

**Attachment XXXXX****Stakeholders to be consulted with regarding proposed Plan Changes**

Auckland Regional Council

Ministry for the Environment

Department of Conservation

Transit New Zealand

Ministry of Education

Housing New Zealand

Infrastructure providers

- Transpower
- Vector
- Telecom
- Telstra
- Utilicorp
- Watercare Services Limited
- Ecowater Solutions

Tangata Whenua

- o Ngati Whatua
- o Te Kawerau a Maki

**Northern and Western Sectors Agreement Parties**

Rodney District Council

North Shore City Council

**Stakeholders to be consulted with regarding specific nodes****Westgate**

Directly affected land owners

Land owners adjoining proposed Plan Change

**Hobsonville Town Centre & Brigham's Creek Interchange**

Directly affected land owners

Land owners adjoining proposed Plan Change

**Airbase**

Ministry of Defence

Sovereign Yachts

Ministry of Education

Housing New Zealand

**Other potential groups:**

Interest Groups

Educational Institutes

Business

AI

# Proposed Plan Change: To re-identify the Human Environment of nine sites.

## Background Report and Analysis under Section 32 of the Resource Management Act 1991

The Proposed Plan Change seeks to rezone the Human Environment identification for the following properties:

| Property:                                      | Proposed Human Environment:  |
|--|------------------------------|
| 8 Aio Wira Road, Bethells                      | Waitakere Ranges Environment |
| 34 Don Buck Road, Massey                       | Living Environment           |
| 326 Royal Road, Massey                         | Living Environment           |
| 7, 9, 11, 13, 15 and 17 Standage Lane, Kelston | Living 1 Environment         |

Each of the properties is currently identified as Open Space in the District Plan but all are privately owned. The proposed Human Environment identifications for the sites reflect surrounding land identifications in all instances and essentially correct discrepancies in the District Plan that require rectification.

### 1 Introduction

This report provides detailed background to the Proposed Plan Change that seeks to re-identify the Human Environment of nine properties currently identified as Open Space. All of the properties are in private ownership and Council has no intention of purchasing any of the sites for reserve or proposed reserve purposes.

In addition, this report has been prepared to fulfil the requirements of Section 32 of the Resource Management Act 1991 (the Act). Section 32 of the Act requires that an evaluation of the proposed plan change be undertaken, and that a report summarising the evaluation be available for public inspection at the time the plan change is publicly notified.

This Proposed Plan Change has arisen as the subject land was mistakenly identified as Open Space Environment at the time the District Plan was first notified in 1995. The Open Space Environment only applies to publicly owned land that is vested as reserve or held as a reserve in accordance with provisions such as the Reserves Act 1977 or the Reserves and Other Lands Disposal Act (1942 and 1944) in relation to land within the Centennial Memorial Park (ARC Parkland).

### 2 Location and Description of Sites and Surrounds

A map for each site detailing the proposed change to the Human Environment Map of the District Plan is attached at Appendix 1. A detailed description of each site is addressed below, and the address, legal description and site size of each property is listed in the following table.

| Property:                 | Legal Description:                                  | Site Size:         |
|---------------------------|---|--------------------|
| 8 Aio Wira Road, Bethells | Pt Allot 9 DP 1752                                  | 6.1006 hectares    |
| 34 Don Buck Road, Massey  | Lot 1 DP 49674 & Section 1 Survey Office Plan 61028 | 1587m <sup>2</sup> |
| 326 Royal Road, Massey    | Lot 1 DP 113914                                     | 999 m <sup>2</sup> |
| 7 Standage Lane, Kelston  | Lot 13 DP 205876                                    | 198 m <sup>2</sup> |
| 9 Standage Lane, Kelston  | Lot 14 DP 205876                                    | 276 m <sup>2</sup> |

| Property:                 | Legal Description: | Site Size:         |
|---------------------------|--------------------|--------------------|
| 11 Standage Lane, Kelston | Lot 15 DP 205876   | 429 m <sup>2</sup> |
| 13 Standage Lane, Kelston | Lot 16 DP 205876   | 199 m <sup>2</sup> |
| 15 Standage Lane, Kelston | Lot 17 DP 205876   | 199 m <sup>2</sup> |
| 17 Standage Lane, Kelston | Lot 18 DP 205876   | 205 m <sup>2</sup> |

### 8 Aio Wira Road, Bethells

This property lies at the end of Aio Wira Road, which is a narrow metal road off Te Henga Road on the way to Bethells. Planning consent was granted in 1972 to establish a small-scale residential seminar and retreat centre offering workshops and programmes on topics such as yoga, fasting and massage. The Aio Wira Centre's buildings are set in 4 hectares of native bush, bordered on one side by the Waitakere Stream and on the other by bush reserves. The entire site is currently incorrectly zoned Open Space (formerly the site was within the Landscape Protection 2 zone of the Waitemata Section of the Transitional Plan) and this Plan Change seeks to re-identify the site as Waitakere Ranges Environment.



The Aio Wira Centre hosts a variety of workshops and seminars throughout the year and generally caters for groups of around 25 participants. The Centre's website indicates that larger groups are accepted from time to time, when other forms of accommodation such as tents and caravans can be used.

Accommodation is provided in small dormitories - some single rooms and a double room are also available. The Centre comprises a kitchen and dining room, a large hall with library, a separate sanctuary building for quiet meditation and reflection, and sitting areas inside and outside the main buildings.

Surrounding properties are zoned Waitakere Ranges Environment – however the properties immediately south of Aio Wira are identified as Open Space and are within the Auckland Centennial Memorial Park.

