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Waitakere City Council
Te Taiāo o Waitakere

PROPOSED PLAN CHANGE 27

Re-identification of the Human Environment of Eight Sites

**Prepared in fulfilment of Section 32 of the
Resource Management 1991**

10 June 2008

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Proposed Plan Change 27: Re-identification of the Human Environment of Eight Sites

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

1 Introduction

This report provides detailed background to the Proposed Plan Change that seeks to re-identify the Human Environment of eight sites.

In addition, this report has been prepared to fulfil the requirements of section 32 of the Resource Management Act 1991 (herein after referred to as 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 Proposed Plan Change is publicly notified.

This Proposed Plan Change for the eight sites has arisen for the reasons identified in the table below:

Address	Reason for Re-identification
14 Bordeaux Parade & 164 Te Atatu Road (Te Atatu South Park)	A residential development and subdivision on the site at 14 Bordeaux Parade (recently granted consent under LUC 2006 1300 and SUB 2006 1301) involves a land swap with 164 Te Atatu Road (Te Atatu South Park), which is owned by the Council's Parks Assets section. To enable sustainable management of these sites, it is appropriate to re-identify areas of 14 Bordeaux Parade from Living Environment to Open Space Environment and areas of 164 Te Atatu Road from Open Space Environment to Living Environment.
578 Te Atatu Road	This site contains a takeaway store and is at the northern end of a block of existing shops. The site is incorrectly identified Open Space Environment, however, it is privately owned. Therefore, re-identifying the site as Community Environment will enable sustainable management of the site.
40A Royal Road	The site has been formed from the subdivision of two sites (40 Royal Road and Royal Reserve). The site at 40A Royal Road is predominantly identified as Open Space Environment, however, as the site is now privately owned it is appropriate to re-identify it as Living Environment to enable sustainable management of the site.
Northern end of Riverlea Road	This area is a road that has recently been converted to reserve under the Reserves Act 1977. Therefore, it is appropriate to re-identify the site from Transport Environment to Open Space Environment to enable sustainable management of the site.
Eastern end of Scott	This area is an unformed road that has recently been

Road	converted to reserve under the Reserves Act 1977. Therefore, it is appropriate to re-identify the site from Transport Environment to Open Space Environment to enable sustainable management of the site.
Royal Reserve, 7 Beauchamp Drive	This is a road (car parking area) that has recently been converted to reserve under the Reserves Act 1977. Therefore, it is appropriate to re-identify the site from Transport Environment to Open Space Environment to enable sustainable management of the site.
Eastern end of Harbour View Road	This area is a road that has recently been converted to reserve under the Reserves Act 1977. Therefore, it is appropriate to re-identify the site from Transport Environment to Open Space Environment to enable sustainable management of the site.

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 description of each site is provided below, and the address, legal description and total size of each site is listed in the following table.

Site:	Legal Description:	Site Size:
14 Bordeaux Parade	Lot 100 DP 369723	3.0437ha
164 Te Atatu Road (Te Atatu South Park)	Lot 21 DP 53436 & Pt Lot 7 DP 19451	0.2818ha & 0.4517ha
578 Te Atatu Road	Pt Lot 46 DP 40799	0.0782ha
40A Royal Road	Lot 2 DP 378439	0.0507ha
Northern end of Riverlea Road	Section 1 SO 382376	0.6127ha
Eastern end of Scott Road	Section 1 SO 383760	0.1234ha
7 Beauchamp Drive (Royal Reserve)	Section 1 SO 383078	0.2363ha
Eastern end of Harbour View Road	Section 1 SO 383145	0.2149ha

14 Bordeaux Parade, Te Atatu South



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This site at 14 Bordeaux Parade is located at the northern end of Bordeaux Parade, to the west of Te Atatu Road. The photo above shows the site and is taken from the southern boundary of the site at 164 Te Atatu Road (Te Atatu South Park).

A combined land use and subdivision consent (LUC 2006 1300 and SUB 2006 1301) for an 87 unit medium density housing development was granted on 22 April 2008. The development also involved the swapping of areas reserve land (at Te Atatu South Park, 164 Te Atatu Road) owned by Waitakere City Council with areas of land located at 14 Bordeaux Parade.

The areas of the site that require re-identification are located in the northern portion of the site and comprise a total area of 477 sq m. To the north of the site is Te Atatu South Park (164 Te Atatu Road). To the west, east and south of the site are existing dwellings on land identified as Living Environment (some sites to the east are identified as Community and others are identified as Living 1).

The site at 14 Bordeaux Parade is currently identified as Living Environment and the park at 164 Te Atatu Road is identified as Open Space Environment. This Proposed Plan Change seeks to re-identify portions of the site at 14 Bordeaux Parade as Open Space Environment and portions of the site at 164 Te Atatu Road as Living Environment (as outlined below).

164 Te Atatu Road (Te Atatu South Park)



This site comprises a park (Te Atatu South Park) that lies to the north of Bordeaux Parade and has vehicular access off Essex Street. The area of the park that is subject to the land swap is within the southern portion of the site, with one of the areas fronting Te Atatu Road and the remaining areas being located near the footpath that runs along the south-eastern boundary of the site. The total area of the land to be swapped is 477 sq m, which is the same size as the area of land to be swapped at 14 Bordeaux Parade. The photo above shows both the site at 14 Bordeaux Parade (in the background) and Te Atatu South Park (in the foreground).

As noted above, the areas of the park identified as Open Space will be re-identified Living Environment as they will form part of the housing development on the site at 14 Bordeaux Parade.

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578 Te Atatu Road, Te Atatu Peninsula



This site contains an existing takeaway store and is located at the northern end of a block of shops on Te Atatu Road. To the east of the site is a Plunket and the Te Atatu Peninsula Community House, both within the Kaumatua Reserve. To the north of the site are the access ways and car parking area for the Kaumatua Reserve. Adjacent to the southern boundary of the site are retail units and to the east of the site, across Te Atatu Road, are existing dwellings.

The site has been incorrectly identified as Open Space Environment on the District Plan maps. As the site contains a takeaway store and is part of an existing block of shops (located on land identified as Community Environment), it is appropriate to re-identify the site as Community Environment.

