriately identified.

*It is recommended that the total number of sites for 55 Christian Road remain at two.*

- 6.3.10** Lucinda Blackley (88-27) seeks that the Council remove provision for additional lots in Candia Road area completely and significantly reduce the number of additional lots in the total structure plan area to 50. This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-113).

Discussion:

The decision sought by the submitter appears to be relatively arbitrary. No reasons are given for the number of sites recommended. The submitter's concerns about further subdivision relate to further environmental degradation, detrimental effects on the unique character of Swanson and lack of facilities to service population increase.

In respect of environmental degradation, while the structure plan will enable a limited number of additional dwellings in Swanson, it will provide greater opportunities for environmental protection by ensuring that existing bush areas and streams are protected and enhanced. The assessment of additional development opportunities has taken into consideration the existing character of Swanson. Additional sites have only been identified where they are sympathetic to the existing landscape and can be accommodated without requirements for significant land modification or extensive areas of impermeable surfaces. It is considered that the number of additional sites provided for by the Swanson Structure Plan is appropriate and will establish a permanent pattern of settlement for which there will be a net environmental benefit.

**6.3.11** The submission of the Trustees of the Blankley Family Trust (88-28) states that the structure plan indicates no potential for the submitter's property to be subdivided. It considers the labelling of sites to be arbitrary and contrary to the provisions of the Resource Management Act. In this regard, the submitter seeks that appropriate amendments to the Structure Plan to address its concerns.

Discussion:

The submission appears to be seeking that the Council consider subdivision potential for the site at 73 Sunnyvale Road. This property is relatively large being just less than 8 hectares (20 acres). Council officers have visited the site and discussed with the submitter the potential for three sites that would include the existing dwelling. In landscape terms, the site divides itself into three parts via two minor stream gullies that contain very attractive regenerating kanuka, tree fern and cabbage trees. However this site has been identified as having marginal stability (Zone C on the Tonkin & Taylor Limited geotechnical zonation map). As set out in Section 5.1.1, the approach that has been taken to assessing the development potential of existing sites has been to exclude sites that are identified as Zone C unless further detailed geotechnical information is provided to confirm otherwise. It is considered appropriate that there be no additional sites identified for the submitter's site until that information is provided.

*It is recommended that there are no additional sites identified for 73 Sunnyvale Road, unless the landowner can provide sufficient geotechnical information to demonstrate that a safe and stable building platform is achievable.*

**6.3.12** Les Wilson (88-35) seeks that the total number of possible sites for 1 Christian Road, Swanson being Lot 1 DP 196223, be increased on the Proposed Swanson Structure Plan from 3 lots to 5 lots.

Discussion:

The submitter's site is approximately 5 hectares and is located on the corner of Christian Road and Swanson Road with frontage to both roads. It is highly visible from the surrounding area and to drivers passing through Swanson. The submitter seeks that a total of 5 sites be identified rather than the 3 shown on the Swanson Structure Plan map.

The submitter cites as a reason for the additional sites the assessment carried out by Boffa Miskell in respect of the landscape and ecological character of the site, its proximity to the Swanson Village and the lack of geotechnical, archaeological or roading constraints.

Council officers concur with the submitter that the site is not constrained in terms geotechnical, archaeological or roading constraints. Nor does the site contain any vegetation or streams of significant ecological value. However, what has become apparent through the development of the Swanson Structure Plan is the importance of existing sites along Swanson Road, west of Christian Road and at the eastern end of Tram Valley Road despite their landscape classification in the Boffa Miskell landscape assessment. In terms of changing rural character, these sites have the greatest potential to impact on the character of Swanson as they are the sites that are the most visible to people travelling through Swanson to and from the west coast. Furthermore, there is a need to maintain a clear delineation between the urban part of Swanson, which could potentially include the Penihana land and the rural part of Swanson that will include land west of Christian Road.

Council officers accept that there is potential for further subdivision of 1 Christian Road, but that in landscape terms, the site lends itself to division into 3 sites as opposed to the 5 proposed by the submitter. The plan that has been provided with the submission is a conventional linear layout that appears to have little regard to the rural character of the site or the surrounding area. By limiting the subdivision potential of this site consistent with its landscape character, it is considered that this will contribute to maintaining the rural character of the rural areas adjacent to the urban Swanson village.

*It is recommended that the total number of sites shown on the Swanson Structure Plan map remain at 3.*

**6.3.13** Catherine & Michael Simpson (88-54) seek that the Council enable an additional lot at 47 Coulter Road

Discussion:

The matters relating to the further subdivision of 47 Coulter Road are set out in Section 6.3.4.