### 34 Don Buck Road, Massey



This property lies on a steep corner on the west side of Don Buck Road in Massey. The site itself is relatively flat and comprises four single level dwellings. The two front dwellings have vehicle access directly on to Don Buck Road, while the two rear dwellings gain access to Don Buck Road via a common area access way on the north side of the site. Flat 2 also has a carport at the end of the access way.



The common area access way has been incorrectly identified as Open Space in the District Plan. The site and the common area are held in the same Certificate of Title – and yet have different Human Environment identifications in the District Plan. This Plan Change seeks to re-identify the access way portion of the site from Open Space Environment to Living Environment.

The surrounding properties generally comprise residential development.

### 326 Royal Road, Massey

This property comprises a level site towards the end of Royal Road in Massey in a well-established residential area. The site has a two-storey weatherboard and tile dwelling



located towards the rear of the property and is well landscaped. The rear of the site backs onto Moire Park.



Surrounding properties are residential, and a block of local shops are located a small distance from the

subject site on the opposite side of Royal Road.

The property has been incorrectly identified as Open Space in the District Plan. This Plan Change seeks to re-identify the site as Living Environment.

### 7, 9, 11, 13, 15 and 17 Standage Lane, Kelston



Standage Lane is located approximately halfway down the now connected Kelman Road in Kelston. Kelman Road was previously unconnected and a small reserve, zoned Open Space, was located between the road ends. Development of the area in the mid-90's connected the two Kelman Roads, and also Laura Street, and provided new opportunities for terrace housing, and reserve facilities in the area, as well as street connectivity between Archibald and St Leonard's roads.

Standage Lane was developed around the new reserve and comprises a 17-unit terrace house development. The units are all two-storey brick and plaster homes with single car garaging and landscaped front yards. Each unit has vehicular access onto Standage Lane and each unit is located opposite the newly developed reserve. The streetscape has been landscaped and there are new footpaths on both sides of the Lane and three parking bays on the southern side of Standage Lane. Standage Lane is a dead-end road with no thoroughfare.

Kelston is a well-established residential area with six educational facilities (Primary, Intermediate, Secondary and the Deaf School) within a short distance. The development of these terrace houses is relatively recent - hence the requirement to now update the District Plan to reflect the residential nature of the area and to re-identify the sites as Living 1 Environment and not Open Space Environment.



## **3 Description of Proposed Plan Change**

The Proposed Plan Change comprises the re-identification of the Human Environment classification of nine sites.

### **3.1 Proposed Changes to the District Plan Maps:**

The Proposed Plan Change affects a number of District Plan maps. The table below identifies the relevant maps and existing and proposed Human Environment identifications for each of the properties. The Proposed Plan Change map for each property is attached (see Appendix 1).

| Property:                 | District Plan Map: | Reprinted District Plan Map: | Existing Human Environment: | Proposed Human Environment:  |
|---------------------------|--------------------|------------------------------|-----------------------------|------------------------------|
| 8 Aio Wira Road, Bethells | 1 (Bethells)       | D2                           | Open Space                  | Waitakere Ranges Environment |
| 34 Don Buck Road, Massey  | 19 (Massey)        | D7 and D8                    | Open Space                  | Living Environment           |
| 326 Royal Road, Massey    | 29 (Royal Heights) | C9                           | Open Space                  | Living Environment           |
| 7 Standage Lane, Kelston  | 15 (Kelston)       | F10                          | Open Space                  | Living 1 Environment         |
| 9 Standage Lane, Kelston  | 15 (Kelston)       | F10                          | Open Space                  | Living 1 Environment         |
| 11 Standage Lane, Kelston | 15 (Kelston)       | F10                          | Open Space                  | Living 1 Environment         |
| 13 Standage Lane, Kelston | 15 (Kelston)       | F10                          | Open Space                  | Living 1 Environment         |
| 15 Standage Lane, Kelston | 15 (Kelston)       | F10                          | Open Space                  | Living 1 Environment         |
| 17 Standage Lane, Kelston | 15 (Kelston)       | F10                          | Open Space                  | Living 1 Environment         |

The underlying natural area of each subject site is the General Natural Area, except for the the following:

- 8 Aio Wira Road - which is identified as Managed Natural Area; and
- 34 Don Buck Road - the rear portion of the site is identified as Managed Natural Area.

It is not proposed to alter any of these Natural Area identifications. There are no other natural features identified on any site.

### 3.2 Proposed Changes to the District Plan Policies, Objectives, Methods and Rules:

There are no proposed changes to the policies, objectives, methods or rules of the District Plan.

## 4 Resource Management Act 1991

The Resource Management Act 1991 (the Act) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the Act is to promote the sustainable management 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 wellbeing, and for their health and safety. Part II (Sections 5-8) sets out the Purpose & Principles of the Act.

Section 5 (2) defines the purpose of the Act, 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 wellbeing 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 outlines Matters of National Importance that must be recognised and provided for:

- “6. *Matters of National Importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
  - (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, site, waahi tapu and other taonga:*
  - (f) *The protection of historic heritage from inappropriate subdivision, use and development.*”

Section 7 sets out Other Matters that must be given particular regard including:

- (a) *“Kaitiakitanga;*
- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (d) *Intrinsic values of ecosystems;*
- (e) *Maintenance and enhancement of the quality of the environment;*
- ...”

Section 8 of the Act requires that the principles of the Treaty of Waitangi be taken in account.