40A Royal Road, Massey



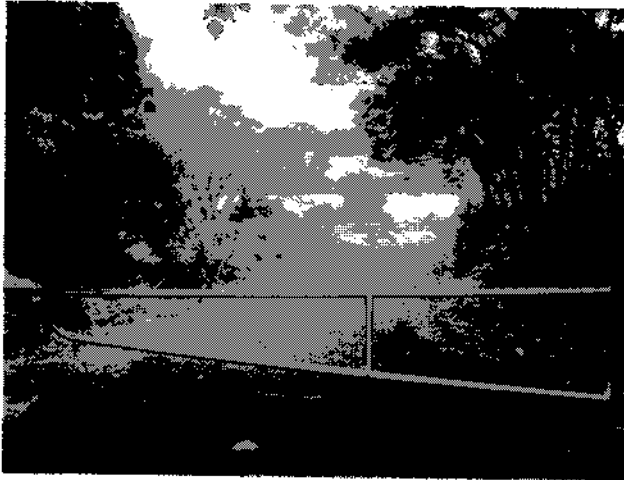
This site is located on the northern side of Royal Road in a well-established residential area. It was previously part of Royal Reserve and is currently vacant.

The site slopes downwards from south to north. To the west of the site is a two storey dwelling, and to the east is a right of way and existing dwellings. To the rear (north) of the site is Royal Reserve and to the south, beyond Royal Road, are existing dwellings.

The Council's Parks Assets section has recently sold the site at 40A Royal Road to a private landowner. The site is no longer part of Royal Reserve, therefore, the current Open Space

identification is no longer appropriate. It is proposed to identify the site as Living Environment to be consistent with residential properties in the immediate surrounding area.

Riverlea Road, Whenuapai



This site is located at the end of Riverlea Road and currently contains a hardstand area of road along with vegetation. Riverlea Road is a dead-end road with no thoroughfare. The road has been stopped and a Digital Survey Plan was approved by Land Information New Zealand on 4 April 2007 (see Appendix 3).

A property containing an existing dwelling is located to the south-east of the site. The remaining boundaries abut the Waitemata Harbour.

The entire site is currently identified as Transport Environment. The surrounding area is identified as Countryside and contains existing dwellings.

Scott Road, Hobsonville



This site is located near the end of Scott Road, which is a dead-end road with no thoroughfare. The site occupies the area between no.'s 22 and 23 Scott Road and currently contains vegetation. The road has been stopped and a Digital Survey Plan was approved by Land Information New Zealand on 16 May 2007 (see Appendix 3).

The surrounding properties are identified Countryside and contain dwellings. Immediately to the east of the site is the Waitemata Harbour.

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7 Beauchamp Drive (Royal Reserve)



This site is located on the eastern side of Beauchamp Drive and currently contains an area of hardstand, including a car parking area and vehicular access for Royal Reserve. The road has been stopped and a Digital Survey Plan was approved by Land Information New Zealand on 21 February 2007 (see Appendix 3).

The site is identified as Transport Environment and is adjacent to Royal Reserve, which is identified as Open Space Environment. The other properties in the immediate surrounding area are identified as Living Environment.

Harbour View Road, Te Atatu Peninsula



This site is located at the end of Harbour View Road, which is a dead-end road with no thoroughfare. The road effectively gives access to a car parking area within a Council owned reserve (Harbour View Reserve), adjacent to the Waitemata Harbour. The road has been stopped and a Digital Survey Plan was approved by Land Information New Zealand on 16 March 2007 (see Appendix 3).

To the north of the site is reserve land and existing dwellings. Adjacent to the south is Harbour View Reserve. Existing dwellings are located to the west and the Waitemata Harbour is to the east of the site.

The site is currently identified as Transport Environment. The surrounding area contains land identified as Open Space Environment and Living Environment.

3 Description of Proposed Plan Change 27

The Proposed Plan Change comprises the re-identification of the Human Environment classification of eight 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 sites. The Proposed Plan Change map for each site is attached (see Appendix 1).

Site:	District Plan Map:	Existing Human Environment:	Proposed Human Environment:
14 Bordeaux Parade	E9	Living Environment	Open Space Environment
164 Te Atatu Road (Te Atatu South Park)	E9	Open Space Environment	Living Environment
578 Te Atatu Road	D9	Open Space Environment	Community Environment
40A Royal Road	C8	Open Space Environment	Living Environment
Northern end of Riverlea Road	A8	Transport Environment	Open Space Environment
Eastern end of Scott Road	B10	Transport Environment	Open Space Environment
7 Beauchamp Drive (Royal Reserve)	C8	Transport Environment	Open Space Environment
Eastern end of Harbour View Road	D10	Transport Environment	Open Space Environment

The underlying Natural Area for each site is wholly General Natural Area, except for the following:

- Riverlea Road - identified as Coastal Environment;
- Eastern end of Scott Road -- the majority of the site is identified as General Natural Area, however, the eastern portion of the site is identified as Coastal Environment; and
- Eastern end of Harbour View Road -- the majority of the site is identified as Coastal Environment, however, the western portion of the site is identified as General Natural Area.

These Natural Area identifications will not be altered as part of the Proposed Plan Change.

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

There are no proposed changes to objectives, the policies, 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 and 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;*
- (g) The protection of recognised customary activities”.*

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

- (a) “Kaitiakitanga;*
- (aa) The ethic of Stewardship;*
- (b) The efficient use and development of natural and physical resources;*
- (ba) The efficiency of the end use of energy;*
- (c) The maintenance and enhancement of amenity values;*
- (d) Intrinsic values of ecosystems;*
- (e) Repealed;*
- (f) 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 into account.

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

The 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. The 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 the Council in achieving its functions.

Section 31(1) of the RMA outlines the 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;*
 - (iia) *The prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *The maintenance of indigenous biological diversity:*
 - (c) *Repealed*
 - (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.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

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

"A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, a direction given under section 25A(2), 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.*
- (3A) *The subsection applies to a rule that imposes a greater prohibition on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstance of the region or the district.*

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- (4) For the purposes of the examinations referred to in 3 and 3A, 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(3) and (4), 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
 - (iii) 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 objectives for the district; and
 - (b) The policies to implement the objectives; and
 - (c) The rules (if any) to implement the policies
- (2) A district plan may state -
 - (a) The significant resource management issues for the district; and
 - (b) The methods, other than rules, for implementing the policies of the district; and
 - (c) The principal reasons for adopting the policies and methods; and
 - (d) The environmental results expected from the policies and methods; and
 - (e) The procedures for monitoring the efficiency and effectiveness of the policies and methods; and

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- (f) *The processes for dealing with issues that cross territorial authority boundaries; and*
 - (g) *The information to be included with an application for resource consent; and*
 - (h) *Any other information for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (3) *A district plan must give effect to—*
- (a) *Any national policy statement, and;*
 - (b) *Any New Zealand coastal policy statement, and;*
 - (c) *Any regional policy statement.*
- (4) *A district plan must not be inconsistent with-*
- (a) *A water conservation order; or*
 - (b) *A regional plan for any matter specified in section 30(1).*
- (5) *A district plan may incorporate material by reference under Part 3 of Schedule 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 the Council must carry out an evaluation of the alternatives, benefits and costs of the Proposed Plan Change. The 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. 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 and the Living Environment should apply to private residential properties. The re-identifications would also provide a clear direction to the community on the continued use of each site for their existing and future purposes.