*It is recommended that there are no additional sites identified for 47 Coulter Road, unless the landowner can provide sufficient geotechnical information to demonstrate that a safe and stable building platform is achievable.*

**6.3.14** Bob & Sue Vaughan (88-71) seek that the Council allow 3 house sites at 48 Christian Road. This submission is supported by Murray Duncan (88-181) and , R G Vaughan (88-180).

The submitter's site is situated with road frontage to both O'Neills Road and Christian Road. The site is approximately 2.3 hectares and forms a long triangular shape. The existing dwelling and workshop are located at the eastern end of the site. These buildings are contained within a discrete area of the site that is contained by the more elevated part of the site to the west. The main access to the site is at the eastern end, however access would be available further west along the Christian Road frontage.

A site visit has been conducted to the submitter's site in response to their submission. The original assessment identified a total of two sites on the Swanson Structure Plan map. The submitter is seeking a total of three. After considering the relative characteristics of the site including development on the adjacent site at the northwest corner that includes a dwelling and a minor household unit, Council officers concluded that the number of sites identified on the Swanson Structure Plan map should remain at two. In landscape terms, the site is more appropriately divided into two sites via an existing minor gully that runs northwest to southeast. In addition, there is an existing Natural Gas pipeline easement running in a north south direction through the western part of the property. Building and earthworks is precluded within 16 metres either side of the pipeline. By limiting the subdivision potential of the site to two, this will allow flexibility for locating a building platform without interference with the gas pipeline.

**6.4 Submissions Relating to the Natural Area Identification within the Swanson Structure Plan Area**

- 6.4.1** Leonard Allen Colin Tucker (88-11) seeks that the Riparian Natural Area identified for 82 O'Neills Road remain as per the Proposed Plan Decision Notice 33 – June 1998.

Discussion:

The width of the Riparian Natural Areas for the submitter's site was the subject of submissions to the Proposed Plan. As a result of these submissions, the Council undertook an assessment of the stream within the submitter's site and concluded that the riparian margin should be identified as 10 metres rather than 20 metres.

The submitter suggests that Variation 88 should remain consistent with the decisions on the Proposed Plan. It is agreed that due to the nature of the stream at this point, it appropriate that the stream be identified as 10 metres rather than proposed 15 metres on the Natural Area maps.

*It is recommended that the riparian margin for 82 O'Neills Road be reduced to 10 metres as shown on the existing Natural Area maps.*

- 6.4.2** Waitakere City Council (88-57) seek that the Restoration Natural Area for 33 Coulter Road as indicated in Variation 88 be removed and the original General Natural Area identification be reinstated. Furthermore, the Council seek that remove the riparian margin at 19 Church Street as per the recently resolved Proposed Plan reference in respect of that riparian margin.

Discussion:

Waitakere City Council seek that the Restoration Natural Area identification for 33 Coulter Road be removed and the original General Natural Area be reinstated. It became clear after Variation 88 had been publicly notified that 33 Coulter Road had been incorrectly identified as Restoration Natural Area. Restoration Natural Area only applies to land where there is between 10-20% native vegetation. Clearly this is not the case for 33 Coulter Road, therefore the General Natural Area identification should remain.

- 6.4.3** Waitakere City Council (88-57) seek that the Swanson Structure Plan Map and the Proposed District Plan Map 33 (Swanson) and 39 (Waitakere township) be amended to accord with the agreement reached in respect of the Proposed Plan reference A93 regarding the width of the riparian margin at 19 Church Street being Lot 1 DP 57548 and being Pt Allotment 23, Parish of Waipareira, CT 14B/739.

Discussion:

The agreement reached in respect of the riparian margin for the existing stream that traverses 19 Church Street is that it be removed. It is appropriate that the Swanson Structure Plan reflect this agreement.

*It is recommended that the Swanson Structure Plan be amended to reflect the agreement reached in respect of Proposed Plan reference A93 for 19 Church Street, Swanson.*

- 6.4.4** Jane Lovell (88-40) seeks that the Council explain the re-identification of part of 33 Coulter Road from General Natural Area to Restoration Natural Area more fully.

Discussion:

As discussed above in Section 6.4.2, the Restoration Natural Area proposed for 33 Coulter Road has been incorrectly identified. It has been recommended that the Natural Area identification for the southeast part of the site remain as General Natural Area.

- 6.4.5** John Grayling (88-42) seeks that riparian margins in small catchments up to 20 hectares in area be restricted to 5 metres. For catchments larger than 20 hectares riparian margins be individually assessed.

Discussion:

The riparian margins for streams in the Swanson Structure Plan area have been assessed by URS New Zealand Limited. The recommendations are based on the order of the stream (1<sup>st</sup> order streams are headwater streams, second order and third order). 5 metre riparian margins apply to 1<sup>st</sup> order streams, 15 metre margins to second order streams and 20 metres to third order streams.