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

Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. Council is to establish, implement and review objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities. The District Plan is a tool to assist Council in achieving its function. Section 31 of the RMA outlines Council's functions as follows:

- (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 the for the purpose of-*
  - (i) *the avoidance or mitigation of natural hazards; and*
  - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
  - (iii) *the maintenance of indigenous biological diversity:*
- (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.*

The purpose of a district plan as outlined in section 72 of the Act is to assist Council to carry out its functions. Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to its plan. Section 74(1) states that:

*“A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.”*

Therefore before adopting an objective, policy or rule or other method in the District Plan a rigorous assessment under Section 32 of the Act must be carried out. Section 32 (3-6) states:

- (3) *An evaluation must examine –*
  - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
  - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account –*
  - (a) *the benefits and costs of policies, rules, or other methods; and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Part V of the Act relates to Standards, Policy Statements and Plans. Section 74 (1) has been mentioned above, however the remainder of that section of the Act is also relevant to plan changes:

- (2) *In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—*
  - (a) *Any—*
    - (i) *Proposed regional policy statement; or*
    - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
  - (b) *Any—*
    - (i) *Management plans and strategies prepared under other Acts; and*
    - (ii) *repealed*
    - (iia) *Relevant entry in the Historic Places Register; and*
    - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries*

- resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
- to the extent that their content has a bearing on resource management issues of the district; and*
- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.*

In respect of district plans, Section 75 states that:

- (1) *A district plan must state –*
- (a) *the significant resource management issues for the district; and*
- (b) *the objectives sought to be achieved by the plan; and*
- (c) *the the policies for those issues and objectives, and an explanation of the policies; and*
- (d) *the methods (including rules if any) to implement the policies; and*
- (e) *the principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
- (f) *the information to be included with an application for a resource consent; and*
- (g) *the environmental results anticipated from the implementation of those policies and methods; and*
- (h) *the processes to be used to deal with issues that cross territorial authority boundaries; and*
- (i) *the procedures used to monitor the efficiency and effectiveness of the policies, rules, or other methods contained in the plan; and*
- (j) *any other information for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (2) *A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and must not be inconsistent with –*
- (a) *a water conservation order; or*
- (b) *the regional policy statement; or*
- (c) *a regional plan for any matter specified in section 30(1).*

Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment.

#### **4.1 Section 32 Analysis**

In achieving the purpose of the Act, Section 32 requires that before notifying a proposed plan change Council must carry out an evaluation of the alternatives, benefits and costs of the proposed plan change. Council's obligations under section 32 are divided into five parts that comprise the following:

- examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act;

- examining whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- taking into account the benefits and costs of the policies, rules or other methods;
- taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods; and
- summarising the evaluation and reasons for evaluation.

#### **4.1.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act (s32(3)(a))**

The purpose of the Act as outlined in Part II is the sustainable management of natural and physical resources. It is considered that the proposed plan change is the most appropriate way to achieve the purpose of the Act as re-identifying the subject sites to reflect the existing land use of each property is necessary. The re-identification of the sites will also reflect and consolidate adjoining land use identifications in each case.

Further, it is considered that the re-identification of the sites will correct a number of anomalies in the District Plan, as the Open Space Environment should only apply to public reserves and not private property. The re-identifications would also provide a clear direction to the community on the continued use of each site for their existing purposes. If the existing identifications and rules relating to the Open Space Environment were retained then the purpose of the Act would not be achieved and there may be a degree of uncertainty of the future of the use of each site.

As the Proposed Plan Change does not seek to amend an existing objective, or introduce a new objective to the District Plan, further analysis is not required. In addition, it is considered that there will be no eroding of any existing objectives as a result of amending the Human Environment identification for each of the identified sites.

#### **4.1.2 Whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives (s32(3)(b))**

Council is required to have regard to other methods that may be used in achieving the objective of the Proposed Plan Change. This includes non-statutory methods such as education, provision of services, incentives and levying of charges. Other methods could be taking no action at all (i.e. removing all rules) or of retaining the existing rules (the status quo).

The following other methods have been identified and are considered below (as well as the Proposed Plan Change):

- Retain the existing Human Environment identifications (the "status quo" option)
- Have no rules (the "do nothing" option)
- Scheduling of the sites

#### Retain the existing Human Environment identifications

This approach is generally considered to be inefficient and ineffective as the properties could only be further developed via a notified resource consent process. It is possible that landowners could seek declarations from the Environment Court regarding the status of the land, in that it is contrary to the Section 85 "reasonable use" provisions in the Resource Management Act 1991. The current status of the land would not prohibit development but would be an impediment to its use.

### Have no rules

This option would have the effect of removing the Human Environment Rules applying to the sites to enable development to occur unfettered without consents or the requirement to re-identify or re-zone the sites. This option would leave a “gap” in the District Plan as all land in the District is subject to Human Environment identifications. It is considered that this measure would not be efficient or effective, as it would allow for unfettered development to occur, rather than addressing an administrative issue in the District Plan.

### Scheduling of the sites

This option would enable the sites to be individually scheduled for appropriate land use purposes. This would allow for a spot zoning to occur although it would still require a public process such as a Plan Change. It is considered that this measure would not be efficient or effective.

### **4.1.3 Benefits and costs of policies, rules or other methods (s32(4)(a))**

The following other methods have been identified and are considered below (as well as the Proposed Plan Change):

- Retain the existing Human Environment identifications (the “status quo” option)
- Have no rules (the “do nothing” option)
- Schedule the sites

### **The Proposed Plan Change**

#### Benefits

- The Proposed Plan Change has a significant time and cost saving for Council through the preparation of **one** Plan Change for nine sites.
- The Proposed Plan Change would ensure that an appropriate planning regime (policies, objectives and rules) would govern land in private ownership where Council has no intention of acquiring the sites for reserve purposes.
- The Proposed Plan Change would rectify a number of existing anomalies in the District Plan, which occurred at the time the District Plan was first notified in 1995.
- The re-identification would enable the private landowners and the broader community by enabling a range of development scenarios for the sites that are currently not permitted.
- The Proposed Plan Change would provide a clear direction to the community on the continued use of each site for existing purposes (e.g. residential).
- The Proposed Plan Change is consistent with the provisions of Part II of the RMA, the Auckland Regional Policy Statement and the policies and objectives of the District Plan.