If the existing identifications and rules relating to the current identifications for each site 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 existing objectives, or introduce new objectives to the District Plan, further analysis is not required. In addition, it is considered

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that there will be no eroding of any existing objectives as a result of amending the Human Environment identification for the eight 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))

The 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 (the "other method" option)

Retain the existing Human Environment identifications

This approach is generally considered to be inefficient and ineffective as the sites could only be further developed via a resource consent process, where the resource consent application may be notified. It is possible that current 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 their various uses.

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 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 potential adverse effects generated by development of the land. It would also create an administrative inefficiency 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):

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- Retain the existing Human Environment identifications (the "status quo" option)
- Have no rules (the "do nothing" option)
- Schedule the sites (the "other method" option)

The Proposed Plan Change

Benefits

- The Proposed Plan Change has a significant time and cost saving for the Council through the preparation of **one** Plan Change for eight sites.
- The Proposed Plan Change would ensure that an appropriate planning regime (policies, objectives and rules) would govern land in private ownership where the Council has no intention of acquiring the sites for reserve purposes, as well as the Council's parks assets. The Proposed Plan Change would also recognise the roads that have recently been converted to reserves under the Reserves Act 1977.
- The re-identification would enable a range of development scenarios for sites that are currently not permitted for the private landowners, the Council as a landowner, and the broader community.
- The Proposed Plan Change would provide a clear direction to the community on the continued use of each site for existing and future purposes.
- 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 \$10,000-\$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.

Costs

- The objectives and policies of the Open Space Environment are inconsistent with the site at 578 Te Atatu Road, 40A Royal Road, and the area of the site at 164 Te Atatu Road, which is subject to a land swap with 14 Bordeaux Parade. Also, the objectives and policies of the Living Environment are inconsistent with the area of the site at 14 Bordeaux Parade that has been land swapped. The objectives and policies of the Transport Environment are inconsistent with the sites at Riverlea Road, Scott Road, Beauchamp Drive and Harbour View Road as these areas are now reserves.
- 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 existing 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 identified.

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Do Nothing

Benefits

- No further resources required compared to 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 Environment and Natural Area identifications. 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 sites.
- There would be a cost to the Council in defending applications for inappropriate activities for use and development of the eight sites – this is likely to be tens of thousands of dollars.

Other Methods

Benefits

- Scheduling the sites 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 \$10,000-\$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 the 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 considered that it is not 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 scheduling of the sites. The alternatives are not considered to be

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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 the 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 on the Environment

Under section 31 of the Act, the Council's functions include "*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

The site at 40A Royal Road is currently vacant, however, it is located in an area that contains dwellings on sites identified as Living Environment. As such, it is considered that re-identifying the site to Living Environment will not affect the amenity values and neighbourhood character of the area.

The re-identification of parts of 14 Bordeaux Parade and 164 Te Atatu Road will maintain the amenity of the area as similar areas of land are being swapped (477 sq m) and the new identifications will be consistent with the remainder of these sites.

The site at 578 Te Atatu Road contains a takeaway store and is part of an existing block of shops. As the re-identification of this site from Open Space Environment to Community Environment will effectively correct an error in the District Plan, it is considered that the amenity of the area will be maintained.

In regard to the four sites that are currently identified Transport Environment (being Riverlea Road, Scott Road, Beauchamp Road and Harbour View Road), it is considered that the amenity or landscape values of the areas surrounding these sites will not be compromised as they are now classified as reserves under the Reserves Act 1977.

Traffic/Transport

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 approvals from Council (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

The Human Environment re-identifications will have no impact on existing infrastructure. Further development of the sites may occur once the Plan Change is operative, however, this would be subject to normal consents obtained from the Council.

AS9

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 – 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 eight sites currently contain various identifications on the District Plan maps, including Open Space, Living and Transport on the Human Environment maps, and General Natural Area and Coastal Environment on the Natural Area maps.

Open Space Environment

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.

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 for the sites at 40A Royal Road, 164 Te Atatu Road, and 578 Te Atatu Road for the following reasons:

- 40A Royal Road - This land is now privately owned and is not public reserve or even proposed reserve.
- 164 Te Atatu Road – This land has been swapped with land currently identified as Living Environment.
- 578 Te Atatu Road – This land contains a takeaway store that is part of an existing block of shops.

Transport Environment

The definition provided in the District Plan for the Transport Environment states that the Transport Environment "means land vested, dedicated or gazetted as road and is shown on

the Human Environment maps as Transport Environment and to which the Transport Environment Rules apply". The rules contained in the Transport Environment section of the District Plan seek to control buildings in this environment.

The Proposed Plan Change is considered to be consistent with the policies of the District Plan as the Transport Environment identification is inappropriate for the sites at Riverlea Road, Scott Road, Beauchamp Drive and Harbour View Road as these areas have now been classified as reserves under the Reserves Act 1977.

Living Environment

Part 5 of the District Plan states that the Living Environment "Includes all areas within the intensively settled urban area that are primarily residential in character". The rules for the Living Environment involve bulk and location rules, which are one of the main mechanisms that the Council utilises to manage the effects of land use and to achieve a high standard of amenity value in the urban areas.

It is considered that the Proposed Plan Change is consistent with the policies of the District Plan as the Living Environment identification is inappropriate for the site at 14 Bordeaux Parade as this land has been swapped with the reserve land located at 164 Te Atatu Road (Te Atatu South Park) and will not contain dwellings.

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 reasons given below:

Objective	Consistency with Proposed Plan Change
<p><i>Objective 10:</i></p> <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"> • an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration; • adequate levels of daylight and sunlight in dwellings; • adequate levels of darkness for sleep; • a safe environment; • an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land; • adequate levels of on-site privacy; • healthy air quality. 	<ul style="list-style-type: none"> • The Proposed Plan Change is consistent with this objective to the extent that the sites all have a similar level of amenity value as the surrounding and adjoining (in most cases) land. • The Proposed Plan Change would ensure that the sites land use is compatible with the surrounding land uses in all cases.

A91

Objective	Consistency with Proposed Plan Change
<p><i>Objective 11:</i></p> <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"> • the quality and character of different patterns of settlement within the City's intensively settled residential areas; • the pedestrian-orientated amenity values of the town centres and the character of those areas as retail centres; • the utilitarian nature and character of the industrial areas; • the natural and physical features that give each rural and coastal village its particular and unique character; • the pastoral/rural character of the northern parts of the City; • the complex, mixed landscape of the foothills. 	<ul style="list-style-type: none"> • The Proposed Plan Change will ensure that the neighbourhood character where each of the eight sites is located is maintained and strengthened through the continuity of the relevant Human Environment identification. • The Proposed Plan Change achieves this objective by ensuring that appropriate land use activities are co-locating.