The riparian margins identified in the Proposed Plan have largely been identified for ecological reasons i.e. to establish and/or maintain a suitable habitat for instream flora. However, the riparian margins identified for the Swanson Structure Plan area have also had regard to the potential erosion of streams, particularly in the upper part of the catchment where the topography is steeper.

It is considered that the riparian margins have been appropriately and consistently identified across the structure plan area to ensure that the habitat value is enhanced and the erosion potential of these streams is minimised.

*It is recommended that the riparian margins identified for the Swanson Structure Plan area remain.*

- 6.4.6** Michelle Tyrell (88-68) seeks that the Council include the area outlined in orange on the plan attached to the submission as a wetland restoration area (could be earmarked for stormwater control planting if necessary) or revegetation area so that it is earmarked for planting.

Discussion:

The wetland area referred to in the submission is situated in the northwest corner of the submitter's site at 163-167 Simpson Road. This area is already identified as 'Enhancement Area- Revegetation', which will ensure that it is considered for enhancement planting and revegetation upon subdivision.

*It is recommended that wetland referred to in the submission of Michelle Tyrell remain as 'Enhancement Area – Revegetation'.*

## 6.5 Submissions Relating to Proposed Structure Plan Format and Features

- 6.5.1** Suzanne Harrison (88-13) seeks that the Council review the extent of Protection Area - Bush identified at 27 Crows Road. This submission is supported by Leonard & Sandra Rooney (88-80). Leonard and Sandra Rooney seek further that there is a minimum 1 hectare subdivision size where there is enough grassland to provide for lifestyle blocks.

### Discussion:

The bush area on this property has been reviewed. Currently the Proposed Plan identifies the rear northeast corner of the site as Managed Natural Area. It is not within the scope of Variation 88 to amend the Managed Natural Area identification of the site. However, it is recognised that a large proportion of the vegetation in this area is mature pine trees that do not warrant the "Protection Area – Bush" identification shown on the structure plan map.

*It is recommended that the "Protection Area – Bush" shown on the Swanson Structure Plan map be removed at 27 Crows Road.*

In respect of the further submission from Leonard and Sandra Rooney, the structure plan approach does not support an arbitrary allocation of subdivision entitlement based on a 1 hectare lot size. Rather, subdivision is determined based on the environmental constraints that apply to specific sites in the context of the whole catchment. The submitter site 44 Crows Road is situated within an area that is largely identified in the Proposed Plan as "Managed" and "Protected" Natural Area. The dwelling on this site is located within a cleared area, close to the road frontage. The balance of the site is largely bush-clad and which slopes toward the south. It considered that there is no further subdivision potential for this site.

*It is recommended that there is no further subdivision identified on the Swanson Structure Plan for 44 Crows Road.*

- 6.5.2** Desmond & Margaret Grigg (88-18) seek that the Council review the area of "Protection Area - Bush" identified for 67 Candia Road. This submission is opposed by Lucinda Blackley (88-87) and Christine Hodge (88-88).

### Discussion:

The area of bush referred to by the submitter is currently identified as Managed Natural Area on the Proposed Plan Natural Area Maps. This bush comprises mature Kanuka trees that are a significant landscape feature of the surrounding landscape. It is considered that the "Protection Area – Bush" has been appropriately identified for this site to reflect the Managed Natural Area status already identified in the Proposed Plan.

*It is recommended that the "Protection Area – Bush" be retained on the Swanson Structure Plan map for 67 Candia Road.*

- 6.5.3** Auckland Regional Council (88-29) seek that the Council identify how Protection Areas - Bush are to be protected. Furthermore, the Auckland Regional Council seek that the Momutu Stream, Blewitt Gully, Waimoko Wetland and Yelash Road wetland be identified and protected in the Proposed Variation.

### Discussion:

Protection measures for areas that are identified as "Protection Area – Bush" are built into the existing subdivision rules for structure plans in the Foothills Environment (Rule 7.2). In this regard, subdivision consents will require such bush areas to be protected by way of a covenant, encumbrance or consent notice.

In respect of the streams and wetlands for which the Auckland Regional Council seek protection, significant amendments have been made to the existing riparian margins identified throughout the Swanson Structure Plan area. These are also reflected on the Swanson Structure Plan map that identify enhancement areas for streams within the structure plan. For areas identified as “Enhancement - Streamside”, conditions of subdivision consent will require protection (and enhancement where necessary) of these streams.