#### Costs

- The cost of preparing a minor Plan Change such as this is estimated to be approximately \$10-15,000. (This cost will increase if appeals against the Council’s decision are received.)

The Proposed Plan Change is considered to be the most effective and efficient method of ensuring that the regulatory regime for the sites are consistent with surrounding properties.

## **The Status Quo**

### Benefits

- There would be no costs associated with a Plan Change to alter the identification of the land, as no Plan Change is required in the short term.

### Costs

- The policies and objectives of the Open Space Environment are inconsistent with the subject sites in every case. In addition, current and future landowners are being disadvantaged in that they would be required to gain resource consent to undertake activities on their properties beyond the scope of the Open Space Environment rules. The costs of processing a complex notified resource consent may be in the vicinity of \$10,000-\$15,000 per site.
- The integrity of the District Plan would diminish, as third parties may no longer have confidence that the Council ensures land is appropriately zoned.

## **Do Nothing**

### Benefits

- No further resources required than for any other Plan Change. The do nothing approach would mean that relevant parts of the District Plan would be uplifted. This would mean that a "laissez-faire" or "anything goes" regime would be established as in the absence of any rules, any activity becomes permitted.

### Costs

- A Plan Change to re-identify the land with no Human Environments identification would create a "hole" in the District Plan as all land is subject to Human Environments and Natural Areas identification. This would create uncertainty for the Council and the community. The cost of this cannot be quantified.
- There would be considerable cost to the community and environment if the relevant parts of the Plan were uplifted as it would enable any development at all to occur unfettered on the subject site.
- There would be a cost to Council in defending applications for inappropriate activities for use and development of the subject land – this is likely to be tens of thousands of dollars.

## **Other Methods**

### Benefits

- Scheduling the properties as appropriate would allow for spot zonings to occur although they would still require a public process such as a Plan Change.

### Costs

- The costs would be \$10-15,000 without ensuring that the land was treated consistently with other land in the District Plan.
- Possible costs associated with appeals if parties are not satisfied with the outcome. This is estimated to be \$10,000- \$100,000.

- Inconsistency across the District Plan.

#### **4.1.4 The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)(b))**

It is considered that Council has both certain and sufficient information, and has utilised this information in the preparation of the Proposed Plan Change, regarding the subject matter (including policies, rules and other methods) of this Plan Change. Therefore, it is not considered necessary to investigate the risk of acting or not acting as outlined in s32(4)(b) of the Act, and ultimately no further assessment is deemed necessary in this regard.

#### **4.1.5 Summary of evaluation and reasons for evaluation**

The evaluation has identified a number of options; the Proposed Plan Change, the status quo, do nothing, or spot scheduling of the sites. The alternatives are not considered to be efficient or effective, as they would challenge the integrity and accuracy of the District Plan and cost the Council and community. The Proposed Plan Change is considered to be the best option available, as it would have a one-off cost associated with it of approximately \$10,000 but provide greater certainty to the general public and land owner(s) who rely on the accuracy of the District Plan.

It is considered that the above evaluation fulfils Council's requirements with regard to section 32 of the Act, and that the analysis of alternatives benefits and costs has been carefully undertaken and summarised accordingly. Further, this evaluation will be available for public inspection at the same time as the Proposed Plan Change is publicly notified.

#### **4.2 Assessment of Potential Adverse Effects**

Under Section 31 of the Act Council's function includes "*the control of any actual or potential effects of the use, development, or protection of land*". Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment. Likewise, section 5(2)(c) provides for avoiding, remedying, or mitigating any adverse effects of activities on the environment.

##### Amenity/Landscape

Existing development on all of the sites is residential except for 8 Aio Wira Road. Development at 8 Aio Wira comprises short-term accommodation within a bush setting in the Waitakere Ranges.

It is considered that all of the existing development is sensitive to the amenity and visual appeal of the surrounding suburbs, and/or park areas. It is considered that re-identifying the sites as proposed would not compromise any existing amenity or landscape values.

##### Traffic/Transport

Each site is developed and currently has vehicular and pedestrian access. The Proposed Plan Change will make provision for landowners to instigate further development within the confines of the new Human Environment for their site. However, the new Human Environment identifications are considered to be entirely appropriate and in each instance further development would only be permitted with the relevant Council approvals (i.e. resource and/or building consents). It is considered that traffic generation, and access to and from the sites, would not be compromised by the Proposed Plan Change.

## Infrastructure

There is no requirement for further infrastructure on any of the sites as they are all currently developed, and the Human Environment re-identifications will have no impact on the existing infrastructure. As above, further development of the sites may occur once the Plan Change is operative, however, this would be subject to normal Council consents.

## Noise

There are no known noise issues associated with any of the sites.

## Cultural/Heritage

There are no known archaeological or heritage issues associated with any of the sites.

## Social/Economic

Re-identifying the sites would provide a clear direction to the community on the continued use of each site for existing purposes – there are no apparent adverse social or economic effects associated with the intention of the Proposed Plan Change.

In summary, it is considered that there are no adverse environmental effects that will be generated by re-identifying any of the sites.