5.2 Summary of District Plan Objectives/Policies/Rules

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, Open Space, Community and Transport Environments where relevant.

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

The Open Space Environment includes the public parks and reserves in Waitakere City.

The Community Environment applies to the town centres, suburban shopping centres and blocks of shops within Waitakere City.

A92

The Transport Environment covers all of the roads in the City which are owned by the Council or Transit NZ, and the railway corridor

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 to the extent that it will provide for land to be re-identified for more appropriate uses. Also, the eight sites are located within the Metropolitan Urban Limits.

6.2 Reserve Management Plans

None of the land to which this Proposed Plan Change relates is part of 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 Long Term Council Community Plan has nine platforms that set out the Council's goals and actions for managing the social, economic and environmental wellbeing of the City. The Urban and Rural Villages pathway identifies the need for the Council to provide a range of lifestyle options. It is considered that the Proposed Plan Change is consistent with the Green

Network Strategic pathway, as it does not have the potential for adverse effects on the natural environment in this instance.

The Proposed Plan Change would enable the use of each of the sites for residential or reserve purposes as appropriate under the re-identifications. Each of the sites contribute to the amenity and visual appeal of the surrounding area in a manner that is consistent with the Council's strategic direction. This will not change as a result of the Proposed Plan Change.

7.3 Waitakere City Council's Draft Parks and Open Space Strategy

The Proposed Plan Change is consistent with the Draft Parks and Open Space Strategy (September 2005) (The Strategy), which deals with the management and development of parks in the City. It also details the direction and establishes the long term vision for parks for the next 50 years and beyond.

The Strategy outlines an integrated vision for the future of Waitakere City parks and proposes eight objectives to provide a framework for all park management. The eight objectives in the Strategy involve the integration of objectives relating to the Green Network, and recreation, social and administration objectives. The document also outlines policies, priorities and key actions.

The Proposed Plan Change is considered to be consistent with the Strategy as the site at 40A Royal Road has been sold to a private landowner and is no longer part of Royal Reserve (7 Beauchamp Road). The land swap between the sites at Te Atatu South Park (164 Te Atatu Road) and 14 Bordeaux Parade involves the same area of land (477 sq m), therefore, the area of Te Atatu South Park will not be reduced. Also, the site at 578 Te Atatu Road contains a takeaway store and is part of an existing block of shops.

In regard to the sites that are currently identified as Transport Environment, these areas have now been classified as reserves under the Reserves Act 1977. Where there are currently roads/car parking areas, these areas will remain at the present time, however, the re-identification of these sites allows the roads to be closed and parks buildings, facilities, furniture, infrastructure or signs to be established within these areas as required.

8.0 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 changes the current identification of areas of land to more appropriate identifications.

Landowners and residents of the three privately owned sites (14 Bordeaux Parade, 40A Royal Road and 578 Te Atatu Road) have been contacted via letters of explanation dated 17 March 2008 and 8 May 2008. The letters informed the landowners and residents of Council's intention to re-identify the sites and sought comments regarding the Proposed Plan Change.

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One written response was received in relation to Council's letter of 17 March 2008 from Tse (David Macpherson) on behalf of HY Developments Ltd, who own the land at 14 Bordeaux Parade. This letter advises "...our client fully supports the Proposed Plan Change" (see Appendix 2).

A phone call was also received from a representative of the owner of 578 Te Atatu Road on 12 May 2008. This call was to clarify what the Proposed Plan Change involves. It was explained that the Proposed Plan Change will effectively correct an error on the District Plan maps for this site (from Open Space Environment to Community Environment).

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

9.0 Conclusion

The Proposed Plan Change seeks to re-identify eight sites from their current identifications of Open Space to Living, Living to Open Space, Open Space to Community and Transport to Open Space Environments. The changes to the District Plan include amendments to each site's Human Environment identification on District Plan maps A8, B10, C8, D9, D10, and E9. 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 eight sites would ensure that more appropriate rules would apply to the sites.

The Proposed Plan Change is considered necessary to achieve the purpose of the Act and is the most appropriate method in terms of effectiveness and efficiency of the 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 also consistent 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.

AAS

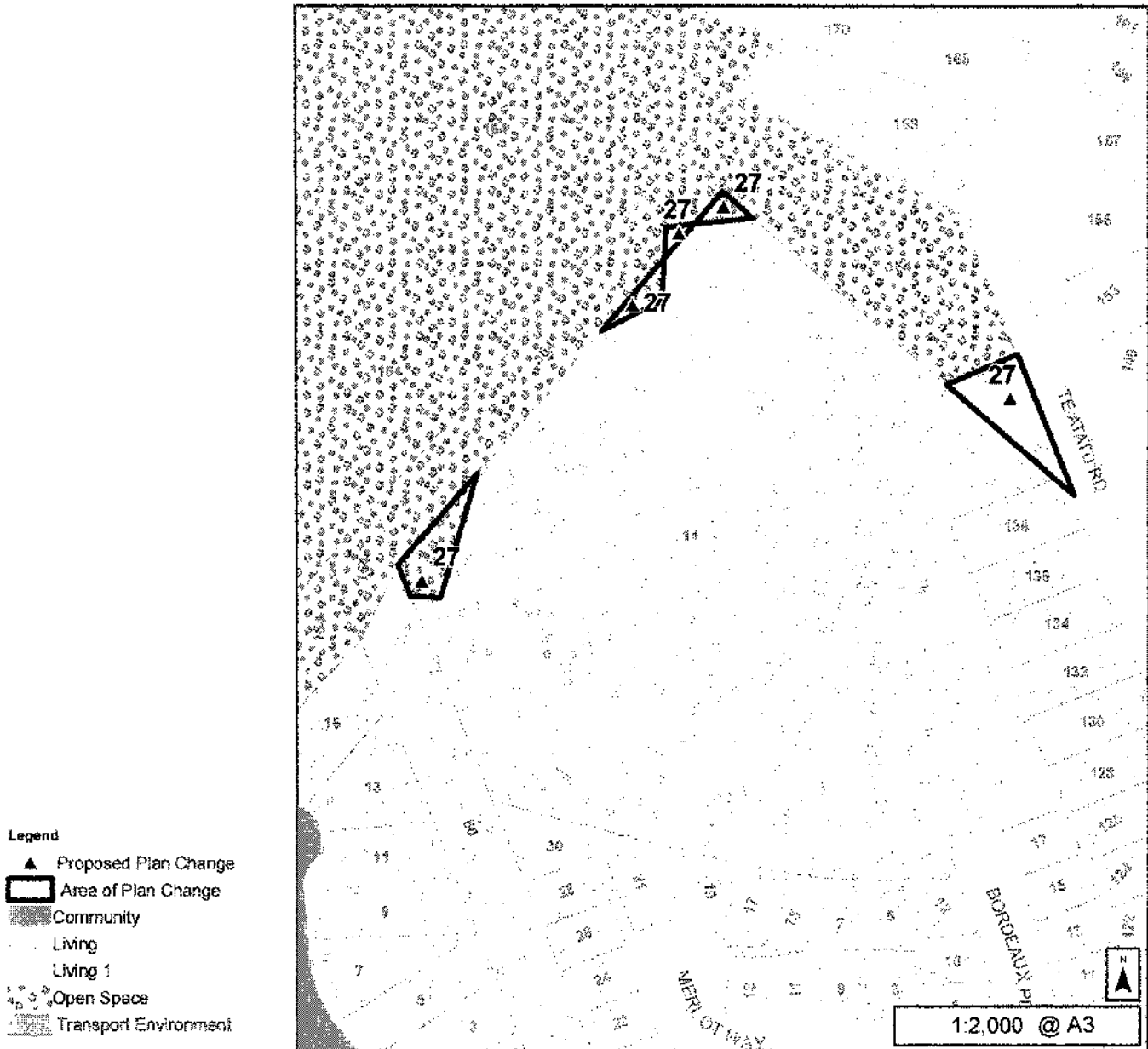
Appendix 1: Amended Human Environment District Plan Maps