*It is recommended that the Auckland Regional Council submission regarding Bush Protection Areas and protection of streams and wetlands be rejected as they are already adequately addressed by the Swanson Structure Plan.*

**6.5.4** Graham Alfred Richards (88-25) seeks that the Council amend the Swanson catchment boundary towards the West as to be able to divide a larger lot or 2 lots through the Swanson catchment plan at 18 Waitakere Road.

Discussion:

The submitter’s site is situated partly in the Swanson catchment and partly in the Kumeu River catchment. The location of the correct catchment boundary was assessed during the development of the Swanson Structure Plan. The landowner provided to the Council a survey of the catchment boundary. In addition a site visit was undertaken by Council officers from EcoWater. The catchment boundary was amended at this time to reflect the correct location of the catchment boundary. It is considered that the catchment boundary shown on the Swanson Structure Plan map is correct.

*It is recommended that the Swanson Structure Plan catchment boundary remain where it is at 18 Waitakere Road.*

**6.5.5** Murray Duncan (88-48) and Kathie Duncan (88-49) seek that the “Enhancement Area - Revegetation” identification be removed from the planning maps for the site at 46 Christian Road and the area is included within the General Natural Area. Submission 88-48 is supported by Wayne Ashton (88-111), David & Eileen Dalrymple (88-113), RG & SP Vaughan (88-134), A F Naber (88-140), John Newick (88-141), Mark Brickell (88-142), S M Healy (88-143), Murray Duncan (88-144). Submission 88-49 is supported by Ian G Clark (88-145), Wayne Ashton (88-146), and Jacqui Newick (88-147).

Discussion:

With respect to the Natural Area identification, it is outside the scope of Variation 88 to alter the Natural Identification of 46 Christian Road identified as “Restoration Area” on the Natural Area maps.

In respect of the identification of “Enhancement Area – Revegetation” this has been identified to reflect the existing “Restoration Natural Area” identification and because of the contribution this vegetation makes to the amenity of the site. This area of vegetation, while it is mixed in its quality and extent of native vegetation, provides important visual separation between the area that contains the existing dwelling and the southern part of the site. Upon subdivision, it may be appropriate to replant this area with more suitable species to ensure that this visual separation area is maintained.

The submitter has provided a report from Boffa Miskell to support a change from Restoration Natural Area to General Natural Area. The Council's senior Environmental Policy Analyst Carol Bergquist has reviewed the report. Based on the information provided, she has concluded that the vegetation described is consistent with a "Restoration Natural Area" identification taking into consideration the full vegetation mix in all tiers of the affected area.

*It is recommended that the "Enhancement Area – Revegetation" identified on the Swanson Structure Plan map for 46 Christian Road be retained.*

**6.5.6** Waitakere Ranges Protection Society (88-38) seek the inclusion of indicative lot boundaries on the Structure Plan map. The Society's view is that the indicated number of new sites is excessive and that reduction in the number of potential sites is required. This submission is supported by Jean Berry (88-120). The submission is opposed by John Newick (88-121) who considers the number of sites identified for the Swanson Structure Plan area to be generally acceptable. John Newick seeks four sites for 70 O'Neill's Road rather than three. The submission is also opposed by Kitewaho Bush Reserve Co. & Others (88-122), The Enright Family (88-135) and Kathie Duncan (88-123).

Discussion:

The proposed new structure plan format was introduced with the Birdwood Structure Plan. As an alternative to indicative lot boundaries, the new structure plan format now identifies the total number of possible 'site numbers'. This approach is considered to be more appropriate and better reflects the 'limited discretionary activity' status for subdivision in accordance with a structure plan that was introduced by the Environment Court in relation to the Oratia Structure Plan. It also provides greater flexibility to landowners and the Council to consider the location of site boundaries at the time of subdivision consent. The Proposed Plan contains extensive assessment criteria to assess the appropriateness of site boundaries in terms of landscape character and other environmental considerations such as stormwater and wastewater.

Information regarding how the densities were arrived at and the indicative lot boundaries and house sites considered to be appropriate at the time are available as part of the background information that forms the basis of the Swanson Structure Plan. This information will be available to applicants as well as Council officers involved in processing subdivision applications and will provide a basis for negotiating the final location of site boundaries.

The Council has been through a rigorous and extensive process to determine the number of lots identified on the Swanson Structure Plan map. This has involved site visit to properties throughout Swanson. Strict criteria have been applied to ensure that rural character is maintained and that stability hazards are avoided. Opportunities to maintain and enhance existing vegetation were also identified. It is considered that the overall density for the Swanson Structure Plan area is appropriate.