### **4.3 Assessment under Sections 74 and 75 of the Act**

The Proposed Plan Change is considered to be consistent with sound resource management practice across the region. The Proposed Plan Change is consistent with national policy statements and regional planning documents. No further assessment is required.

## **5.0 Waitakere City District Plan**

### **5.1 Existing District Plan Objectives/Policies/Rules**

The subject sites are all currently identified as Open Space on the Human Environment maps and General Natural Area on the Natural Area maps of the District Plan.

Part 5 of the District Plan describes the Open Space Environment as “areas of publicly owned open space ranging from the large park areas in the Waitakere Ranges to the small local parks in the urban area.” The rules for the Open Space Environment have been designed to reflect the City’s recreation strategies and Reserve Management Plans that have been prepared under the Reserves Act 1977. When there is no Reserve Management Plan for a reserve or public open space, all buildings are deemed to be a non-complying activity under the rules of the Open Space Environment in the District Plan. It is considered that the Proposed Plan Change is consistent with the policies of the District Plan as the Open Space Environment identification is inappropriate given the fact that the land is privately owned and is not public reserve or even proposed reserve.

The general themes of the District Plan objectives and policies that apply to the Proposed Plan Change are outlined in the Table below. It is considered that the Proposed Plan Change is consistent with the following objectives of the District Plan for the following reasons:

| Objective   | Consistency with Proposed Plan Change   |
|---|---|
| <p>To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:</p> <ul style="list-style-type: none"> <li>• an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;</li> <li>• adequate levels of daylight and sunlight in dwellings;</li> <li>• adequate levels of darkness for sleep;</li> <li>• a safe environment;</li> <li>• an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;</li> <li>• adequate levels of on-site privacy;</li> <li>• healthy air quality.</li> </ul>  | <ul style="list-style-type: none"> <li>• The Proposed Plan Change is consistent with this objective to the extent that the subject sites all have a similar level of amenity as the surrounding and adjoining (in most cases) land.</li> <li>• The Proposed Plan Change would ensure that the subject sites' land use is compatible with the surrounding land uses in all cases.</li> </ul>             |
| <p>To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:</p> <ul style="list-style-type: none"> <li>• the quality and character of different patterns of settlement within the City's intensively settled residential areas;</li> <li>• the pedestrian-orientated amenity values of the town centres and the character of those areas as retail centres;</li> <li>• the utilitarian nature and character of the industrial areas;</li> <li>• the natural and physical features that give each rural and coastal village its particular and unique character;</li> <li>• the pastoral/rural character of the northern parts of the City;</li> <li>• the complex, mixed landscape of the foothills.</li> </ul> | <ul style="list-style-type: none"> <li>• The Proposed Plan Change will ensure that the neighbourhood character where each of the nine sites is located is maintained and strengthened through the continuity of the relevant Human Environment identification.</li> <li>• The Proposed Plan Change achieves this objective by ensuring that appropriate land use activities are co-locating.</li> </ul> |

## 5.2 Summary of Proposed District Plan Rules/Policies

The proposed plan change does not seek to amend any objectives, policies or rules of the District Plan. However, re-identifying the sites will align the current land use in all cases with

the District Plan's policies and objectives relating to Living, Living 1 and the Waitakere Ranges Environments where relevant.

The Living and Living 1 Environment includes all areas within the intensively settled urban areas of the City that are primarily residential in character.

The Waitakere Ranges Environment includes the bush-covered areas of the Waitakere Ranges, and the west coast and Manukau coast, where natural elements and wilderness character dominate. It incorporates the outstanding coastal and Waitakere Ranges landscapes.

## **6.0 Other Statutory Assessments**

### **6.1 Auckland Regional Policy Statement**

The Regional Policy Statement (RPS) seeks to maintain a quality environment for the Auckland Region and at the same time, maintain and enhance opportunities for the region's future growth. The RPS comprises four parts: Regional Overview and Strategic Direction; Resource Management Matters of Significance to Iwi; Transport and Energy; and Environmental Protection. Each part identifies issues, objectives, policies, methods, reasons and the environmental results anticipated as a result of implementation of the RPS.

It is considered that the Proposed Plan Change is entirely consistent with the objectives of the RPS and the Air, Land and Water Plan to the extent that the Proposed Plan Change will provide for land that is privately owned to be re-zoned for more appropriate use of land within the Metropolitan Urban Limits.

### **6.2 Reserve Management Plan(s)**

The land is not owned by Council or any other public body such as the ARC where an Open Space identification would be appropriate. The land is not a reserve and is therefore not subject to a reserve management plan.

## **7.0 Non-statutory Planning Assessments**

### **7.1 Agenda 21 And The Eco City**

Agenda 21 was the outcome of the United Nations "Earth Summit" held in Rio de Janeiro, Brazil in 1991. The summit established an international agreement to integrate environmental and developmental concerns to achieve sustainable development. The implementation of this is encapsulated in a document entitled Agenda 21.

As part of Waitakere's eco-city concept, Waitakere City Council agreed to implement at the local level the goals and programs proposed under Agenda 21. The Proposed Plan Change represents sustainable management of the city's land resource.

### **7.2 Waitakere Long Term Council Community Plan**

The 10 year Long Term Council Community Plan (LTCCP) covers the first decade of Council's 20 year Strategic Direction. The purpose of the LTCCP is to:

- describe the activities of the Council;
- describe the community outcomes desired for the city;
- provide integrated decision making (between the Council and the community) and co-ordination of resources;
- provide a long term focus for the Council's decision and activities;
- provide a basis for accountability to the Waitakere City community; and
- provide an opportunity for community participation.