A96

Waitakere City Council District Plan

Map compiled by GIS Group, Waitakere City Council
Council Information Systems Unit
General Information Unit
New Zealand Geographic Information Services
GCSDB: 2004 Survey Process
Date: 12/05/2008

Changes to Map E9 Human Environments



L:\WCC_Projects\DistrictPlanMaintenance\Plan_Changes\PlanChange27HumMxd\27Draft_1021.mxd

Plan Change No. 27

**Changes From 'Open Space Environment' to 'Living Environment'
and from 'Living Environment' to 'Open Space Environment'**

164 Te Atatu Road & 14 Bordeaux Parade

Lot 21 DP 53436

Lot 7 DP 19451

Lot 100 DP 369723

Status: DRAFT

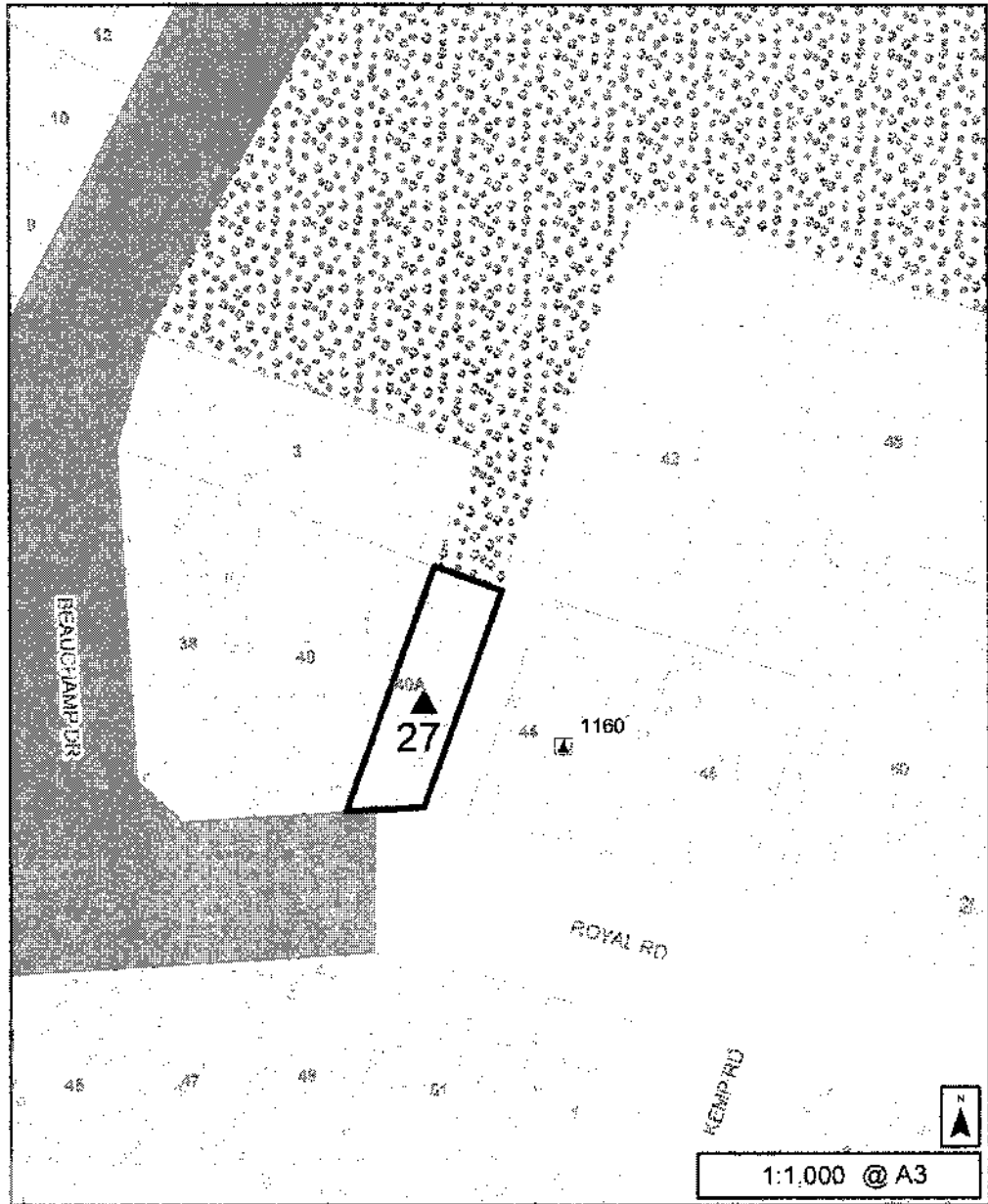
Date: May 2008

A97

Waitakere City Council District Plan

Map compiled by GIS Centre, Waitakere City Council. Copyright: Waitakere City Council. All Rights Reserved. Information: New Zealand, District Councils, Environment 2004. All Rights Reserved. Digital Licence 1992-2004.