In respect of amending the number of sites at 70 O'Neills Road from three to four, it is considered that the number of sites has been correctly identified. This site was assessed as part of the development of the Swanson Structure Plan. It is considered that the three building sites identified along the ridgeline to the north and south of the existing dwelling represent the limit of residential building opportunities within this site. The lower part of the site has been precluded due to geotechnical and access constraints.

*It is recommended that there be no indicative site boundaries on the Swanson Structure Plan map.*

*It is recommended that the total number of sites identified for 70 O'Neills Road remain at three.*

## **6.6 Submissions Relating to the Strategic and Technical Basis of the Swanson Structure Plan**

- 6.6.1** Auckland Regional Council (88-29) seek that the Council consider the basis of the Swanson Structure Plan in terms of strategic, stormwater and wastewater issues. Regarding strategic issues, the ARC seek that the Council assess the strategic planning issues and rural character values. In this regard, the ARC seek that the Council include assessment criteria relating to rural character and that the Council make subdivision at a density greater than that specified by the Structure Plan a non-complying or prohibited activity and provide a clear policy that states that the scale and density identified in the structure plan is the carrying capacity and further subdivision will have significant effects.

In respect of stormwater and wastewater, the Auckland Regional Council seek that catchment wide hydraulic analysis that models the scenarios proposed, including roading be carried out.

This submission is supported by Jean Berry (88-114). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-115), The Enright Family (88-135), Murray Duncan (88-116).

### Discussion:

The Auckland Regional Council has raised concerns about the strategic basis of the structure plan approach to managing subdivision and development in the Foothills Environment. In particular, the protection of rural character and the extent to which the structure plans will establish a permanent settlement pattern for the Foothills. In respect of rural character, the methodology to determine the overall density for the Swanson Structure Plan has had regard to the existing landscape character of Swanson. When assessing individual sites, consideration has been given to how the land naturally divides itself by way of watercourses, landform or vegetation into discrete areas that can be easily absorbed into the landscape. It is considered that the overall density is consistent with the landscape and rural character of the Swanson catchment.

The Auckland Regional Council seek that suitable assessment criteria be included within the Proposed Plan to address rural character at the subdivision consent stage. This part of the submission is outside the scope of Variation 88, which only applies to the Proposed Plan maps. Similarly matters relating to the activity status of subdivision beyond that provided for by the structure plan are also outside the scope of the Variation. However, this issue is the subject of a reference by Waitakere Ranges Protection Society in respect of Variation 87 that seeks a "prohibited activity" status for subdivision beyond that shown on the structure plan map.

In respect of stormwater, the Council has commissioned a hydraulic analysis of the entire Swanson super catchment to confirm existing flood levels and assess the likely impact of development within the Swanson Structure Plan Area, along with the Birdwood Structure Plan Area and the Birdwood Urban Concept Plan Area. The results of the modelling indicate that without any mitigation, the proposed development will have a negligible effect on flood levels within the catchment. With mitigation such as bush planting and detention for possible future urban areas such as the Penihana land, it is likely that there will be no change in flood levels within the Swanson catchment.

In respect of wastewater, it is considered that this issue can be adequately addressed at the subdivision consent stage. A subdivision consent will need to consider the most appropriate treatment facility for the site and the location of a disposal field. Wastewater is not considered to be a significant constraint to development within the structure plan area. However, the Council would have the ability to decline an application if a suitable wastewater disposal facility could not be provided.

*It is recommended that the Auckland Regional Council submission in respect of strategic and wastewater issues are rejected as they are outside the scope of Variation 88. It is considered that ARC concerns in respect of stormwater and wastewater have been addressed or are already provided for by the Proposed Plan.*

## **6.7 Submissions in Relation to other parts of the Proposed District Plan**

**6.7.1** Royal Forest and Bird Society (88-3) seek that the Council review the bonus density reserve provisions on Waiheke Island and draft similar provisions for public reserves into this Variation. Furthermore, the Society seeks that the Council adopt the words “ensure that streams are not culverted/obstructed for the purposes of native fish passage”.

### Discussion

Both parts of this submission seek changes that are outside the scope of Variation 88. The scope of Variation 88 does not enable changes to be made to the subdivision assessment criteria for the Foothills Environment or provisions in the Proposed Plan that relate to public reserves.

*It is recommended that the submission from the Royal Forest & Bird Society be rejected as it is outside the scope of Variation 88.*

**6.7.2** Jean Berry (88-26c & 88-26d) and Marlene Reid (88-61) seek that the Council does not allow any sites under 1 hectare in Swanson. Furthermore, that the Council stops all second dwellings on the subdivided extra lots and the lots that have existing houses. This submission is supported by Tracy McIntyre (88-73 & 183)). This submission is opposed by Kitewaho Bush Reserve Co. & Others (88-111 and 112).

**6.7.3** Paul Heimel (88-44), Elly de Lange (88-52), and Ian Hutchinson & Michelle O'Neill (88-58) seek that the approval of additional lots will not allow secondary dwellings on each of the new or existing properties. These submissions are supported by Tracy McIntyre (88-183), Jean Berry (88-128), John Newick. This submission is opposed by John Newick (88-129), Kitewaho Bush Reserve Co. & Others (88-130)

### Discussion:

The site sizes in the Swanson Structure Plan have not been determined on an arbitrary 1 hectare basis. They are determined having regard to all the environmental constraints that apply to the site in the context of the whole catchment. In general, the additional sites that have been identified would enable site sizes greater than 1 hectare. However, the final site sizes will need to be determined through the subdivision consent process having regard to all of the relevant criteria. It is expected that final site sizes will be consistent with the rural character of the site and the surrounding area.

In respect of second dwellings, it is beyond the scope of Variation 88 to amend the existing Proposed Plan rules that relate to minor household units. However, these provisions are the subject of Proposed Plan references. The issue of minor household units in the Foothills Environment will be resolved through that process.

*It is recommended that the submissions of Jean Berry relating to site sizes and second dwellings be rejected.*

*It is recommended that the submissions of Paul Heimel, Elly de Lange and Ian Hutchinson & Michelle O'Neill in respect of second dwellings are rejected as they are outside the scope of Variation 88.*

- 6.7.4** The New Zealand Fire Service (88-30) seek that the Council include objectives and policies that recognise the importance of Emergency Services Facilities to the community's safety and welfare and that they should be able to locate in the area subject to appropriate environmental standards. Furthermore, the Fire Service seek that the Council include a definition of Emergency Service Facilities as follows:

*"Emergency Services Facilities –means those facilities of authorities which are responsible for the safety and physical welfare of the people and property in the community and includes fire stations, ambulance stations and police stations."*

Discussion:

While the Council recognises the importance of providing for emergency facilities, it is not within the scope of Variation 88 to make changes to the Proposed Plan for such facilities. Variation 88 only applies to changes to the Proposed Plan maps that are the subject of the Swanson Structure Plan.

*It is recommended that the submission from the New Zealand Fire Service is rejected as it is outside the scope of Variation 88.*

- 6.7.5** The Waitakere Ranges Protection Society (88-38) seek that the Council impose suitably strict provisions, which will avoid the prospect of cumulative effects arising in addition to those anticipated by the Structure Plan including, by way of example only, subdivision at a density greater than that provided for in the Structure Plan being a prohibited activity. This submission is supported by Jean Berry (88-120). This submission is opposed by John Newick (88-121), Kitewaho Bush Reserve Co. & Others (88-122), The Enright Family (88-135), and Kathie Duncan (88-123).

Discussion:

The issue relating to the most appropriate Plan provision for avoiding the cumulative effects arising from subdivision beyond that provided for by a structure plan was also the subject of a submission by the Society in respect of Variation 87 (Birdwood Structure Plan). This matter is now subject to a reference by the Society that is currently being negotiated. The Council's decision in respect of the Birdwood Structure Plan was to adopt a non-complying activity status for subdivision applications seeking a greater number of sites than that shown on the structure plan map. It is not within the scope of Variation 88 to amend the Proposed Plan subdivision rules that apply to structure plans in the Foothills Environment.

*It is recommended that the submission from the Waitakere Ranges Protection Society that relates to the activity status for subdivision in structure plan areas be rejected as it is outside the scope of Variation 88.*

- 6.7.6** Kitewaho Bush Reserve Co. & Others (88-56) seek that the Council adopt the same decision sought for the Birdwood Structure Plan under proposed Variation 87, with the necessary amendments such as name and variation. This submission is opposed by Waitakere Ranges Protection Society (88-162).

Discussion:

The submission lodged by Kitewaho seeks broad changes to the existing Proposed Plan subdivision and land use rules for the entire non-urban area of Waitakere City. This matter was addressed as part of the Birdwood Structure Plan (Variation 87), where the decisions sought were deemed to be outside the scope of Variation 88.

The matters sought by Kitewaho in respect of Variation 87 are now the subject of a reference by the submitter. The Council has an application with the Environment Court to strike out those parts of the submitter's reference that are outside the scope of Variation 87 and which seek to duplicate those matters relating to references that are before the Environment Court in respect of the Proposed Plan.

It is considered that the Kitewaho submission that relates to the Proposed Plan other than the changes proposed to the Plan maps is outside the scope of Variation 88.

*It is recommended that the submission from Kitewaho Bush Reserve Co. & Others is rejected as it is outside the scope of Variation 88.*

## **6.8 Submissions in Support of the Swanson Structure Plan (Variation 88)**

**6.8.1** H Money (88-19), S M Healy (88-21), Swanson Residents & Ratepayers Inc (88-50), M G Kearney (88-51), AR & BR Silvester- Clark (88-53), Catherine & Michael Simpson (88-54) and L B Peat (88-63) all seek that Variation 88 be adopted. These submissions are supported by The Enright Family (88-135), Karen Mathews (88-89), Jeff Mathews (88-90), Kim Redit (88-91), Cindy Brickell (88-92), Mark Brickell (88-93), Nila Greendale (88-94), M F Naber (88-95), A F Naber (88-96), R G & S P Vaughan (88-97), Henry & Rosalind Backhouse-Smith (88-98), John Newick (88-99), Bruce Mc Lachlan (88-148), Shona Holman (88-149), Peter Holman (88-150), Keith & Lisa Rogers (88-151), James Vernon Dallow (88-152), Sin Heng Dallow (88-153). The submission of M G Kearney (88-51) AR & BR Silvester-Clark (88-53) and L B Peat (88-63) is opposed by Kitewaho Bush Reserve Co. & Others (88-154 & 88-125nn, 88-172).

**6.8.2** Murray & Kathie Duncan (88-47) seek that the alteration to District Plan Maps 3, 33 and 39 of 141 lots be allowed to proceed. This submission is supported by Tim Naber (88-133), Laurence Wicks (88-134) and Malcolm Lyes (88-136).

**6.8.3** The Swanson Residents & Ratepayers Inc (88-50) and AR & BR Silvester-Clark (88-53) seek that the alteration to District Plan Maps 3, 33 and 39 in respect of Bush Protection Areas, Restoration Areas, Stream Enhancement Areas be allowed to proceed.

## **6.9 Submissions in Relation to the 500m Radius Circle (Variation 89)**

**6.9.1** Ian Smillie (89-1), Len & Jasmin Duck (89-2), Robyn & Colin Cameron (89-3), Grant & Carol Scott (89-4), F & F & S Sale (89-5), Jean Berry (89-6), Brad Kunin (89-7), Meredith & Robin Youngson (89-8), Philburn Family Trust (89-9), Paul & Jean Robinson (89-10), Trevor Heskell (89-11), Ian & Joan Cartwright (89-12), M Dale Heale (89-13), Gerd Loos (89-15), Catherine & Michael Simpson (89-16), Sidney James Lovell (89-17), Jane Lovell (89-18), Murray & Kathie Duncan (89-19), D A Swallow (89-20), S A Swallow (89-21), J H Grayling (89-22), Marlene Reid (89-23), Elly de Lange (89-24), Paul Heimel (89-25), Sally Sherratt (89-26), Warren Boswell (89-27), Ian Hutchinson & Michelle O'Neill (89-30), AR & BR Silvester-Clark (89-31), Swanson Residents & Ratepayers Association Inc.(89-32), Thomas Jenkin (89-33), Lois Tallet (89-34), Jim Hunt (88-35), Shirley Ferneaux (89-38) are seeking the 500m radius circle identified on the Proposed Plan maps is removed. The submission of Paul & Jean Robinson (89-10) is supported by Sue Longdon (89-39), Lisa Marsh (89-40), Jodie Halberg (89-41), Diane & Rod Harry (89-44), Kelly Campin & Lee Stensness (89-45) and Rosalie Yozin (89-46). The submission of Shirley Ferneaux (89-38) is supported by Anne Charles (98-43).

Discussion:

The above submissions are seeking that the 500m radius circle that is currently identified on the Proposed Plan maps for Swanson be deleted. Proposed Variation 89 only seeks to relocate the existing circle from the railway station to the Swanson Village centre for the reasons set out in Section 5.3 of this report. For this reason, the above submissions seeking that the circle be deleted altogether are outside the scope of Variation 89.

*It is recommended that the submissions set out in Section 6.9.1 be rejected as they are outside the scope of Variation 89.*

**6.9.2** Kitewaho Bush Reserve Co.& Others (88-28a) seek that entire Variation 89 is excluded from the Proposed Plan. Furthermore, Kitewaho seek that the Council amend the subdivision rules in the Proposed Plan so as to enable the described land (7-11 Christian Road) to be subdivided into 65 allotments as a permitted activity or controlled activity, or, in the alternative, into the highest density of allotments per hectare that is to be applied to the land lying on the opposite side of Christian Road as a permitted or controlled activity (88-28b).

Discussion:

The merits of relocating the 500m radius circle are set in Section 5.3 of this report. It is recommended that Variation 89 be retained.

In respect of the subdivision rules and provisions for subdivision that applies to 7-11 Christian Road, this submission is outside the scope of Variation 89.

*It is recommended that the submissions of Kitewaho Bush Reserve Co. & Others (89-28a and 29b) are rejected.*

**6.9.3** M B Yozin (88-29) seeks that there is no change to the 500m radius circle.

Discussion:

The reasons for the relocating the 500m circle are set out in Section 5.3 of this report. It is considered that the proposed relocation is appropriate for Swanson.

*It is recommended that the submission of M B Yozin is rejected.*

**6.10 General Submissions**

**6.10.1** Paul Heimel (88-44), & Elly de Lange (88-52) seek that the number of sites per title as determined on 1 April 2002 will be set in stone and not changed, that only properties exceeding 4ha/10 acres are eligible for subdivision and that the Council ensure that all vegetation is going survive before issuing title and building consent. This submission is supported by Tracy McIntyre (88-183), Jean Berry (88-128). This submission is opposed by John Newick (88-129), and Kitewaho Bush Reserve Co. & Others (88-130).

Discussion:

The submitter has expressed concern about the permanency of subdivision beyond that shown on the structure plan map. This issue has been recognised by the Council as it is the subject of reference from Waitakere Ranges Protection Society in respect of Variation 87 (Birdwood Structure Plan). The Council intends that the structure plan will establish a permanent pattern of subdivision for the entire structure plan area and that there will be no more subdivision beyond that shown on the structure plan map. This part of the submission is generally outside the scope of Variation 88, however the issue will be resolved through the Variation 87 reference.

In respect of limiting subdivision to 4ha properties, this is a relatively arbitrary approach. Some 4 ha (or greater) properties are entirely unsuitable for further subdivision as they are either steep, bush clad or visually sensitive. The structure plan approach is to assess each site on its merits and to establish a settlement pattern according to strict criteria.

In respect of vegetation establishment requirements, conditions on subdivision consents require planting to be undertaken prior to issue of a 224C certificate. Monitoring of consent conditions is undertaken, and replacement planting can be required if necessary.

*It is recommended that the submission of Paul Heimel and Elly de Lange be rejected for the reasons set out above.*

## 7. LATE SUBMISSIONS

As set out in Section 6 of this report, eight primary submissions in relation of Variation 88 and two primary submissions in relation to Variation 89 were received outside of the submission period. Council has the discretion to hear these submissions if it chooses.

## 8. OTHER ISSUES

Since notification of the Swanson Structure Plan, the severity of hazardous issues that relate to a property at 2-4 Waitakere Road have been highlighted. 2-4 Waitakere Road is within the Swanson Structure Plan Area. The Swanson Structure Plan identifies that this site has the potential for a three site subdivision. 2-4 Waitakere Road has been previously used as a site for the disposal of refuse. This was with the agreement of the landowner to fill an existing gully in the western part of the site. While Council officers involved in developing the Swanson Structure Plan knew about the previous land filling activities, the severity of the landfill gas issue was unknown. In particular the ability of landfill gas to travel in a horizontal direction into parts of the site beyond the area that has been used for disposal.

Given the potential hazardous risk that this landfill poses the entire site, it is considered appropriate for the Council to consider removing the subdivision potential of this site until such time as it can be confident that it does not pose a health and safety risk to future residents.

## CONCLUSIONS

This report sets out the background, technical basis and Section 32 considerations for proposed Variation 88 and 89. In addition, the report considers issues raised in submissions. Having regard to the issues raised in submissions and further submissions lodged in respect of Variation 88 and 89, the intent of the Proposed Plan for managing subdivision and land use in the Foothills Environment, and the purpose and principles of the Resource Management Act, it is considered that Variation 88 and 89 should be adopted.

The issues raised in submissions have highlighted a number of amendments that are considered appropriate. These include:

- (a) A reduction of the riparian margin at 82 O'Neills Road from 15 metres to 10 metres as shown on the existing Proposed Plan maps;
- (b) Re-identification of 33 Coulter Road from Restoration Natural Area back to General Natural Area as shown on the existing Proposed Plan maps;
- (c) Removal of the riparian margin at 19 Church Street being Lot 1 DP 57548 and being Pt Allotment 23, Parish of Waipareira, CT 14B/739;
- (d) Removal of the "Protection Area - Bush" shown on the Swanson Structure Plan map at 27 Crows Road;
- (e) Removal of the 3 site subdivision potential shown on the Swanson Structure Plan at 2-4 Waitakere Road, Swanson.

**RECOMMENDATION**

That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991 Variation 88 and 89 are adopted with the amendments set out in Section 9 of this report.

Report prepared by: Deanne Rogers, Locality Planner.