The Proposed Plan Change would enable the continued use of each of the sites for residential or accommodation purposes. The existing land use at each site contributes to the amenity and visual appeal of each surrounding area in a manner that is consistent with the Council's strategic direction.

### **7.3 Waitakere City Parks Strategy**

The Proposed Plan Change is consistent with the City Parks Strategy as the land is privately owned and not a Council owned reserve.

## **8 Consultation**

Clause 3 to the First Schedule to the Act states that during the preparation of a proposed plan, a local authority shall consult with the Ministry for the Environment, other Ministers of the Crown deemed to be affected, other Local Authorities deemed to be affected and the tangata whenua of the area. Clause 3 also states that a local authority may consult anyone else during the preparation of a proposed plan.

Consultation with affected parties is a key component of the plan change process. However, with regard to this Plan Change, no prior consultation has been undertaken with local iwi, the Ministry for the Environment, or neighbouring Councils as the nature of the Plan Change is considered to be entirely procedural given that it effectively corrects a mistake that appeared in the District Plan maps when the Plan was first notified.

Landowners and residents of the subject sites have been contacted via a letter of explanation dated early March 2004. The letter informed the landowners and residents of Council's intention to rezone the properties and sought comments regarding the Proposed Plan Change. The Plan Change process and timing was also summarised.

No written responses were received in relation to Council's letter of March 2004. However, four telephone calls were received. Queries related to further explanation of the process and reason for the Plan Change, and about what the description of the Human Environment identifications 'Open Space' and 'Living' actually meant.

Further opportunities for residents and any other interested party will be available to those persons through the public notification process of this Plan Change.

## **9 Conclusion**

The Proposed Plan Change seeks to re-identify nine sites from Open Space Environment to Living, Living 1 and Waitakere Ranges Environment. The changes to the District Plan include amendments to each site's Human Environment identification on District Plan maps 1, 15, 19 and 29. No changes are proposed to any District Plan objective, policy or rule. Site details, including site size, address, legal description, existing and proposed Human Environment, and visual and written descriptions are all contained within the body of this report.






A summary of consultation undertaken to date has been provided and it is evident that the Proposed Plan Change process would allow the general public and statutory or non-statutory bodies with wider interests to be involved in decision-making.

The section 32 analysis has identified that the Proposed Plan Change would enable the Council to manage its land resources efficiently whilst meeting the purpose of the Act by allowing sustainable management of natural and physical resources. The section 32 analysis also concludes that re-identification of the subject sites would ensure that more appropriate rules would apply to the sites and clarify an anomaly in the District Plan. The current identification of the sites does not meet the District Plan policies for the Open Space Environment as the sites have already been developed for residential or accommodation purposes. The Proposed Plan Change is considered necessary to achieve the purpose of the Act and is the most appropriate in terms of effectiveness and efficiency of Council exercising its function. In addition, the Proposed Plan Change is consistent with the existing district plan policies and objectives.

The Proposed Plan Change is not inconsistent with any relevant statutory or non-statutory document as discussed above. In addition, it is considered that there will be no adverse environmental effects generated as a result of the Proposed Plan Change.

## Changes to Map D2 Human Environments

### Legend

-  Open Space
-  Waitakere Ranges
-  Transport Environment
-  Area of Plan Change
-  Proposed Plan Change



O:\GIS\DataMaint\District\_Plan\PlanChanges\PlanChange11c.mxd

## Proposed Plan Change No. 11

Change From 'Open Space Environment' to 'Waitakere Ranges Environment'

8 Aio Wira Road, Bethells  
Pt Allot 9 DP1752




**A18**

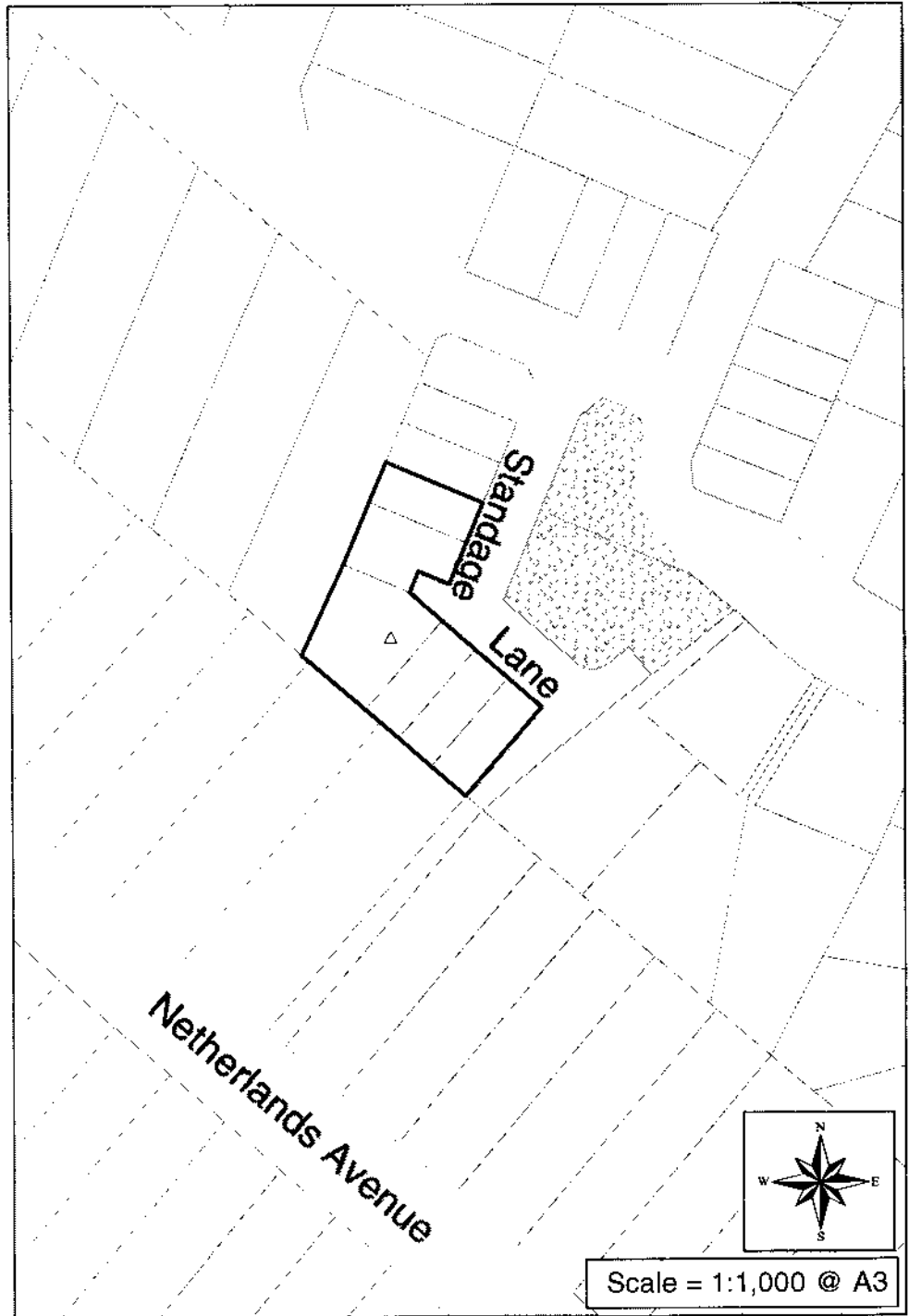
Notified date: 21 June 2004  
Operative date:



## Changes to Map F10 Human Environments

**Legend**

- Living 1
-  Open Space
- Working
- Transport Environment
-  Area of Plan Change
-  Proposed Plan Change



O:\GIS\Data\Maint\District\_Plan\PlanChanges\PlanChange11d.mxd

## Proposed Plan Change No. 11

**Change From 'Open Space Environment' to 'Living 1 Environment'**

*Standage Lane, Kelston*

*Lots 13-18 DP205876*

**A19**

Notified date: 21 June 2004  
Operative date:




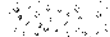



Waitakere City Council  
Te Taiaro o Waitakere

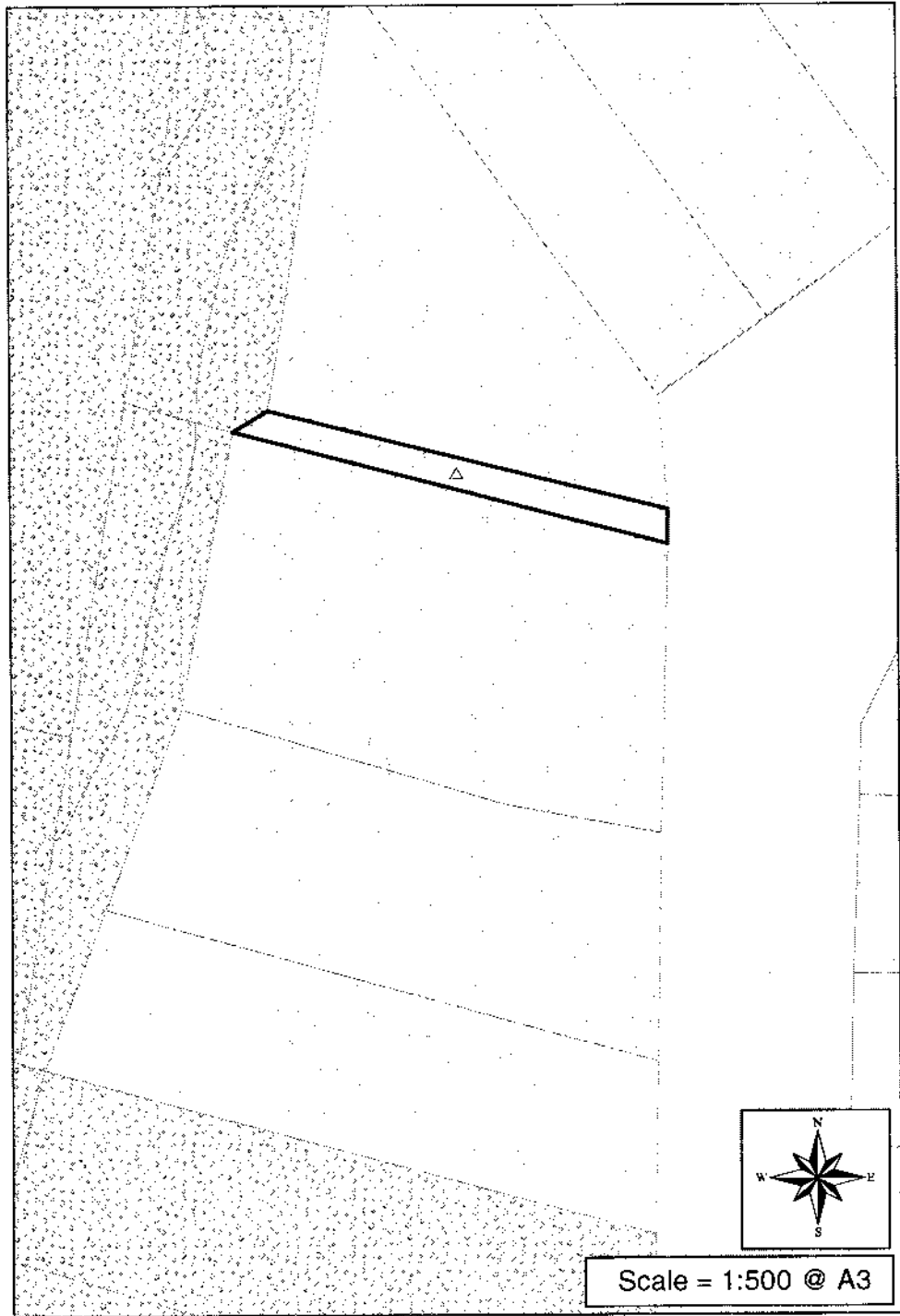
# Waitakere City Council District Plan

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## Changes to Maps D7 and D8 Human Environments

### Legend

-  Living