Changes to Map C8 Human Environments



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Plan Change No. 27

Change from 'Open Space Environment' to 'Living Environment'

40A Royal Road, Massey
Lot 2 DP 378439

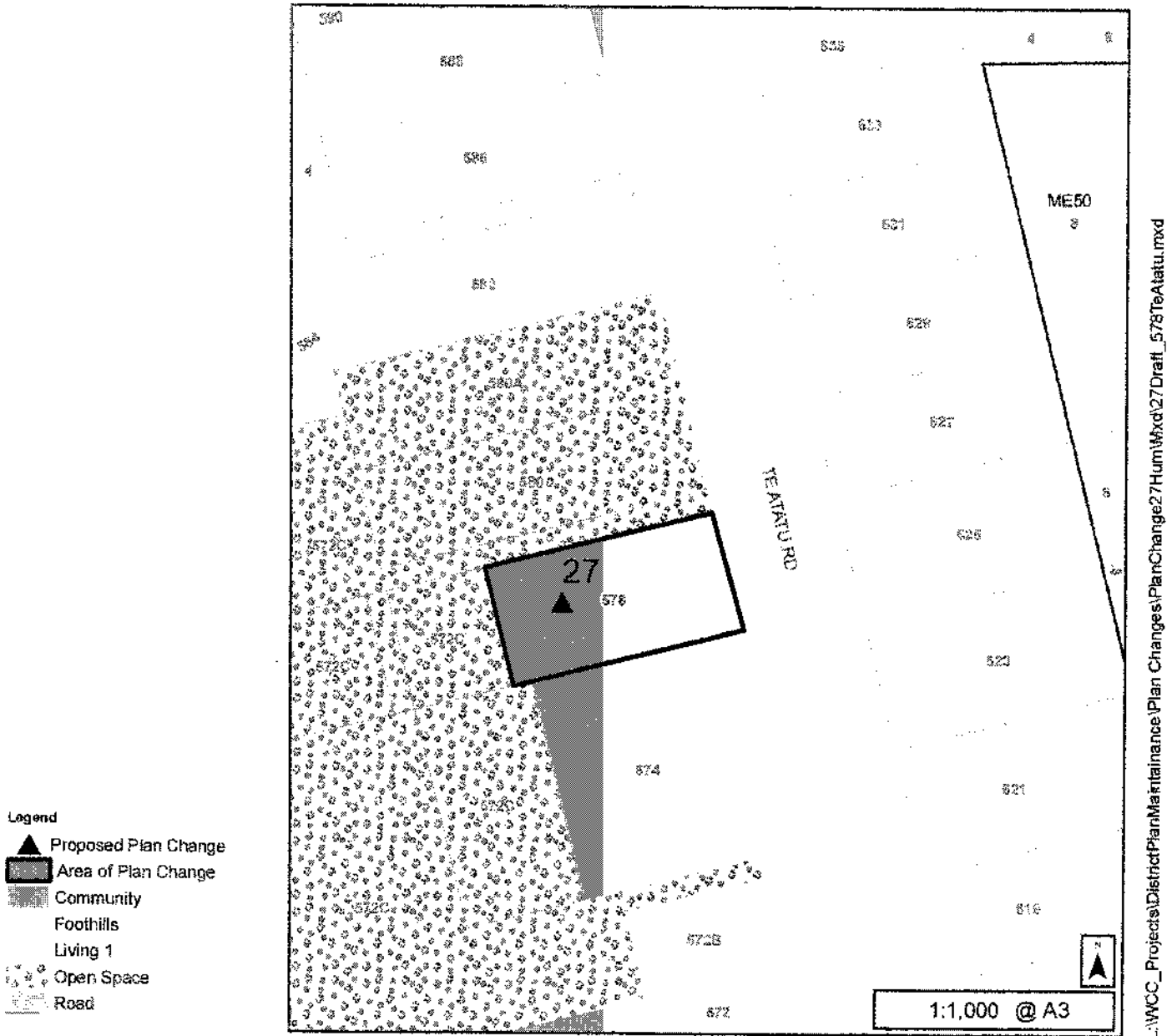
Status: DRAFT
Date: May 2008

A98

Waitakere City Council District Plan

Map prepared by GIS group, Waitakere City Council. Source: Information Systems Group. Data derived from Land Information New Zealand. Other sources: Dunstons Landjet, Crown of New Zealand. Digital Source: Auckland.

Changes to Map D9 Human Environments



Plan Change No. 27

Changes from Open Space Environment to Community Environment
578 Te Atatu Road, Te Atatu Peninsula

Lot 46 DP 40799

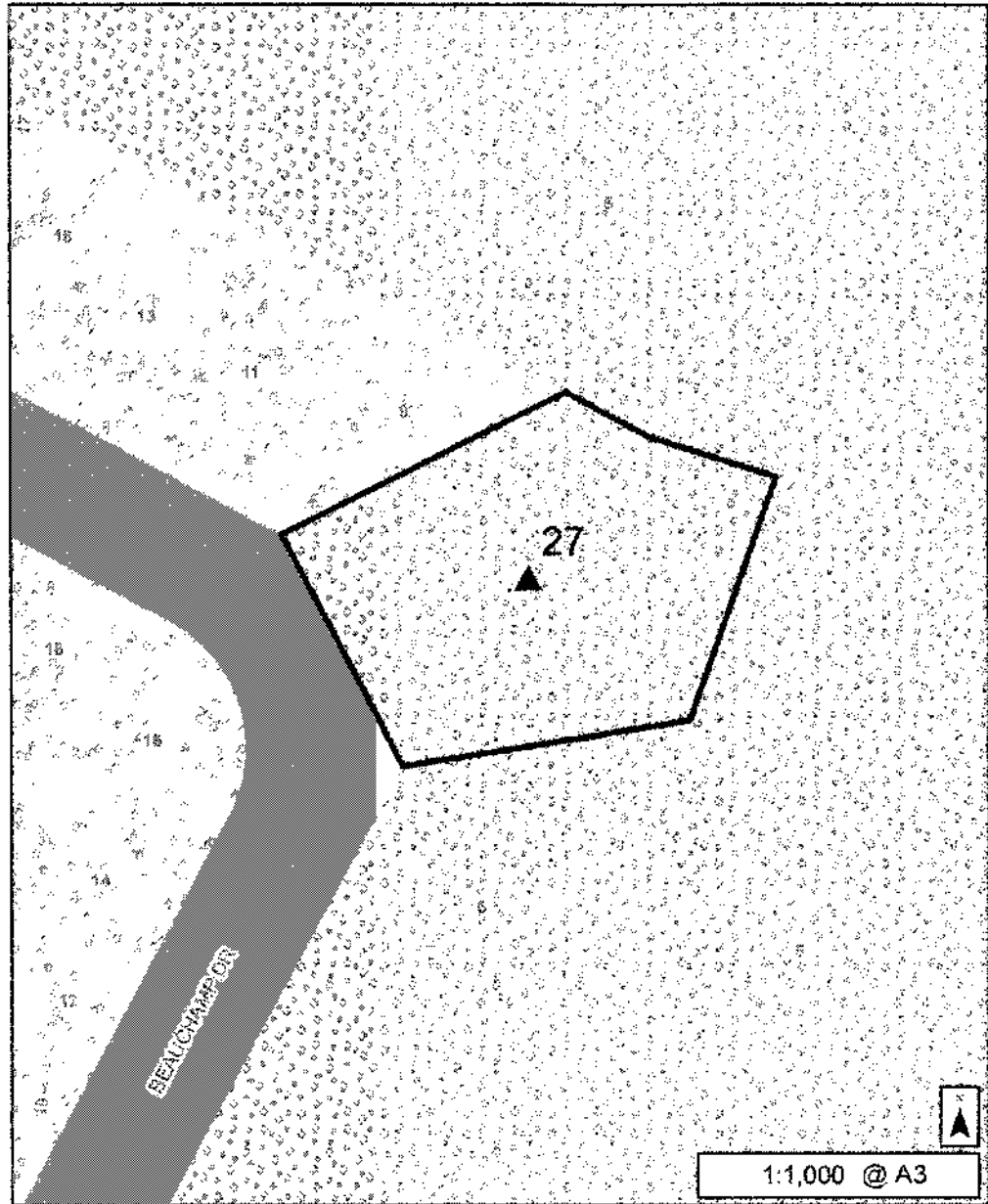
Status: DRAFT
Date: May 2008

A99

Waitakere City Council District Plan

Map prepared by GIS Unit, Waitakere City Council, Department for Planning, City Centre, Central Information and Land Administration, New Zealand. Layout Design and Publication by GIS Unit, Waitakere City Council. Digitized from GIS Unit, Waitakere City Council.

Changes to Map C8 Human Environments



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Plan Change No. 27

Change from 'Transport Environment' to 'Open-Space Environment'

Royal Reserve, 7 Beauchamp Drive

Status: DRAFT

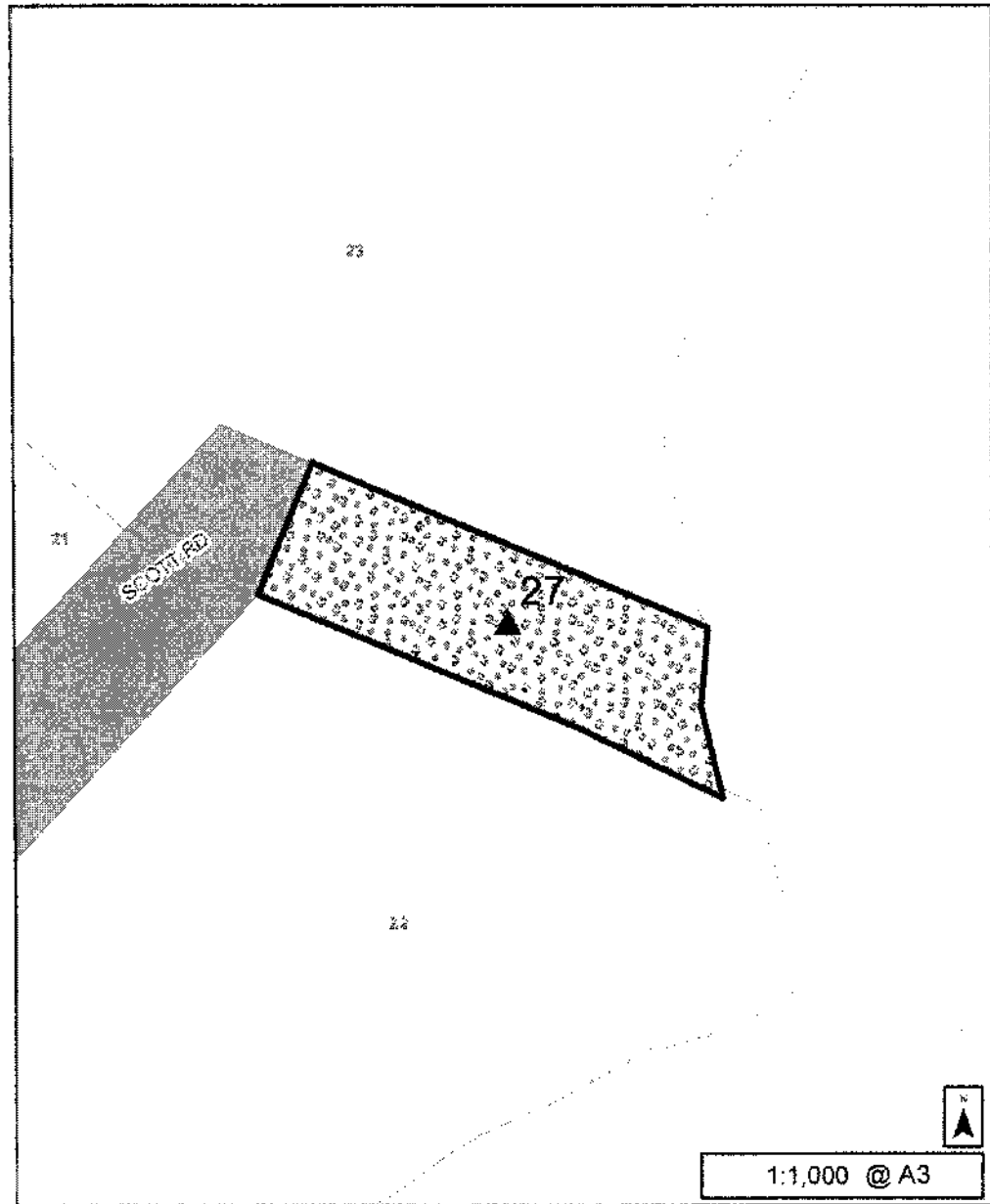
Date: May 2008

A100

Waitakere City Council District Plan

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Changes to Map B10 Human Environments



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Plan Change No. 27

Change from 'Transport Environment' to 'Open-Space Environment'

Eastern End of Scott Road

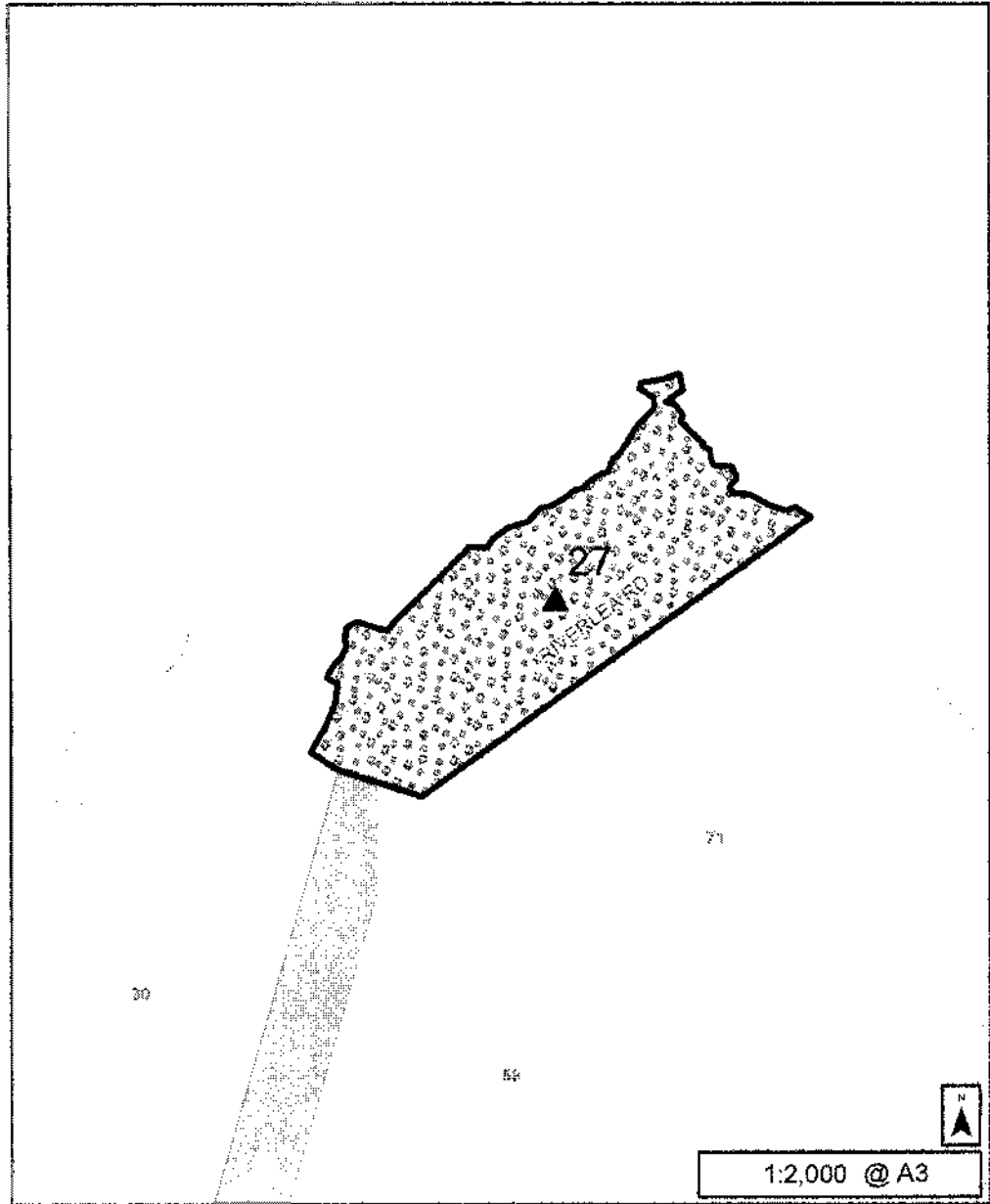
Status: DRAFT
Date: May 2008

A102

Waitakere City Council District Plan

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Changes to Map A8 Human Environments



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Plan Change No. 27

Change from 'Transport Environment' to 'Open-Space Environment'

Northern end of Riverlea Road

Status: DRAFT

Date: May 2008

A103

Appendix 2: Letter from Tse Group Ltd (dated 8 April 2008)

A104

8 APR 2008



Tse Group Limited

PRINCIPALS

M P Phanoulas, BArch, ANZIA
K J Tonks, ANZIV, MPEL,ENZ
P M Olivier, BSc, BE (Civil), MIPENZ, MICE
B D Gawn, Dip Surv, MNZIS, LS(Brunel)
P J McCombe, BSc, BArch, ANZIA
J A Needham, BSurv, MNZIS
P D Jones, SDes (Int)
Y Kroo, BE (Hons)

ASSOCIATES

D W Cowie
D Macpherson, BA, Dip TP, MNZPI
C R Orchardson, BArch, FNZIA, Val Prof (Urb), FAMINZ
G C Miller, BSc (Hons), Dip T&CP, MNZPI, CMILT
A Y M Cheng, BArch, MA (Housing), ANZIA, RIBA
M L Smith, BArch, ANZIA, NZSSES
R N Watson, BE (Civil), MIPENZ, CPEng
P Beillard, BE (Civil), MIPENZ, CPEng

LEVEL 1, BUILDING 6
656 GREAT SOUTH ROAD, PENROSE 1061
PO BOX 11119, ELLERSLIE 1542
AUCKLAND, NEW ZEALAND

TELEPHONE (64) (9) 525-2214
FAX (64) (9) 525-2241
EMAIL: admin@tse.co.nz

Architects - Engineers
Interior Designers - Land Surveyors
Resource Planners - Valuers

8 April 2008

Waitakere City Council
Private Bag 93 109
HENDERSON

011319

5444/06/100
dmc08-24ms.doc

Email: michelle.cooper@waitakere.govt.nz

Attention: Michelle Cooper - Senior Planner/Policy Implementation

Dear Madam

PROPOSED PLAN CHANGE - 14 BORDEAUX PARADE, TE ATATU SOUTH - HY DEVELOPMENTS LTD

I refer to your letter of 17 March 2008.

Thank you for the information provided in this letter concerning the intended Plan Change. Our client, HY Developments Ltd is directly affected by the Proposed Plan Change. The need for the Plan Change is driven by the development proposal for a mixed conventional and medium density development at the above address. The Plan Change, as you are aware, will rationalise the interface between what will be the developed area adjoining the park and the park itself.

In our view, assuming resource consent is given to the development (a decision on this is currently pending), this would provide sufficient authority for the areas that are currently zoned as open space to be included as part of the development when implemented.

However, to avoid any disagreement in this regard, we would ask that the Plan Change be notified as soon as possible. Our client has had his resource consent application with Council for almost two years and does not wish to be subject to any further delays in regard to the implementation of his project. As the owner of land directly by the rezoning, our client fully supports the proposed Plan Change.

Therefore, we would ask that the Proposed Plan Change be commenced as early as possible and processed without delay.

Yours faithfully
TSE GROUP LIMITED

David Macpherson
Town Planner - Associate

A105

Chief Executive	
Corporate Services	
City Services	
Moselle	✓
Consultancy Services	
ECC - WATER	
Strategic Group	
Consent Services	
Field Services	