-  Open Space
-  Transport Environment
-  Area of Plan Change
-  Proposed Plan Change



## Proposed Plan Change No. 11

Change From 'Open Space Environment' to 'Living Environment'

34 Don Buck Road, Massey

Sec 1 SO61028

A20





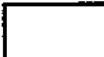

Notified date: 21 June 2004

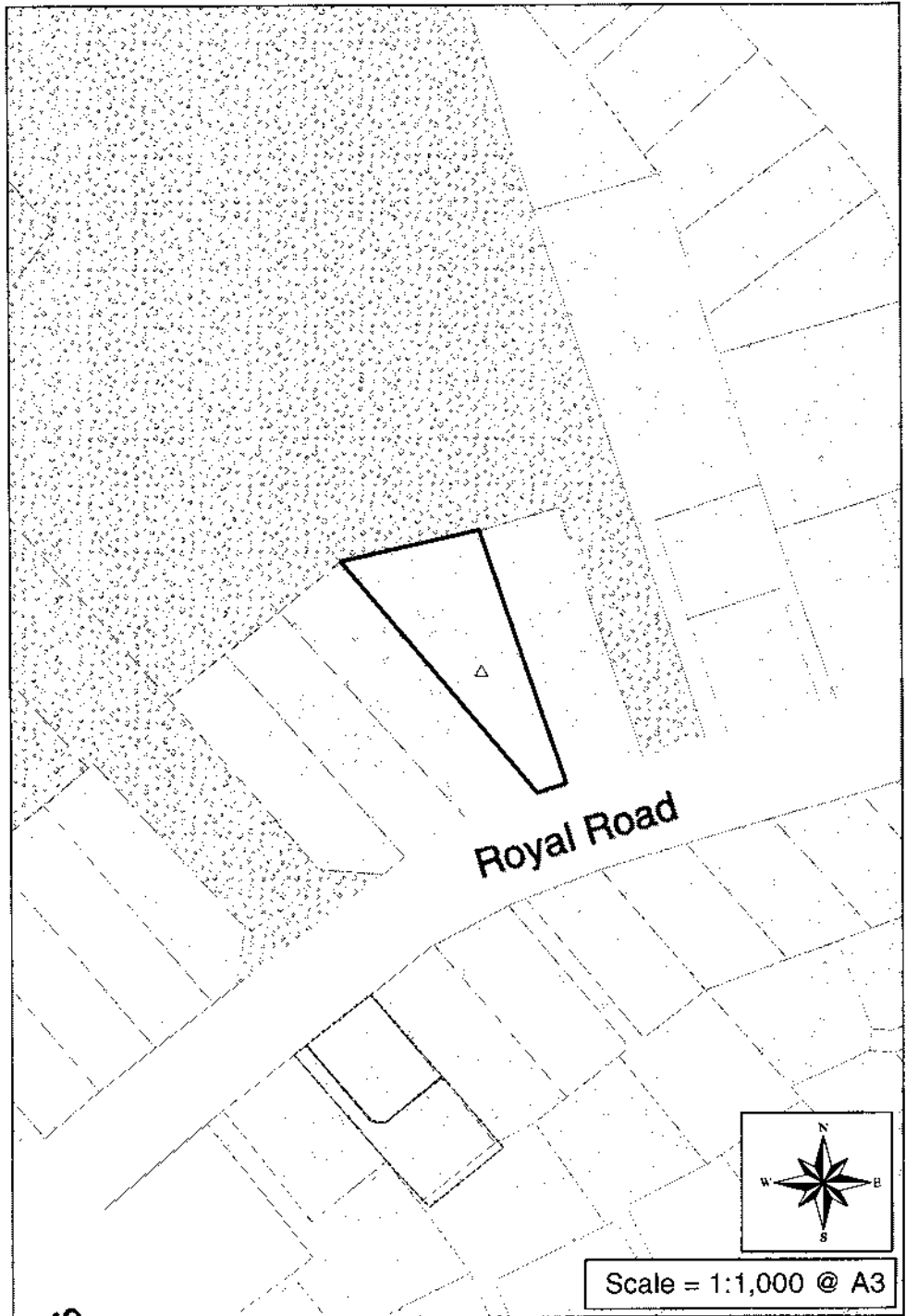
Operative date:

# District Plan

## Changes to Map C9 Human Environments

**Legend**

-  Community
-  Living
-  Open Space
-  Transport Environment
-  Area of Plan Change
-  Proposed Plan Change



### Proposed Plan Change No. 11

### Change From 'Open Space Environment' to 'Living Environment'

326 Royal Road, Massey

Lot 1 DP113914

A21

Notified date: 21 June 2004

Operative date: