

AGENDA FOR A MEETING OF THE PLANNING AND REGULATORY COMMITTEE TO BE HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY, 19 AUGUST 2010, COMMENCING AT 9.30 AM

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PART A - OPENING OF MEETING

1 APOLOGIES



2 RECOMMENDATIONS ON SUBMISSIONS TO PROPOSED PLAN CHANGE 35: WAITAKERE RANGES HERITAGE AREA DISTRICT PLAN SECTION, ORATIA LOCAL AREA PLAN, WAIATARUA LOCAL AREA PLAN AND ORATIA RURAL VILLAGE

GLOSSARY

Auckland Regional Council	(ARC)
Waitakere City Council	(the Council)
Auckland Regional Policy Statement	(ARPS)
Waitakere Ranges Protection Society	(WRPS)
Proposed Plan Change 35	(PPC35)
Waitakere District Plan	(WDP)
Resource Management Act 1991	(RMA)
Waitakere Ranges Heritage Area	(WRHA)
Waitakere Ranges Heritage Area Act 2008	(WRHAA)
Local Area Plans	(LAPs)
Oratia Structure Plan	(OSP)
Oratia Rural Village Non-Residential Activity Overlay	(Overlay Area)
Oratia Rural Village	(Village)
Long Term Council Community Plan (2009-2019)	(LTCCP)
Metropolitan Urban Limits	(MUL)

EXECUTIVE SUMMARY

A1-A27

The purpose of this report is to make recommendations to the Planning & Regulatory Committee regarding the decisions sought in submissions and further submissions received in relation to the Proposed Plan Change 35: "Waitakere Ranges Heritage Area District Plan Section, Oratia Local Area Plan, Waiatarua Local Area Plan and Oratia Rural Village" ("PPC35"). The report recommends that PPC35 be approved subject to amendments made in response to the decisions sought in submissions and further submissions described in this report and detailed in the attached at pages A1 to A27.

PPC35 proposes to establish a new Policy Section 5B within the Waitakere District Plan (WDP) entitled: 'Waitakere Ranges Heritage Area' ("WRHA") to give effect to the purposes and objectives of the Waitakere Ranges Heritage Area Act ("WRHAA"). Policy Section 5B contains policies specific to the WRHA which complement the existing objectives and policies located in Section 5 of the WDP. These existing policies seek to protect the outstanding natural landscape and ecological values of the Waitakere Ranges including the foothills as whole as well as the various amenity values and neighbourhood character features identified within the unique Human Environments. New rules relating to non-residential activities in the Oratia Village which give effect to aspects of the Oratia Local Area Plan ("LAP") are also proposed.

PPC35 Policy Section 5B incorporates explanatory text into the WDP to introduce the WRHA and describe the resource management issues associated with sustainable management of natural and physical resources within the broader policy objectives of both the Resource Management Act (“the RMA”) and the WRHAA. The objectives set out in Section 8 of the WRHAA have been adopted as WDP objectives as they are largely concerned with promoting the long term sustainability of the natural and physical heritage features (resources) of the WRHA which is consistent with the purpose of the RMA. In addition, the objectives recognise the fact that people live and work in the WRHA in distinct communities and that those people should be able to provide for their social, economic, environmental and cultural wellbeing. Special recognition is given to the rural nature of parts of the WRHA (particularly the eastern foothills) and providing for appropriate future uses of rural land in order to retain rural character. The protection of the Waitakere Ranges Regional Park for its intrinsic values and as a place for human use and enjoyment is also recognised.

The Waitakere City Council (“the Council”) has prepared LAPs for Oratia and Waiatarua. The Oratia and Waiatarua LAPs define the heritage features unique to these areas. These are set out in Section 5B.3.1 and 5B.3.2 of PPC35 along with the existing and future character and amenity statements for these areas. New objectives and policies specific to both these areas are included in PPC35.

In relation to Oratia, the development of the LAP identified a desire from the local community to enhance the existing ‘Oratia Village’ situated along a short stretch of West Coast Road, west of the Shaw Road intersection. Enhancement of the Village will improve its function as a place to gather and socialise with limited opportunities to shop and conduct business. The Council has sought to reflect this in a new set of rules specific to the Oratia Rural Village Non-Residential Activity Overlay Area (“the Overlay Area”) which provides for a limited range of non-residential activities consistent with a small-scale rural village/service centre. In addition, specific policy recognition is given to an area of land bounded by Pine Avenue, Forest Hill Road and Holdens Road which is outside of the Oratia Structure Plan Area (“OSP”). This is so that the resource management issues specific to that area and its wider rural context can be given proper regard in the event that a non-complying resource consent application for subdivision is applied for, although a refinement of the approach taken to this area is recommended in this report in response to the decisions sought in submissions.

The Council received 127 submissions in relation to Plan Change 35 and 7 further submissions. Council staff have carefully considered the issues raised in these submissions. Recommendations relating to the decisions sought in submissions are set out in Section 3.0 of this report.

RECOMMENDATIONS

It is recommended that the Planning and Regulatory Committee resolve to:

1. **Receive** the “Report on Recommendations on Submissions on Plan Change 35: Waitakere Ranges Heritage Area District Plan Section, Oratia Local Area Plan, Waiatarua Local Area Plan and Oratia Rural Village”.
2. **Agree** to accept, accept in part, or reject the submissions to Plan Change 35: “Waitakere Ranges Heritage Area District Plan Section, Oratia Local Area Plan, Waiatarua Local Area Plan and Oratia Rural Village”.
3. **Agree** to accept late submissions 35/122, 25/124 and 35/125 as these were received shortly after the close of submissions and their consideration does not prejudice any party.

A1-A27

4. **Agree** that pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991, the Planning & Regulatory Committee having had regard to the submissions received and subject to any contrary or additional evidence presented at the hearing, approve the amended Proposed Plan Change 35: Waitakere Ranges Heritage Area District Plan Section, Oratia Local Area Plan, Waitatarua Local Area Plan and Oratia Rural Village attached at pages A1 to A27.

1.0 BACKGROUND

Waitakere Ranges Heritage Area

1. PPC35 relates to the WRHA which comprises the western (Tasman) and southern (Manukau) coastlines, the bush clad Waitakere Ranges and the eastern foothills of Waitakere City (Auckland). The area extends north from Whatipu to Te Henga (Bethells) in the west and from Titirangi to Waitakere Village in the east when viewed on a south-north traverse. The extent of the area is shown on a map attached as Schedule 1 to the WRHAA and on Policy Map X which was introduced via Plan Change 16.
2. The WRHA is formally recognised as an area that has local, regional and national significance because of its outstanding ecological and landscape values. It is known for its terrestrial and aquatic ecosystems, which include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences. The WRHA is the western visual backdrop to metropolitan Auckland which has significant landscape value to the region. The forested hills and coastal vistas are essential to the identity of both the WRHA itself and urban Auckland containing a diverse range of landscapes and distinct resident communities. The WRHA is an important tourist destination attracting visitors seeking to experience its iconic west coast beaches and unique bush clad areas.
3. The WRHA comprises approximately 27,720 hectares of public and privately owned land. The area includes a 17,000 hectare Regional Park which was established over a long period through gifts, grants, purchases and vesting of land. The WRHA also contributes to metropolitan Auckland's water supply. It is, in part, a water catchment area and the location for a series of storage and supply systems that have sustained Auckland since 1902.
4. The WRHA is home to more than 21,000 people and has a long and rich human history with significance to people of both Maori and NZ European descent. Residential communities are dispersed throughout the WRHA on rural properties in the eastern foothills, larger bush lots in the Ranges, particularly along main roads and in coastal settlements. A significant number of people also work in the WRHA, with a large proportion working from home.

Plan Changes 35, 36 and 37

5. PPC35 is part of a suite of plan changes including PPC36 and PPC37 designed to give effect to the purpose and objectives of the WRHAA and the Council's broader economic wellbeing objectives for those people living and working within WRHA. At its 8 December 2009 meeting, the Council's Planning and Regulatory Committee resolved to publicly notify PPC35, PPC36 and PPC37. The Plan Changes were publicly notified on 10 February 2010 with the submission period closing on 12 March 2010. A total of 127 primary submissions were received in relation to PPC35. A summary of the decisions sought in submissions was notified on 28 April 2010. The further submission period closed on 4 June 2010. A total of 7 further submissions were received that support or oppose submissions on PPC35.

6. The statutory mandate set out in Section 11 of the WRHAA is the basis upon which the Council has initiated a review of the WDP in relation to the WRHA. This acknowledges the fact that the sustainable management of natural and physical resources is fundamentally linked to achieving the purpose and objectives of the WRHAA although it is noted that the purpose and principles of the RMA have primacy. The review resulted in a Council resolution to amend the WDP in accordance with PPC35 to give effect to the purpose and objectives of the WRHAA and to introduce policies and rules associated with the Oratia and Waiatarua Local Area Plans.
7. Specifically, PPC35 introduces the WRHAA objectives in relation to the heritage features of the WRHA, the LAPs for Oratia and Waiatarua and rules changes relating to matters arising from the development of the Oratia LAP, in particular strengthening the Oratia Village as a focus for local community activity. A detailed description of Plan Change 35 is set out on pages 13-19 of the Section 32 report.
8. PPC36 relates to the social, economic, cultural and environmental wellbeing of the people and communities living and working in the WRHA as well as those visiting this area. PPC36 implements objectives of the WRHAA, particularly Section 8(i) and 8(j) as well as Council's broader economic wellbeing objectives set out in the Council's Waitakere Wellbeing Strategy 2009 and subsequent economic development studies specific to the WRHA.
9. Specifically, PPC36 proposes changes to the existing WDP rules to enable future uses of rural land in order to retain rural character, particularly in the eastern foothills of the WRHA. In addition PPC36 gives greater support to existing non-residential activities throughout the WRHA by enabling appropriate and managed expansion of these activities. More limited rule changes are also proposed to enable the establishment of retail activities involving the sale of food and arts and crafts. Amendments to traffic generation and existing signage rules in the Waitakere Ranges, Bush Living and Coastal Villages Environments are also proposed in order to streamline consenting processes associated with the land use activities provided for. Recommendations on decisions sought in submissions on PPC36 are set out in a separate hearing report.
10. PPC37 relates to Titirangi Village. Specifically, PPC37 removes inappropriate District Plan provisions relating to Titirangi Village, and proposes new policy guidance and matters of assessment for land use activities. These are intended to provide long term certainty for the desired future character and amenity of Titirangi Village which is also described in PPC37. Recommendations on decisions sought in submissions on PPC37 are set out in a separate hearing report.

Oratia and Waiatarua Local Area Plans

11. The Council has prepared and adopted LAPs for the eastern foothill communities of Oratia and Waiatarua in accordance with Section 25 of the WRHAA. These LAPs form part of a programme of LAP development intended for areas of community focus throughout the WRHA. The Council's starting point for the development of LAPs has been the eastern foothills including Oratia, Waiatarua and more recently Henderson Valley. It is expected that the LAP development process for all of the WRHA communities will take 7 years. This is budgeted for in the Council's Long Term Council Community Plan 2009-2019 ("LTCCP"). Priority areas and timing for the development of future LAPs will be determined by the new Auckland Council.

12. The geographical boundaries of the Oratia and Waiatarua LAP's are shown on Policy Maps 5B 3.1.1 and 5B3.2 which form part of PPC35. LAP's are planning tools that have been included in the WRHAA (Section 25) to identify and describe various heritage features found within a local context. They are relevant to the Council's resource management functions under the RMA because they can assist in identifying issues relating to the sustainable management of natural and physical resources, including subdivision.
13. For both these areas, the LAP process has identified the contribution these areas make toward the national significance of the WRHA. This is documented in the Oratia and Waiatarua LAPs adopted by the Council in December 2009 and described in the Section 32 report which accompanies PPC35. Particular to Oratia is the management of future subdivision and maintaining the existing landscape character (ranging from the rural, undulating foothills to the steeper upper valleys with their forests and ridgelines) as this area transitions to a rural-residential environment with a more diverse range of rural land uses that retain the rural character of the area. Provision for a neighbourhood scale rural village in Oratia that supports the social, economic and cultural wellbeing of the community and which is clearly connected to the history, community and rural character of the area is also a priority. Proposed objectives and policies for Oratia will enable the enhancement of the existing Oratia Village (currently comprising a loose assemblage of buildings and non-residential activities) to become a focus for local community activity at a scale which is distinctly different from centres of non-residential activity within urban Auckland further to the east.
14. For Waiatarua, key issues are about retaining and enhancing the areas existing character and amenity, particularly the retention and enhancement of existing bush and ecosystems and ensuring that the built environment remains subservient to the natural environment. The Waiatarua area is located at the top of the Waitakere Ranges, within the upper valley and forested core in the south east of the Heritage Area. Waiatarua encompasses the Scenic Drive ridge and the forested upper reaches of the Oratia and Opanuku Stream catchments. The landscape in this area has national and regional significance. It has outstanding scenic beauty, and forms the dramatic visual backdrop to metropolitan Auckland.
15. The approach taken by the Council is to include all of the statements relating to the existing and future character and amenity of these two areas into the WDP, as this will inform resource management decisions made in relation to Oratia and Waiatarua. The policies proposed for both these areas seek to recognise the contribution the heritage features identified in Oratia and Waiatarua make to the national significance of the Waitakere Ranges and foothills and to retain and enhance these features.
16. The LAPs and background material accompanying the section 32 report provide further information on the LAPs, the local areas and community consultation.

Consultation

17. Consultation during the preparation of the proposed Plan Changes was undertaken through the Oratia and Waiatarua LAP process, meetings with interested persons and groups, meetings with the Auckland Regional Council, and extensive involvement of the community in the preparation and advancement of the WRHAA through Parliament. Further information on consultation is provided in the section 32 report and the LAPs and background material.

2.0 STRATEGIC CONTEXT

18. The purpose of the WRHAA described below is to recognise the national, regional and local importance of the WRHA, and to promote the protection and enhancement of its heritage features for present and future generations.
19. The regulatory protection of the WRHA through PPC35 supports the central objective of the “Green Network” Platform of the Council’s LTCCP. The restricted growth and protection of this area is part of the Growth Management Strategy and the urban intensification objectives of the Council. As the urban part of the City intensifies, the strategic importance of the unspoiled coast, the protected Ranges and the rural foothills will continue to grow.
20. The suite of Plan Changes (35, 36 and 37) are designed to give effect to the purpose and objectives of the WRHAA and its local contexts of Oratia, Waiatarua and Titirangi. These complement the Waitakere Growth Management Strategy, the Auckland Regional Growth Strategy and policies in the Auckland Regional Policy Statement (“ARPS”). The WRHAA seeks to avoid unplanned ad-hoc urban expansion, beyond the Metropolitan Urban Limits (“MUL”) that would adversely affect the rural and natural character of the WRHA. At the same time, the continued existence and sustainable development of the diverse local communities in the area is also an objective of the WRHA.

3.0 DECISION MAKING

Issues

21. The Council is required pursuant to Clause 10 of the First Schedule of the RMA to make a decision on the proposed provisions and the decisions sought in submissions on PPC35. The decision must include the reasons for accepting or rejecting the submissions having regard to the purpose and principles of the RMA. Particularly the Council needs to be satisfied that PPC35 gives effect to the WRHAA pursuant to Section 11 of that Act and promotes the sustainable management purpose of the RMA.

Statutory Requirements and the Planning Framework

Waitakere Ranges Heritage Area Act 2008

22. The WRHAA received royal assent on 8 April 2008. The legislation establishes the WRHA (comprising 27,720 hectares). Its purpose is to recognise the national, regional and local significance of the WRHA and promote the protection and enhancement of its heritage features for present and future generations.
23. The WRHAA responds to concerns expressed by the community and statutory bodies over a number of years. These include the potential adverse cumulative effects from urban growth (particularly residential subdivision) on the natural, rural and coastal landscape and the ecological, historic and cultural heritage of the area, and the difficulties in managing such effects under the existing regulatory framework. The WRHAA is a key piece of legislation that provides additional status to an important geographical area beyond the matters in Part II of the RMA.

24. Section 7 of the WRHAA defines the heritage features of the WRHA which include a range of natural, physical, cultural and amenity features. Section 8 sets out the objectives of establishing and maintaining the WRHA. Section 11 establishes a mandatory requirement for territorial authorities to give effect to the purpose and objectives of the WRHAA when preparing or reviewing a district plan that affects the WRHA. This requirement is in addition to the requirements in sections 74, 75 and 79 of the RMA. When evaluating a proposed district plan, change or variation that affects the WRHA, a territorial local authority must examine whether the plan, change or variation is the most appropriate way to achieve the objectives of the WRHAA.
25. Section 13 requires consideration to be given to the purpose of the WRHAA and the relevant objectives when considering an application for resource consent. A consent authority may impose conditions under Section 108 of the RMA that relate to one or more of the heritage features or the objectives. The WRHAA has predominance over the Auckland Regional Growth Strategy (Section 18). In relation to the Waitakere Ranges Regional Park, the ARC is required to prepare, adopt and maintain a management plan for the integrated management of the Park (Section 19).
26. Section 25 provides for the preparation of LAPs. A territorial local authority may prepare and adopt a LAP for a local area that is within its district and the WRHA, however it is not mandatory. The purpose of a LAP is to promote the purpose of the WRHAA and its objectives and provide objectives in relation to the future amenity, character and environment of the local area to which the LAP applies and the wellbeing of the local community within that area (including its economic and social wellbeing). LAPs are also intended to inform decision-making processes that relate to the WRHA. Section 25(3) sets out what a LAP must include. While the adoption of a LAP does not constitute a decision by a territorial local authority to act on any specific matter there is an expectation that where decision making is inconsistent with the LAP the reasons for such any inconsistency will be clearly explained (Section 27).
27. A territorial local authority may include in its district plan any part of a LAP that relates to managing the use, development or protection of natural and physical resources. However, this is also not a mandatory requirement. A LAP or a provision of a LAP has no effect on any decision under the RMA until it is included in the district plan through a plan change.
28. Section 29-32 require formal acknowledgement of the historical, traditional, cultural, or spiritual relationship between tangata whenua and the WRHA, namely Ngati Whatua and Te Kawerau a Maki.
29. Part 3 requires local authorities to monitor the state of the environment in the WRHA and the progress made towards achieving the objectives of the WRHAA. Section 35 preserves the existing use rights enjoyed by those who have title or right to ownership of any land or natural resources, and Section 36 excludes those resource consent applications or plan changes in the WRHA that have been notified but not finally determined.

Resource Management Act 1991 (“the RMA”)

30. The purpose of the RMA as outlined in Part II is the sustainable management of natural and physical resources. Part II also sets out the matters, including those of national importance, to which Council must have regard to and provide for in achieving that purpose. The purpose of a district plan as outlined in section 72 of the RMA is to assist the Council to carry out its functions. 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 RMA. The Council is to establish, implement and review the objectives, policies and methods to achieve this and can also adopt rules, which prohibit, regulate or allow activities.
31. The RMA provides a statutory framework for the management of natural and physical resources. The purpose of the RMA is *“to promote the sustainable management of natural and physical resources”*.
32. Section 5(2) defines the purpose of the RMA, 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 –*
- i. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - ii. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - iii. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*
33. Section 6 of the RMA 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.”*
- 34. Section 7 of the RMA 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...”*
- 35. Section 8 of the RMA requires that managing the use, development and protection of natural and physical resources, takes into account the principles of the Treaty of Waitangi.
- 36. Part IV of the RMA relates to functions, powers and duties of central and local government. Section 31 of the RMA sets out functions of territorial local authorities for giving effect to the RMA within its boundaries. These functions include the integrated management of the natural and physical resources of the district and the control of the effects of the use or development of land including subdivision. Section 32 of the RMA imposes a statutory responsibility to evaluate the options available to achieve the Council's particular objectives or policies. Section 35 of the RMA requires that a local authority monitor the suitability and effectiveness of its plan in managing the City's environment. Council therefore has a duty to ensure that the WDP remains relevant in order to achieve integrated management of its natural and physical resources.
- 37. Part V of the RMA relates to Standards, Policy Statements and Plans. Section 73 of the RMA provides for changes to District Plans. The First Schedule of the RMA sets out the process that must be followed for plan changes. Section 74 of the RMA states the matters Council must have regard to when changing its District Plan. Under section 75 a District Plan must give effect to any national policy statement, New Zealand coastal policy statement, and any regional policy statement.
- 38. Section 76 of the RMA requires that when making a rule the Council must have regard to the actual or potential effect on the environment including adverse effects.

Waitakere District Plan

39. The WDP establishes the City's approach to the management of the effects of development on natural and physical resources. It identifies the City's significant resource management issues, the objectives sought by the Plan and the policy direction adopted in response to these issues and objectives. It also describes the methods which will be used to implement the policies, and the principal reasons for adopting the particular objectives, policies and methods. PPC35 acknowledges the existing Objectives and Policies of the WDP that apply to those natural and human environments in the WRHA. A comprehensive assessment of the objectives and policies of PPC35 against the WDP is set out in the Section 32 report.
40. The Rules Section of the WDP contains the detailed methods of implementing the Objectives and Policies set out in the Policy Section, where it has been established that rules are the most appropriate method of achieving objectives. The Rules Section of the WDP contains four sets of rules:
 - the City-Wide Rules;
 - the Natural Area Rules;
 - the Human Environment Rules; and
 - the Subdivision Rules.
41. For many proposed activities, there will be relevant rules that apply to that activity in each of these four parts.

Auckland Regional Policy Statement ("ARPS")

42. The Auckland Regional Policy Statement (ARPS) became operative in 1999. The ARPS 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. As directed by the RMA, the ARPS provides a resource management framework for the integrated management of the natural and physical resources of the region. The ARPS contains objectives and policies in relation to the actual or potential effects of the use development or protection of land which are of regional significance. The appropriate management of land use and subdivision in the WRHA is a matter of regional significance. The WDP is required to give effect to the ARPS.
43. The ARPS 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 and reasons and the environmental results anticipated as a result of implementation of the RPS. PPC35 gives effect to these objectives as it introduces objectives and policies which give effect to the WRHAA and provides for the identification of heritage features within the Oratia and Waitatarua local areas through local area planning. These LAPs will inform the Council's decision making in regard to the sustainable management of natural and physical resources in these areas.
44. A comprehensive assessment of the objectives and policies of PPC35 against the ARPS is set out in the Section 32 report.

Other Statutory Considerations

45. Additional statutory assessments have been undertaken including Sections 7 & 8 of the WRHAA, the New Zealand Coastal Policy Statement, the Hauraki Gulf Marine Park Act, and the Regional Parks Management Plan.
46. The relevant objectives and policies PPC35 are considered to be consistent with the national significance and heritage features of the particular areas to which the plan change relates and the relevant objectives of the WRHAA.
47. It is considered that the objectives, character and amenity statements and policies contained in PPC35 are consistent with the provisions of the NZ Coastal Policy Statement, the Hauraki Gulf Marine Park Act and the Regional Parks Management Plan.
48. Overall, PPC35 is considered to be consistent with sound resource management practice across the region. It is not contrary to the purpose or principles of the RMA and is appropriate in terms of effectiveness and efficiency of Council exercising its functions.

Section 32 Considerations

49. Section 32 of the RMA requires an evaluation to be undertaken by a local authority before any objective, policy, rule or other method is adopted.
50. Council's obligations under section 32(3) 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 RMA;
 - 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 providing reasons for that evaluation.
51. The section 32 analysis completed prior to notification concluded that the objectives of PPC35 are the most appropriate way to achieve the purpose of the RMA. Furthermore, the proposed policies are considered to be the most efficient and effective means of achieving the purpose of the RMA. It is acknowledged that the section 32 analyses is a dynamic process and that the conclusions reached about the final content of PPC35 will be further refined through the plan change processes set out in the First Schedule to the RMA.

Analysis of Submissions

52. A total of 127 submissions and 7 further submissions were received in respect of the PPC35.
53. The submissions received have been grouped for analysis according to the decisions sought from the Council and the issues raised in submissions including:
 - (a) Withdraw PPC35 in its entirety;
 - (b) Support PPC35 in its entirety;
 - (c) PPC35 Introduction and Objectives (5B.1 and 5B.2)
 - (d) PPC35 Policy Section 5B.3 and Rule 8B – Oratia Village
 - (e) Holdens Road Triangle Policy – 5B.3.1.6.4
 - (f) Oratia Structure Plan
 - (g) CDL Land – Swanson
 - (h) Management of Fire Risk
 - (i) Foothills Rule 10 – Noise
 - (j) General Matters
54. Where submissions are seeking specific changes to the wording of the proposed Plan Change, they have been addressed either individually or grouped under a common heading. At the beginning of each submission topic, the submission numbers that relate to that topic are set out in table format. Further submissions that relate to primary submissions are also identified alongside. Where an original submission is supported or opposed, the original submission number is identified along with its accompanying further submission.
55. A recommendation stating whether the relief sought in the submissions should be accepted, rejected, or rejected in part is provided at the conclusion of the discussion on each submission topic.
56. It is noted that duplicate submission numbers were assigned to the following submissions:
 - Jan Patterson – 35/32
 - Leanne Page – 35/33
 - Catherine Anne Adams – 35/34
 - Ian Oakes – 35/35
 - Pamela Salter – 35/36
 - Richard John Salter – 35/37
 - Allan and Jean Hodder – 35/38
 - Judy Blakey – 35/39
 - Pim van der Voort – 35/40
 - New Zealand Fire Service Commission – 35/41
57. These submissions have been assigned new submission numbers 35/32'a' – 35/41'a' respectively to distinguish them from the previous 35/32 – 35/41 submissions.

Withdraw PPC35 in its entirety

Submitter Number	Summary of Relief Sought	Further Submissions
35/25, 35/79, 35/86	That PPC35 be withdrawn	
35/59 (Dean)	That PPC35 be withdrawn and reframed so that a LAP becomes the sole planning instrument for the LAP area – integrate WDP provisions for the Foothills Environment and the OSP into a LAP. Review WDP provisions, create a mini district plan for Oratia.	Opposed by: 35/131/4 (WRPS)

Discussion:

58. These submissions seek that PPC35 is withdrawn. They are addressed first, as if accepted there would be no reason to consider other submissions on specific provisions of PPC35.
59. The reasons given for withdrawing PPC35, where these exist, state that the plan change will lead to the destruction of the “Heritage Park” by unwise development, that it will destroy the values that the WRHAA is supposed to protect, that it will enable a new commercial development zone in the area around the Oratia school and allow more subdivision adjacent to Holdens Road.
60. Submission 35/59 seeks the withdrawal of PPC35 as the objectives and policies are framed in overly technical language, lack certainty, are contrary to purpose of the plan change, fail to recognise particular characteristics of land around Holden’s Road, make inappropriate references to OSP, and fail to properly define the existing character and amenity of Oratia at a scale that reflects the purposes of a LAP. The submission states that the level of generality in PPC35 does not allow for the small scale variations found in place to place which should be reflected in the proposed objectives, policies and rules.
61. The issue of deciding the content of a District Plan is one where case law¹ provides guidance as to the stages that need to be considered, including:
 - a) Ascertaining the relevant facts, identifying the issues, and generating and proposed objectives and consequential policies and methods of implementation;
 - b) Preparation of the overall Section 32 analysis;
 - c) The overall assessment of the Plan Change [i.e. the ultimate issue as to whether on balance the council is satisfied that implementing the proposals would more fully serve the statutory purpose than would cancelling them].

¹ Wakatipu Environmental Society Inc v Queenstown Lakes District Council [2000] NZRMA 59 [para 54] and Terrace Tower (NZ) Pty Ltd v Queenstown Lakes District Council [2001] NZRMA 23.

62. The plan change is a response to the WRHAA and the implementation of those aspects of the Oratia and Waiatarua LAPs involving the management of natural and physical resources. PPC35 gives effect to the purpose and objectives of the WRHAA by including them in the WDP policy as well as introducing rules that will enable the expansion of the Oratia village and better management of rural activities including subdivision in some areas. These are identified in the Section 32 report which also acknowledges relevant requirements of statutes and plans including the RMA, WRHAA, the ARPS and the WDP.
63. The content of PPC35 and its effect is explained in section 2.0 of this report, as well as in section 3.0 of the Section 32 report. It is considered that there is a clear logic between the facts, the evaluation of the responses to these, and the generation of objectives, policies and methods.
64. The section 32 analysis undertaken prior to notification of PPC35 identified that the proposed plan change is necessary and the most efficient and effective means of achieving the purpose of the RMA. The section 32 analysis has identified that PPC35 will enable the Council to manage land resources in the WRHA efficiently whilst meeting the purpose of the RMA. It also concludes that the objective is the most appropriate way to achieve the purpose of the RMA, that the policies will achieve the objectives, and that the methods are the most effective and efficient means to achieve the policies and provide for the sustainable management of natural and physical resources, and the wellbeing of the community. The Section 32 report also concludes that PPC35 is consistent with relevant statutory documents. In addition, it is considered that PPC35 represents the most appropriate way to manage adverse effects from development and to direct environmental outcomes appropriate to the wider WRHA and locally in Oratia and Waiatarua. The section 32 also provides a detailed assessment of PPC35 against the purpose and objectives of the WRHAA, along with section 11 of that Act.
65. It is considered that withdrawing PPC35 will not enable the Council and the community to appropriately manage the WRHA or local resource management issues relating to the future character and amenity of Oratia and Waiatarua. It is noted that the WRHA is referred to in the WRHAA as a "Heritage Area" not a "Heritage Park". While a large proportion of the WRHA is a regional park, the balance land is in private ownership. The WRHAA specifically recognises that people live and work and recreate in this area and that the social, economic, environmental and cultural well-being of those people should be provided for (Objective 8(j)).
66. The development of PPC35 has involved considerable effort by the Council with input from the community. Accordingly any submissions which simply seek the withdrawal of the plan change would have to demonstrate that there were substantial deficiencies in both the planning process and in PPC35 to justify such action. There is nothing in the submissions to support this. Where submissions raise particular concerns about proposed provisions they addressed later in this report. Any withdrawal at this stage would impose substantial delays, costs and disruption to a wide range of parties.
67. It is also considered that the Council has met its obligations with respect to consultation. To withdraw the plan change, undertake further consultation with the parties involved and then re-notify it to seek additional submissions would be disruptive and costly. Council and the other submitters are already committed to the hearing process with an expectation that the various concerns raised can be addressed. Abandoning the hearings would not only impose substantial delays but also involve the parties having to make new arrangements.

68. Any challenge to a plan change such as this on the basis of Section 32 can only succeed if the submitter can show that the analysis is so inadequate that Council has failed to meet its obligations under the RMA. Reference to the Section 32 analysis shows that this is clearly not the case.
69. The objectives and policies of PPC35 are considered to fall squarely within the ambit of the matters that the RMA and WRHAA territorial authorities are required to manage. Subject to recommended amendments suggested elsewhere in this report, it is considered that PPC35 is appropriate and should be retained.
70. In respect to submission 35/59, and in addition to the above, it is not considered necessary or appropriate to provide for the LAP as the sole planning instrument for Oratia, nor for a mini District Plan to be prepared. PPC35 complements the existing WDP framework which already addresses development opportunities consistent with the outcomes expected in Oratia.
71. Section 25(1) of the WRHAA establishes that Council may prepare a local area plan (LAP) for an area within the WRHA. LAPs are an additional planning tool for the management of environment, amenity, character and wellbeing. Section 28(1) of the WRHAA establishes that Council 'may' include in its District Plan any part of a LAP relating to the management, use, development or protection of natural and physical resources. It also states that a LAP itself does not have any effect on an RMA decision making process until such time that it is included in a plan change. The Council prepared and adopted a LAP during 2008/09 for Oratia in accordance with sections 25 and 26 of the WRHAA. This involved a year long process of community consultation, both through workshops, meetings and opportunities to make submissions on the draft LAP. This process is now focussed on the introduction of the resource management aspects of the LAP into the District Plan.
72. Submission 35/59 is not consistent with the legislative framework or the manner in which LAPs are to be included in the District Plan. LAPs provide additional considerations for decision making and do not propose to significantly amend any provisions of the OSP or Foothills Environment subdivision rules that are already operative. The only exception to this is a proposal to recognise the submitters and the surrounding owners land within the Holden's Road, Pine Avenue, Forrest Hill Road triangle which does not form part of the OSP area. Issues relating to the subdivision of this land are discussed below.

Recommendation:

It is recommended submissions 35/25, 35/79, 35/86 and 35/59 be **rejected**.

Submissions in relation to PPC35 Introduction and Objectives (5B.1 and 5B.2)

73. The following submissions raise issues and seek decisions from the Council in relation to proposed Section 5B.1 'Introduction to Waitakere Ranges Heritage Area' and Section 5B.2 'Local Area Planning in the Waitakere Ranges Heritage Area'.

Submitter Number	Summary of Relief Sought	Further Submissions
35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/11, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31,	<ul style="list-style-type: none"> Amend Section 5B.1 to include a new sub-clause (f) "maintaining the areas high quality landscape values". 	

Submitter Number	Summary of Relief Sought	Further Submissions
<p>35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/40a, 35/43, 35/44, 35/45, 35/47, 35/48, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/64, 35/65, 35/66, 35/67, 35/68 35/70, 35/71, 35/73, 35/78, 35/81, 35/82, 35/85, 35/123, 35/126, 35/127.</p>		
<p>35/74 (WCC)</p>	<ul style="list-style-type: none"> • Ensuring that the format of proposed Section 5B is consistent with the existing format of Section 5 of the District Plan (35/74). • Relocating the heritage features listed in “5B.1.2 Objectives – Waitakere Ranges Heritage Area to the glossary of the plan under a new heading term ‘Heritage Features (35/74)’; 	
<p>35/76 (Federated Farmers)</p>	<ul style="list-style-type: none"> • Amending Section 5B.1 and 5B.2 to make reference to the rural history and character of the WRHA – see submission for detailed relief sought; 	<p>Opposed by: 35/131/4 – in part (WRPS)</p>
<p>35/78 (Donald)</p>	<ul style="list-style-type: none"> • Amending the wording of 5B.1 to give greater emphasis to protecting the unique biodiversity, landscape and views of the WRHA and recognising that the built environment must be subservient to the natural environment. 	
<p>35/126 (Watercare Services Ltd) 35/127 (Horring)</p>	<ul style="list-style-type: none"> • Amending 5B.1 to recognise the need to enable the operation, maintenance, replacement and upgrading of the water catchment and supply features and the contribution <u>parts</u> of the 	

Submitter Number	Summary of Relief Sought	Further Submissions
	WRHA make to Auckland's metropolitan water supply.	

Discussion:

74. In general, the PPC35 introductory sections and objectives and policies (5B.1 and 5B.2) relating to the WRHAA are supported with specific amendments sought in relation the matters summarised in the table above.
75. In respect of the submissions that seek an amendment to 5B.2.1 to include a statement referring to “*maintaining the areas high quality landscape values*”, it is considered appropriate to include this in the list of matters to which Local Area Plans contribute. However it appears that the numbering (f) is incorrect and would in fact be numerical item ‘ix’.
76. The Council’s submission (35/74) is concerned with the format and layout of proposed Section 5B and the extent to which this differs from the existing District Plan format and layout within Section 5. In this instance it is considered appropriate to retain the proposed format for the following reasons:
- (i) It is proposed that Section 5B be contained within its own Section 5B and will be separate from the existing Section 5;
 - (ii) Proposed Section 5B contains objectives and policies specific to matters related to the WRHA and the WRHAA. In this instance it is appropriate to include the explanatory material relating to the purpose and objectives of the WRHAA and its relationship to the RMA followed by the resource management objectives and policies that give effect to the WRHAA.
77. With respect to the list of heritage features set out in 5B.1.2.1, it is appropriate that these be removed from proposed Section 5B and relocated to the WDP glossary of terms under a new heading ‘Waitakere Ranges Heritage Area Heritage Features’. This will assist in reducing the amount of text contained in the proposed Objective 5B.1.2.1. Consequential amendments to the PPC35 text will be required to identify the term ‘heritage feature’ in italics so that users of the WDP are aware that this is a term defined by the Plan.
- A1-A27 78. Submission 35/76 (Federated Farmers of New Zealand) seeks changes to Sections 5B.1 and 5B.2 to recognise the landscape character attributed to past and current rural activities within the WRHA and that they form a legitimate part of the WRHA. It is considered that the relief sought in this submission is consistent with the WRHAA which recognises that people work and live in the WRHA and that future uses of rural land in order to retain rural character should be provided for. The specific amendments sought by the submitter have been considered in the context of the proposed plan change. It is accepted that statements made in the introductory sections and issues should properly and fairly represent the area's productive past and the contribution rural activities make towards the landscape character of the WRHA. It is recommended that the amendments sought in respect of the following sections be accepted. These are included in the amended PPC35 text attached at pages A1 to A27.
- Section 5B.1 - add the following words to the end 7th paragraph of 5B.1 “*including working rural landscapes*”.
 - Section 5B.1 - replacing the last sentence of paragraph 9 with alternative wording to “A century of resource exploitation followed that has left its mark on the whole area”.
79. The relief sought in submission 35/76 in respect of 5B.1.1 Issue – Effects on the Waitakere Ranges Heritage Area seeks that item (b) be amended to read:

“maintaining as much as possible the nature of the local rural character for the communities in the foothills”.

80. This relief is opposed by WRPS (35/131/4) which is concerned that the amended wording will weaken the significance of the rural character maintenance issue within the proposed objectives, policies and methods. It is considered that the matters set out in 5B.1.1 are general to the WRHA and express a range of resource management issues relevant to this area. One of those is the maintenance of rural character in the foothills. It is considered appropriate to retain this statement in respect of the WRHA without amendment.
81. It is noted that the relief sought in relation to Objective 5B.1.2 relates to amendments to wording taken directly from the WRHAA. Whilst it is accepted that the rural character in the WRHA is atypical of the rural character found in most other parts of New Zealand and the Auckland region, it is not considered necessary to amend the wording of this objective on that basis. The wording included in the policy is taken directly from the WRHAA. It is considered appropriate that this wording remain intact.
82. In relation to Section 5B.2.1 the submission seeks removal of the statement in (viii) as 'rural character is a reflection of the underlying land use, and can never be "redundant"'. While it is accepted that rural character is a reflection of the underlying land use, it is also recognised that many of the rural areas in the WRHA are in transition from more traditional horticultural and pastoral rural activities to smaller scale rural activities. LAPs can assist in defining where these changes are occurring and inform decision making processes about the appropriateness and scale of these activities. It is considered that the wording of this part of Section 5B.2.1 reflects this and should be retained as proposed.
83. Submission 35/78 supports PPC35 but seeks that greater emphasis be given in the wording of Section 5B.2.1 to the natural environment and the protection of the unique biodiversity, landscape and views within the WRHA and that the built environment must be subservient to the natural environment. It is noted that strong emphasis in the purpose and objectives of the WRHAA and the existing objectives and policies of the WDP exists to protect the natural heritage features of the WRHA. Overall, PPC35 seeks to strengthen this policy base and ensure that these features are clearly identified, protected and enhanced for present and future generations to enjoy. As well as protection of the natural heritage features, the WRHAA and PPC35 recognise that people live and work and recreate in the WRHA. These people have legitimate needs and need to be able to provide for their social, economic, environmental and cultural wellbeing. It is considered that Section 5B.2.1 of PPC35 which introduces LAPs, gives sufficient weight to the protection of the natural heritage features as it is primarily concerned with describing the manner in which LAPs contribute to giving effect to the WRHAA. The purpose and content of the LAPs is clearly established in section 25 of the WRHAA.
84. Submissions 35/126 and 35/127 both relate to the WRHA and its function as a water catchment. Specifically submission 35/127 seeks that the wording in 5B.1 (paragraph 11) be amended to clarify that only part of the Waitakere Ranges is a water catchment. It is accepted that this is the correct factual situation and that the wording of the part of Section 5B.1 should be amended accordingly. Submission 35/126 (Watercare Services Ltd) seeks greater certainty about proposed policies (5B.1.2.1 and 5B.1.2.11) that protect those features of the WRHA that act as a water supply catchment. The relief sought seeks to amend proposed Objective 5B.2.1.2.11 to explicitly refer to enabling the operation, maintenance, replacement and upgrading of the water catchment and supply features. It is noted that this particular objective is taken directly from the list of Heritage Area objectives in section 8 of the WRHAA. It is accepted that the operation, maintenance, replacement and upgrading of the infrastructure associated with the water catchment area is an intrinsic part of the Watercare's function as Requiring Authority. It is not however considered necessary to modify this objective to differ from the wording of the WRHAA as the satisfactory functioning of the water catchment area is implied in the policy, particularly section 5B.1.2.1 (n).

Recommendations:

It is recommended that submissions 35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/20, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31, 35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/40a, 35/43, 35/44, 35/45, 35/47, 35/48, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/64, 35/65, 35/66, 35/67, 35/68, 35/70, 35/71, 35/73, 35/81, 35/82, 35/85, 35/123, relating to the amendments to Section 5B.2.1 are **accepted**.

It is recommended that submissions 35/74 and 35/76 are **accepted in part and rejected in part**.

It is recommended that submission 35/127 is **accepted**.

It is recommended that submissions 35/78 and 35/126 are **rejected**.

Submissions in relation to PPC35 Section 5B.3 – Waiatarua Local Area

Submitter Number	Summary of Relief Sought	Further Submissions
35/48 (Osborne) 35/119 (Waiatarua R & R)	<ul style="list-style-type: none"> • Correct the inconsistency in the spelling of 'Te Kawerau a Maki'. • Clarify what is meant by 'high speed telecommunications (5B.3.2.3 (iii)) and its effects on the Waitakere Ranges. • Clarify the number of potential subdivisions there could in the Waiatarua area. • Amend 5B.3.2.2 (iii) to make provision for those houses already in existence that aren't generally obscured from the road by vegetation • Clarify the statement in Section 5B.3.1.3 (iv) regarding 'off-road recreation trails for pedestrians and cyclists'. Will this impact the Waiatarua and Titirangi communities? If so, the extent of trails needs to be discussed with the relevant communities. It should also be noted as a change in the respective District Plan Changes. 	
35/56, 35/64, 35/68, 35/81, 35/89	<ul style="list-style-type: none"> • Amend policies 5B.3.2.5.1 and 5B.3.2.6.2 to refer to "landscape values". • Amend assessment criteria F(f) for subdivision in the Waiatarua Local Area to refer to ..."<i>landscape values of Waiatarua.</i>" 	

85. The submissions set out in the table above raise issues and seek decisions from the Council in relation to the proposed provisions for Waiatarua in section 5B.3 'Local Area Plans' and the Bush Living and Waitakere Ranges subdivision assessment criterion F(f) . In addition, clarification is sought about some of the proposed policy intentions.

Discussion:

- A1-A27 86. Submissions 35/56 (Dr Mels Barton), 35/64 (Combined Waitakere Ranges R & Group), 35/68 (Kubi Witten-Hannah), and 35/81 (WRPS) seek specific amendments to proposed Policies 5B.3.2.5.1 and 5B.3.2.6 that include a reference to "landscape values". Similarly these submissions seek that subdivision assessment criterion F(f) be amended to refer to ...*"the landscape values of Waiatarua"*. It is considered that both these amendments are appropriate and it is recommended that the relief sought in the above submissions be accepted. An amendment to Policy 5B.3.2.6 and subdivision Assessment Criterion F(f) is included at pages A1 to A27.
- A1-A27 87. Submissions 35/48 (Paul & Leonie Osborne) and 35/119 (Waiatarua Residents & Ratepayers) seek that the correct spelling of Te Kawerau a Maki be confirmed. The inconsistency in the spelling of this Iwi name has been corrected in the amended text attached at pages A1 to A27.
- A28 88. In addition, these submissions seek to clarify the statement of Oratia's Desired Future Character and Amenity. This is set out in Section 5B.3.1.3 (iv) of PPC35 regarding off-road recreation trails for pedestrians and cyclists, particularly any effect these may have on the Waiatarua and Titirangi communities. It is unclear at this stage what effect, if any the creation of off-road pedestrian and cycle trails will have on these communities. The Council has undertaken strategic studies to determine where pedestrian walkways might be located in order to provide a north-south connection through the foothills. However, this will only be able to occur through mutual agreement with landowners upon subdivision or if the Council purchases land. It is recommended that a new policy map is included with PPC35 to indicate where walkways in the foothills may be located. At this stage, the map only relates to the Oratia Local Area. However, it may be appropriate to include a further policy map which shows indicative walkway/cycleway locations for the entire eastern part of the WRHA extending from Titirangi to Swanson. This would give greater certainty to the community about where these cycleways/walkways may be located. Proposed Policy Map 5B.3.1.3 which is specific to the Oratia Local Area is attached at page A28.
89. Further amendments are sought in relation to the wording of Section 5B.3.2.2(iii) 'Waiatarua Local Area'. This section contains the 'Statement of Waiatarua's Existing Character and Amenity' and is taken directly from the Waiatarua LAP. The submission seeks that part of this statement (paragraph 4) be amended to include the words ...*"and generally, **where possible, are obscured**"* as this would provide for those houses already in existence that are not generally obscured from the road by vegetation. The submission also seeks to clarify Section 5B.3.2.3 (iii) 'Statement of Waiatarua's Desired Future and Amenity' whether enabling people to work from home will lead to more mobile phone towers being built in the natural landscape.
90. Regarding the amendments sought to Section 5B.3.2.2 (iii) it is not considered appropriate or necessary to make such changes. The wording in this section is taken directly from the Waiatarua LAP which is a document that has had public input and been adopted by the Council. This particular statement refers to what is existing, and appropriately captures the general nature of building location in this area. Regarding the concerns about people working from home, the Council cannot predict the demand that this will generate for telecommunication services. However any proposal to establish telecommunication infrastructure within the WRHA will be subject to the relevant Human Environment rules where there is no designation proposed and must have particular regard to the WRHAA (section 13 of the WRHAA).

91. Submission 35/89 (M Dragicevich) seeks to amend policy 5B.3.2.6 (ix) to allow for public wastewater disposal. It is noted that the reasons given for the relief sought relate to proposed Area 3 of the Oratia Rural Village Non-Residential Activity Overlay and that development of this area will be limited if it is required to rely on on-site wastewater disposal. Given that Policy 5B.3.2.6 relates to the Waiatarua Local Area, it is assumed there is an error in the number references and that the submitter meant to refer to the policies relevant to the Oratia Local Area (Policy 5B.3.1.6.6). It is considered that the proposed wording of Policy 5B.3.1.6.6 which refers to a limited extension to reticulated wastewater infrastructure to serve the village meets the submitters concerns.

Recommendation:

It is recommended that the relief sought in submissions 35/56, 35/64, 35/68, 35/81 which relates to Section 5B.3 'Waiatarua' be **accepted in part**.

It is recommended that part of the relief sought in submissions 35/48 and 35/119 which relate to Section 5B.3 'Waiatarua' (with the exception of the inclusion of the correct spelling of 'Te Kawerau a Maki and possible further clarification about walkways/cycleway locations) and in submission 35/89 be **rejected**.

Submissions in relation to PPC35 Policy Section 5B.3 and Rule 8B – Oratia Local Area and Oratia Rural Village

92. The following submissions raise issues and seek decisions from the Council in respect of PPC35 Policy Section 5B.3 and Rule 8B as it relates to the Oratia Rural Village.

Submitter Number	Summary of Relief Sought	Further Submissions
35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/11, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31, 35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/39a, 35/40a, 35/43, 35/44, 35/45, 35/46, 35/47, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/64, 35/65, 35/66, 35/67, 35/70, 35/71, 35/73, 35/84, 35/85, 35/87, 35/116, 35/123, 35/126, 35/127.	<ul style="list-style-type: none"> Delete the Oratia Rural Village Non-Residential Activity Overlay" and sections rules relating to it. Delete proposed Rule 8B. 	<p>Supported by:</p> <p>35/131/4 (WRPS) supports 35/56 (in part)</p>
35/48 (Osborne)	<ul style="list-style-type: none"> Section 5B.3.1.3 (v) – ensure car parking requirements reflect the rural character of the Oratia Rural 	<p>Supported by:</p> <p>35/130/3 – in part</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	<p>Village and avoid health and safety issues and traffic congestion.</p> <ul style="list-style-type: none"> • Policy 5B.3.1.6.1 (xi) and 5B.3.1.6.2 (iii) – clarify where the off-road walking and cycle trails are planned to be and whether they impact on communities surrounding Oratia. • Policy 5B.3.1.6.6 – further car parking required in conjunction with the Non-Residential Activity development. 	<p>(Watson)</p> <p>Opposed by:</p> <p>35/131/4 (WRPS) – in part</p>
35/60 (ARC)	<ul style="list-style-type: none"> • Amend the provisions for the Oratia Rural Village, including Rule 8B:Non-Residential Activities within the Oratia Rural Village Non-Residential Overlay to ensure it: <ul style="list-style-type: none"> (a) Reconfigures the existing development opportunities in the Oratia local area; and (b) Offers certainty as to the form of and the uses contained within the rural village and that the village will not result in urban development outside the MUL. 	<p>Supported by:</p> <p>35/131/4 (WRPS)</p>
35/68 (K Witten-Hannah)	<ul style="list-style-type: none"> • No commercial building in Oratia Village should exceed 150m². 	<p>Supported by:</p> <p>35/134/7 (Richards)</p>
35/72 (Oratia R & R)	<ul style="list-style-type: none"> • Commercial subdivision under PPC35 should be additional to existing residential subdivision rights allowed under the OSP. • Oppose provision for two storey commercial premises of 300m² each level and a total of 600m². This is out of character with the rural nature of the area and should be reduced to a total of 300m² over one single level. • Support a walkway between Artisan Wines and the Oratia Hall. 	<p>Supported by:</p> <p>35/129/2 (Witten-Hannah)</p> <p>35/130/3 (Watson) -in part</p> <p>35/131/4 – in part (WRPS)</p>
35/74 (WCC)	<ul style="list-style-type: none"> • Amend proposed rules 8B.1 and 8B.2 associated with the Non-Residential Activity Overlay to properly reflect the outcomes sought in Policy 5B.3.1.6.6. 	
35/81 (WRPS)	<ul style="list-style-type: none"> • Delete the reference to Oratia “village” in 5B.3.1.2 clause (ii) and (v) – Statement of Oratia’s Existing Character and Amenity. 	

Submitter Number	Summary of Relief Sought	Further Submissions
	<ul style="list-style-type: none"> • Delete clause 5B.3.1.3 (v) in its entirety. • Delete 5th paragraph under clause 5B.3.1.4 “Issues” which commences with the following words “An enhanced small-scale rural village...” • Delete Objective 5B.3.1.5.2 ‘Oratia Rural Village’. 	
<p>35/82 (Binsley) 35/84 (Brown) 35/85 (Spear) 35/90 (Drummond)</p>	<ul style="list-style-type: none"> • That the Council restrict the total floor area of new buildings in the Oratia Village area to no more than 300m² with up to one half of this available for commercial activities. • That the commercial premises allowed for in Plan Change 35 should be allowed instead of the residential subdivision currently allowed for under the OSP, rather than as well. • That the Council purchase a further portion of land to extend the park around the west side of the Settler’s Hall and down to the stream behind the hall. • That the Council build a walkway/cycleway linking the halls and park to Artisan and the Twin Streams development along the stream. Footpaths along local roads also need to be extended to allow local residents to safely access their new village on foot. 	<p>Supported by: 35/130/3 (Watson) -in part</p> <p>Opposed by: 35/131/4 (WRPS) -in part</p>
<p>35/83 (Proposed Oratia Village Affected Owners Group)</p>	<ul style="list-style-type: none"> • Oppose Rule 8B.1 (iii) and (iv). • Oppose Rule 8B.2(i) (b) and (h) • Oppose Rule 8B.3 (i). • Provisionally oppose Assessment Criterion 8B(a). • Oppose Assessment Criterion 8B(f). • Clarify bullet point 1 and 9 of list of Resource Consent Conditions which the Council may impose. • The creation of new lots within the Oratia Rural Village Non-Residential Activity Overlay Area will need to be incremental because of the unknown factor as to value or demand. • If any owner within the Overlay Area chooses not to subdivide, they do not wish to see an increase 	<p>Supported by: 35/131/4 (WRPS) -in part</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	<p>in their rates until such time as the Rural Village title is created.</p> <ul style="list-style-type: none"> • Owners of land within the Overlay Area seek the ability at the time of creating the new Rural Village to adjust the boundaries of the designated Areas 1, 2, and 3 either within or beyond the boundaries of the designated shown by the Council so that existing features may be retained within the resultant existing residential title. • That the Council guarantee that any new Rural Village lot will have a wastewater connection. 	
35/87 (Lance & Sonia Sunde)	<ul style="list-style-type: none"> • That the Council implement provisions addressing noise, hours of operation, traffic generation and parking to protect residential amenity; • That the Council only allow commercial activities in the proposed overlay area that are appropriate in the context of the nearby residential housing and Oratia rural character; • That the Council reduce the size of the building coverage proposed for each building. This should be more in line with the size of your typical Oratia packing shed; and • That further consideration be given to whether the quantity of commercial floor space proposed is commercially viable for the area in the long term. 	<p>Opposed by: 35/131/4 (WRPS) – in part</p>
35/89 (M Dragicevich)	<ul style="list-style-type: none"> • That Section 5B3.2.6 allow for public wastewater disposal. • That Rule 8B.2.d allow for at least two units to be joined. 	
35/91 (Gould)	<ul style="list-style-type: none"> • Make provision for café/restaurants within the Oratia Village. • Maintain special features (fruit trees/deciduous trees, packing sheds) • Don't increase from the Oratia Structure Plan the number of lots that can be subdivided. • Provide a walkway/cycleway from Domain to Artisan Wines. • Increase Domain (Council to purchase land) to extend the park around the south west side of the 	<p>Supported by: 35/130/3 (Watson) -in part</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	<p>Settler's Hall and down to the stream behind the hall.</p> <ul style="list-style-type: none"> • Encourage/develop "foodie/artie" flavour to the Village; • Preserve special features – e.g. packing sheds. 	
<p>35/111 (Maria Sunde) 35/112 (Rex Sunde)</p>	<ul style="list-style-type: none"> • That WCC clarify the rules for the Oratia Rural Village that will allow provision of infrastructure of a scale that will allow businesses to thrive within the proposed plan changes 5B.3.1.3(i),(ii),(iii) and (iv). 	
<p>35/113 (Darren Sapich) 35/114 (Stephen Sapich) 35/115 (Sapich Bros.)</p>	<ul style="list-style-type: none"> • Oppose rural view shafts until landowners have been consulted and agreement has been met. 	
<p>35/121 (Harre) 533 West Coast Rd</p>	<ul style="list-style-type: none"> • That the Council does not reduce the number of lots allowed on our property Pt Lot 3 131742 (4 lots). That the Council does not make it more difficult to put a dwelling on each lot. 	

Discussion:

93. The above submissions relate to the proposed PPC35 provisions for managing the Oratia Rural Village ("Village"). Approximately 72 of the 86 submissions relating to this issue seek that the proposed policies and rules that would enable the Village to expand should be deleted. The majority of these submissions are identical (pro forma) and simply state the relief without any reasons for the relief sought. In other submissions seeking the deletion of the proposed Village policies, rules and reasons relate to, amongst other things, whether a Village is needed, proximity to the MUL which may blur the boundary between the 'urban' and 'rural' area and an expanded village being contrary to the purpose and objectives of the WRHAA.
94. Other similar relief can be found in a number of the remaining submissions however these refer to modifying the size and scale of the village that the proposed provisions would enable rather than deleting the provisions entirely. The relief sought in these submissions includes:
- reconfiguring the existing development opportunities in the local area,
 - ensuring what is proposed offers certainty as to the form of and the uses contained within the rural village so that it will not result in urban development outside the MUL,
 - reducing the size of non-residential buildings allowed, limiting subdivision opportunity for residential purposes within the Oratia Rural Village Non-Residential Activity Overlay area ("the Overlay");
 - ensuring the rules that allow expansion of the village reflect the outcomes sought in the policy that relates to Oratia Village.

95. PPC35 includes policies and rules that will enable the comprehensive management of the existing Village which includes the school, the existing Settlers Hall/Domain/historic church/Playgroup and the Superette/Fruit Shop/Packing Shed situated along West Coast Road west of the Shaw Road intersection. The future of the Village was discussed in consultation with the local community during the development of the Oratia LAP. The idea that the existing village could expand to include a café or other social gathering place rural village centre distinct from metropolitan Auckland was supported. Key to this proposal is the maintenance of a clear urban/rural edge to the MUL drawing on the existing landform and rural land uses to maintain this distinction and the size and scale of any proposed non-residential activities commensurate with a rural village centre.

96. In relation to the future character and amenity of the Village the Oratia LAP states:

“The village and school will continue to be the centre of the community. The village will be contained within clear boundaries, and will attract a range of non-residential activities including convenience, service and café/restaurant. It will have a stronger focus as a place for local facilities and to meet, celebrate and socialise. The village will be grounded in its local history maintaining a rural character and form through the careful clustering of activities and spacing of buildings.

Existing buildings will be reused and new development will be sympathetic with the rural character of the village. Urban-scale activities will be avoided, and carparking areas and infrastructure will reflect the areas rural character. Reticulated services will be managed to support the development of the village provided that its form is contained and the pattern of development maintains a distinctive character different from metropolitan Auckland.

The Village will be planted with street trees and fruit trees in an orchard or vineyard to provide a visual differentiation and sense of place, and to enhance its rural gateway form and function. Views of the open rural landscape will remain visible between buildings.

The village will be connected with metropolitan Auckland and surrounding rural activities through a network of trails.”

97. The proposed objectives, policies and rules in PPC35 seek to enable an expanded Oratia village form, consistent with the above statement but which does not undermine the urban containment policies of the ARPS.

98. Specific to Oratia Village is:

- Objective 5B.3.1.5.2 ‘Oratia Rural Village *“To provide for a neighbourhood-scale rural village in Oratia that supports the social, economic and cultural wellbeing of the community and is clearly connected to the history, community and rural character of the area.”*
- Policy 5B3.1.6.6 which sets out the manner in which the Oratia village shall be developed. The focus of this policy is on:
 - (i) achieving a neighbourhood-scale rural village form, distinct from urban Auckland which serves the needs of the local Oratia community;
 - (ii) protecting, restoring and enhancing the heritage features of the area including the existing rural views which act as a gateway to the WRHA;
 - (iii) geographically containing the Oratia Village within the proposed Overlay area.

- Proposed Foothills Environment Rule 8B 'Non-Residential Activities Within the 'Oratia Rural Village Non-Residential Activity Overlay ("the Overlay Area"). This rule provides for a range of permitted non-residential activities and limited discretionary buildings and additions to buildings. The number and size of buildings in each area within the Overlay is restricted. The setback and spacing of buildings is also controlled. Assessment criteria relate to the design and landscape treatment of the activities within the Overlay Area as well as the contribution each proposal makes toward achieving the future character and amenity statement for Oratia.
 - New residential activities in the Overlay Area would be discretionary. Subdivision would be discretionary and need to relate to an existing building, its curtilage and infrastructure or where a land use consent has been granted for building and development.
99. The effect of the proposed rules as notified would enable the following as a permitted activity:
- Rural Activities/Home Occupations/Restaurants;
 - An unrestricted range of non-residential activities within existing lawfully established buildings with retail sales floor space limited to 150m² per activity;
 - Non-residential activities in new buildings constructed after 8 December 2009 with a limitation on the floor space of each activity not exceeding 150m².
100. Within the Overlay Area(s) the following activities would be limited discretionary:
- Buildings and additions to buildings where the total maximum number of buildings is limited to four in Area 1, three in Area 2 and eight in Area 3;
 - The floor space for each intended non-residential activity is limited to a maximum of 150m²;
 - Building coverage is a maximum of 300m² with a height allowance of one storey in Areas 1 and 2 and two storey's in Area 3. Building setback and spacing between buildings is controlled.
101. It is clear from the submissions that oppose the proposed rules for the Overlay Area that the concern is that the rules as notified would enable a much larger scale of non-residential activity and additional buildings than envisaged by the community during the development of the Oratia LAP. The proposed rules could enable a significant number and range of non-residential activities that are not directly connected with serving the needs of the local community or linked to its history and rural character. The number and scale of buildings allowed would also be out of character with a 'neighbourhood-scale' rural village.
102. The Council has reviewed the proposed rules relating to the Overlay Area In response to the concerns raised in submissions and the relief sought in relation to the Village.
103. It is not considered appropriate to delete all of the proposed policies and rules relating to the Village as this option would not give effect to the future outcomes agreed with the community during the development of the Oratia LAP and would simply allow the status quo to remain. Nor is this option considered to be consistent with the objectives of the WRHAA. The Council and the community have undergone an extensive process to identify the heritage features of the Oratia Local Area and develop a statement of Oratia's future character and amenity and this should be given effect to in the WDP where it is not contrary to the purpose and principles of the RMA.

104. Rather, it is considered more appropriate to amend the proposed rules as notified to better align these with community expectations expressed during the development of the Oratia LAP to:
- limit the geographical extent of the Overlay Area to ensure clear separation from the MUL by deleting Area 2;
 - limit the size and number of new non-residential buildings to two per area (4 in total) with a maximum total gross floor area of 200m² (800m²) which is more consistent with the size and scale of existing residential and non-residential buildings in the immediate area;
 - limit the range of non-residential activities that can establish in the Overlay area to convenience retail (as defined in the WDP), rural produce, arts and crafts and restaurant food. Each of these activities would be limited to a maximum floor area of 100m² and a total new retail floor area of 300m². This restriction includes any expansion of existing retail activities, although provides for the existing activities;
 - limit the total number of new non-residential activities to eight. The total new floor space for retail services would be limited to 300m²;
 - Exclude drive through, noxious and Part A & B air discharge activities from this rule. Other non-residential activities such as manufacturing of goods from rural produce, offices, pre-school centres, churches/community centres would be able to establish under the rule, although they would be limited by the overall number of non-residential activities;
 - Make any non-compliance with the permitted non-residential activity rule or variations to the size and number of buildings per area a non-complying. Variations to the spacing between buildings, building set back and façade treatment would be discretionary;
 - Modifying rules relating to the establishment of signs to only provide for one freestanding sign in each area;
 - Making new residential activities (excluding existing) within the Overlay Area non-complying rather than discretionary;
 - Maintaining the proposed subdivision rule which relates to an existing building, its curtilage, landscaping and infrastructure, or where a land use consent has been granted for a building and associated development;
 - The inclusion of a further policy map to give guidance about the future location of walkways.

A1-A30

105. It is considered that the proposed amendments to the Overlay Area will go a long way toward meeting the concerns of submitters about a future Oratia village by limiting its geographical extent as well as the size, scale and range of buildings and non-residential activities that may establish there. Minor amendments to the objectives and policies are also recommended to reinforce this. A map showing the proposed amendments to the Overlay Area is attached at pages A29 to A30. The recommended amended policies and rules are attached at pages A1 to A27

106. A number of other matters were raised in relation to Oratia Village including:

- The provision of walkway/cycle linkages between the existing hall and park to Artisan Wines and Twin Streams;

- Council purchase of further land around the west side of Settlers Hall to extend the park to the stream;
 - Allowing staging of development within the Overlay Area to allow for unknown demand;
 - Landowner concerns about Council rate increases within the Overlay Area;
 - Provision of a reticulated wastewater connection to the Oratia Village area.
107. While the Council acknowledges these concerns raised by submitters they are beyond the scope of PPC35. For some issues, such as providing walkway linkages between areas of activity in Oratia and extending the existing Domain, this intent has been captured in policy (proposed Policy 5B3.1.6.1 and 5B.3.1.6.2) and will be implemented through subdivision consent processes, voluntary agreement by landowners or Council purchase. In addition it is proposed that a further policy map be included with PPC35 to give guidance about the location of future walkways. The provision of a limited reticulated wastewater connection is provided for in policy 5B.3.1.6.2 (v) and 5B.3.1.6.6 (ix) but only to the Oratia Village.
108. The Oratia LAP identified that rural view shafts were important to the maintenance of rural character and amenity. These are identified in the LAP and included in Policy Map 5B.3.1.2. These are also referred to in policies and assessment criteria (Rule 7 E(e) of the Foothills Environment subdivision rule) and reflect the careful locating of building platforms within these areas. Given the importance of rural character, the policy and assessment criteria are appropriate in managing potential adverse effects and in guiding an appropriate form of development with the implementation of the OSP.

Recommendation:

It is recommended those parts of submissions 35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/11, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31, 35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/39a, 35/40a, 35/43, 35/44, 35/45, 35/46, 35/47, 35/48, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/64, 35/65, 35/66, 35/67, 35/68, 35/70, 35/71, 35/73, 35/81, 35/83, 35/84, 35/85, 35/113, 35/114, 35/116, 35/126, that seek the deletion of the Oratia Rural Village Non-Residential Activity Overlay and all sections and rules relating to it be **rejected**.

A1-A27

It is recommended those submission seeking amendments to the proposed policies and rules relating to the Oratia Village including 35/60 (ARC), 35/72 (Oratia R &R), 35/74(WCC), 35/82(Jane Bisley), 35/87(Lance Sunde), 35/82(Fiona Drummond) 35/91 35/111(Maria Sunde) 35/112(Rex Sunde) and 35/121 be **accepted in part** to the extent that the relief sought in the submissions is met by the recommended changes set out at pages A1 to A27.

It is recommended that the relief sought in submission 35/89 (Dragicevich) be **accepted** as the provision of reticulated wastewater to the Oratia Rural Village is provided for in proposed policies 5B.3.1.6.2(v) and 5B.3.1.6.6(ix). It is recommended that the relief sought in this submission seeking that proposed Rule 8B.2(d) allow for at least two units to be joined be **rejected**.

Submissions in relation to PPC35 Policy - 5B 3.1.6.4 (Pine Avenue/Forest Hill Road and Holdens Road)

Submitter Number	Relief Sought	Further Submissions
<p>35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/11, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31, 35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/39a, 35/40a, 35/43, 35/44, 35/45, 35/46, 35/47, 35/48, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/60, 35/64, 35/65, 35/66, 35/67, 35/68 35/70, 35/71, 35/72, 35/73, 35/74, 35/81, 35/82, 35/83, 35/84, 35/85, 35/87, 35/89, 35/91, 35/111, 35/112, 35/113, 35/114, 35/116, 35/123, 35/126, 35/127</p>	<ul style="list-style-type: none"> • Policy 5B.3.1.6.4 be deleted 	<p>Supported by:</p> <p>35/133/6 (ARC)</p>
<p>35/59 (Dean)</p>	<ul style="list-style-type: none"> • Amend Policy 5B.3.1.6.4 so that any subdivision is assessed in the context of the immediate environment; • Remove references to achieving a density no greater than that being the average density for the OSP area and replace with reference to achieving a density that reflects the patterns of development found in the immediate Holden Road locality; • Enable discretionary activity status for development (subdivision) of the submitters land by way of a comprehensive management plan or similar; • Enable restricted discretionary land use activities linked to a rural land use subject to performance standards. • Provide for change of use within existing buildings and on the land as a restricted discretionary activity. 	<p>Opposed by:</p> <p>35/131/4 (WRPS)</p> <p>35/133/6 (ARC)</p>

Discussion:

109. The majority of submissions set out in the above table oppose PPC35 proposed Policy 5B.3.1.6.4 and seek that it be deleted. The reasons for this, where given, include:
- The extension of the provisions of the OSP towards Henderson Valley could lead to an expectation of increased subdivision in that area;
 - The subject land is part of the WRHA and must remain subject to its existing provisions;
 - The policy would allow for a density of development in a rural area, adjacent to the MUL, not envisaged or desired within the ARPS or WDP;
 - The subject land has not been subject to the analysis that was undertaken as part of the OSP process. A structure planning process or similar is required to be undertaken prior to any change in the density of development envisaged in this area above.
110. Policy 5B.3.1.6.4 relates to a discrete triangle of land in the north of the Oratia Local Area bounded by Pine Avenue, Forest Hill Road and Holdens Road. There are 22 properties within this area (outside the MUL), that are currently identified in the WDP as Foothills Environment. Some of these properties comprise several titles. The remaining properties within this area (which front Pine Avenue) are identified as Living Environment and are within the MUL (and outside the WRHA).
111. The following table sets out the properties within the subject area identified as Foothills Environment. Five of these lots are comprised in a single lot and title and are greater than one hectare. Of these only three are greater than two hectares.

Properties within the Holdens Road, Pine Avenue, Forest Hill Road triangle

Address	Owner	Lot Size (hectares)
15 Holdens Road	D S Dean	4.6524
47-51 Parrs Cross Road	D S Dean	1.8137
65 Pine Avenue	J P Wells	3.4123
23-27 Holdens Road	Z Antunovich	3.2375
31 Holdens Road	McSweeny	1.0295
35 Holdens Road	Fistonich/Halse/Clough	0.7056
132-138 Forrest Hill Road	Antunovich	0.9979 (comprised in 4 lots)
126-130 Forrest Hills Road	Antunovich	0.5273 (comprised in 2 lots)
124 Forrest Hills Road	Mackay	0.3417
122 Forrest Hills Road	Holland	0.3678
120 Forrest Hill Road	Field	1.3355
112 Forrest Hills Road	Koene	0.2689

Address	Owner	Lot Size (hectares)
106 Forrest Hills Road	Ferguson	1.2623 (comprised in 2 lots)
100 Forrest Hills Road	Stewart	0.8342
96 Forrest Hill Road	Talijancich	3.0318 (comprised in 3 lots)

112. The subject land is outside the MUL and outside the OSP area. It was not included as part of the OSP because it forms part of the neighbouring Henderson Valley/Opanuku water catchment. Structure Plan boundaries are generally based on water catchment boundaries and include all of the land within them identified as Foothills Environment. As a result, this area of foothills land has become an anomaly within the Oratia Local Area. The boundary of the Oratia Local Area was agreed with the community. This area includes the subject land because in landscape terms it is physically contiguous with the Oratia Local Area and has similar landscape characteristics. In addition, Forest Hill Road forms a logical physical boundary to the Oratia Local Area.
113. However Holden’s Road triangle of land is not subject to the same subdivision provisions as other foothills land in the Oratia Local Area because it was never considered as part of the OSP. Under the existing subdivision rules, subdivision of land to a minimum of 4 hectares is a controlled activity. Subdivision below this is non-complying. For Foothills Environment land within the OSP area, subdivision in accordance with the density specified on the OSP map is limited discretionary. Subdivision applications which exceed the density shown on the OSP map are ‘discretionary’.
114. Issues relating to the subject land were raised during the development of the Oratia LAP. In relation to “Subdivision, Development and Rural Character” Policy P24 of the Oratia LAP states:
- “In considering subdivision within the triangle bounded by Pine Avenue, Forest Hills Road and Holdens Road, applications will be assessed against whether they accord with standards no less than the Oratia Structure Plan and promote the retention of rural character, amenity and the productive use of land, the protection of restoration and enhancement of the local area’s heritage features, and the objectives of the Local Area Plan.”*
115. This policy was designed to give effect to Objective 03 of the Oratia LAP which recognises Oratia has little capacity to absorb further subdivision beyond that allocated by the OSP. It also seeks to ensure that any subdivision or development in Oratia, of itself or in respect of its cumulative effects retains rural character, maintains a low density rural community and pattern of small rural holdings. It should also not adversely affect the area’s heritage features. Further, it should not contribute to urban development outside the MUL but achieve the future character and amenity statement. Proposed Policy 5B.3.1.6.4 gives effect to this Oratia LAP policy within the WDP.
116. It is appropriate that the Council specifically address the resource management issues relating to the subdivision and development of this land in Oratia. The inclusion of an area specific policy attempts to do this by ensuring that any future applications for subdivision, particularly those seeking a density below 4 hectares are properly assessed in terms of the issues particular to this area. The Oratia LAP sets out the heritage features and future character and amenity statement for Oratia and it is appropriate that any future subdivision of this land have regard to these.

117. Those submissions seeking that this policy be deleted are effectively stating that the status quo should remain. That is, any application for a non-complying subdivision application should be assessed against the existing WDP objectives and policies which are more generally linked to the matters in Part II of the RMA rather than the more refined resource management issues specific to the Oratia Local Area. In contrast, the approach taken by the Council will ensure that a more robust assessment of a non-complying subdivision application could be made ensuring that any proposal gives effect to the matters set out in the area specific policy.
118. In terms of subdivision yield, it is unlikely that subdivision of this land will yield any more than about six additional lots (based on a likely average somewhere between 1.6 - 2.0 hectares). This is not inconsistent with the density of potential subdivision throughout the OSP area and will not have a significant adverse effect by significantly changing the surrounding landscape character. Nor is the size of anticipated subdivision yield considered to be contrary to the WRHAA or the proposed objectives and policies for the WRHAA.
119. Submission 35/59 seeks that the Council go further and provide for subdivision and development of this land as a discretionary activity. The submission also seeks that land use activities linked to a rural activity be limited discretionary. It is noted that Policy 5B.3.1.6.4 is specifically concerned with subdivision and that rural land use activities in the Foothills Environment are addressed in PPC36.
120. The Council has considered the matters raised in submissions relating to the Holden's Road triangle of land. There are a number of options that have been assessed including:
 - (a) Do Nothing – retain the existing Foothills subdivision provisions that currently apply to this land without any area specific policy provision;
 - (b) Retain proposed Policy 5B.3.1.6.4 as notified – subdivision applications would be non-complying;
 - (c) Amend Policy 5B.3.1.6.4 to reflect a broader ranges of assessment matters and make subdivision of this land a discretionary activity with no reference to density;
 - (d) Amend Policy 5B.3.1.6.4 to reflect a broader ranges of assessment matters and make subdivision of this land a discretionary activity where the subdivision rule specifies that the average lot size is 1.6 hectares and the minimum lot size is 4000m²;
 - (e) Amend Policy 5B.3.1.6.4 to reflect a broader range of assessment matters and make subdivision of this land a limited discretionary activity where the subdivision rule specifies that the average lot size is 1.6 hectares and the minimum lot size is 4000m²;

121. Option (a) would maintain the status quo. Applications for subdivision would be non-complying but there would be no area specific policy against which the application would be assessed. Applications for subdivision would be assessed against the objectives and policies for the Oratia Local Area including Objective 5B.3.1.5.1 and Policy 5B.3.1.6.5 which are more general in nature and do not recognise the anomaly created by the Holdens Road triangle land. Option (b) retains the policy as proposed, however any subdivision application would be non-complying. While this would enable an assessment of specific matters relating to subdivision of the Holdens Road land, overall it is considered more appropriate that this policy is supported by a rule in the WDP that will enable a comprehensive assessment of a subdivision proposal including appropriate performance standards and assessment criteria. For this reason, option (d) is supported as option (c) would not give sufficient certainty to owners of the subject land or the community about future density. A discretionary application would be subject to the broad assessment criteria that accompany the Foothills subdivision rules which is preferable to the limited discretionary activity status (Option e). The Council would maintain full discretion to consider all of the matters relevant to determining a subdivision application including the assessment of cumulative effects on the wider Oratia Local Area. Such applications would be publicly notified providing an opportunity for community participation in determining an application. Discretionary Activity status is also consistent with the existing WDP Foothills subdivision rules which enable discretionary activity applications for additional lots in the OSP area over and above the density specified on the OSP map. While this provision is contentious (introduced via the Environment Court decision on the OSP), it would ensure a consistent regulatory approach to the entire Foothills Environment within the Oratia Local Area. In addition, such applications would be subject to a broad range of assessment matters that would ensure any proposed subdivision avoids, remedies or mitigates adverse effects on the environment and which gives effect to those policies specific to the Oratia Local Area.
120. It is appropriate that amendments are made to Policy 5B.3.1.6.5, the existing Foothills discretionary subdivision rule and assessment criteria. These are attached at pages A1 to A27.

Recommendations:

It is recommended that submissions 35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/11, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31, 35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/39a, 35/40a, 35/43, 35/44, 35/45, 35/46, 35/47, 35/48, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/60, 35/64, 35/65, 35/66, 35/67, 35/68, 35/70, 35/71, 35/72, 35/73, 35/74, 35/81, 35/82, 35/83, 35/84, 35/85, 35/87, 35/89, 35/91, 35/111, 35/112, 35/113, 35/114, 35/116, 35/123, 35/126, and 35/127 that seek that Policy 5B.3.1.6.5 be deleted are **rejected**.

It is recommended that that part of submission 35/59 which seeks discretionary activity status for the land bounded by Holden's Road, Pine Avenue and Forest Hill Road (referred to as the Holden's Road triangle) **be accepted**.

Submissions in relation to the Oratia Structure Plan (OSP)

Submitter Number	Relief Sought	Further Submissions
35/60 (ARC)	<ul style="list-style-type: none"> Amend Foothills Environment Subdivision Rule 7.5 'Prohibited Activities' to make subdivision in the OSP exceeding the density shown on the OSP map a prohibited activity 	<p>Opposed by: 35/59 (Dean)</p>
35/74 (WCC)	<ul style="list-style-type: none"> Include a mechanism within the WDP to record and acknowledge the implementation of subdivision entitlements under the OSP. Include appropriate mechanisms in the WDP to restrict further subdivision of balance lots created in the OSP area. 	

Discussion:

121. Submissions 35/60 and 35/74 seek decisions in relation to the Oratia Structure Plan (OSP). Specifically submission 35/60 (ARC) seeks that the existing Foothills Environment Subdivision Rule 7.5 'Prohibited Activities' be amended to include subdivision in the OSP area which creates sites at a density exceeding that shown on the OSP map.
122. Under the existing WDP Foothills subdivision rules, applications for additional lots exceeding those shown on the OSP map are a 'discretionary activity'. The activity status for these applications was determined by an Environment Court decision relating to the OSP. The activity status for additional lots differs from the Birdwood and Swanson Structure Plans where such applications are a prohibited activity. The OSP was the first structure plan that the Council prepared. The assessment of environmental constraints including landscape, ecological, stormwater, roading, and geotechnical was much less detailed than the Council's more recent structure plans and therefore the basis for determining an overall limit to the total number of lots is less certain in Oratia compared to the other structure plan areas.
123. It is acknowledged that future rural-residential lot densities in the Waitakere foothills is a contentious issue. This has been widely debated over the years during the development of the Birdwood and Swanson Structure Plans. While a consistent approach across the foothills is desirable, it would not be appropriate to reopen this debate in the context of PPC35 which primarily seeks to give effect to the purpose and objectives of the WRHAA and the resource management aspects of the Oratia and Waiatarua LAPs. It is acknowledged that parts of PPC35 deal with subdivision, namely the Holden's Road triangle and that this report recommends that appropriate district plan methods be adopted to better manage the future of this land. However, this land is an anomaly which needs to be addressed. For these reasons it is not proposed to further debate subdivision issues in Oratia at this time.

124. Submission 35/74 (Waitakere City Council) seeks firstly, that the Council include a mechanism within the WDP to record and acknowledge the implementation of subdivision entitlements under the OSP. Secondly, the submission seeks that the Council include appropriate mechanisms, including amendments to relevant policies to ensure that where balance lots are established in the OSP area for protection and enhancement including acoustic, visual, landscape and for rural economic reasons, that future subdivision of these lots is restricted i.e. as is possible as a 'discretionary' activity applications.
125. The OSP provides enhanced subdivision opportunities for many of the rural landholdings in the Oratia valley. Environmental protection and enhancement measures are required in order to offset the effects of increased residential density.
126. The potential subdivision entitlements for each property are identified on the OSP map by the use of indicative lot boundaries. This method has the advantage of providing some indication about a subdivision layout that may be acceptable for a particular landholding.
127. However, some confusion can arise in circumstances where a landowner elects to undertake a subdivision that does not fully utilise the subdivision entitlement allocated to a property. There is potential for prospective purchasers of land within such subdivisions to believe that an entitlement for further subdivision may exist on a lot that they are seeking to purchase. This issue could be overcome if a mechanism existed for accurately recording any changes to subdivision entitlements over time, which is the outcome sought by the Council.
128. It is not considered that PPC35 requires any amendment to address this particular issue. Clause 20A of the RMA First Schedule provides for amendments to an operative district plan in order to correct any minor errors. Once a subdivision has occurred under the OSP, the indicative lot boundaries and subdivision entitlements shown on the District Plan's OSP map are effectively a "minor error" as they would have been extinguished by the subdivision and no longer represent actual subdivision potential under the District Plan.
129. A simple process could be established to correct the electronic copy of the OSP map under Clause 20A as each subdivision consent is granted. This would ensure that the subdivision entitlements are updated as required, and will provide confidence that the information contained on the OSP map is current.
130. A number of subdivisions undertaken within the Oratia Structure Plan area have utilised the subdivision entitlement for the property in a manner that creates a number of relatively small lots with a substantially larger balance lot.
131. The motivation for such a pattern of subdivision is generally to facilitate the retention of a productive or semi-productive rural use, such as an existing orchard, on the large lot.
132. A concern exists that this approach preserves the possibility of future subdivision, despite the lot entitlement for a particular property having been fully utilised. While the concern is acknowledged, it is considered that adequate mechanisms currently exist in the District Plan to discourage future subdivision of large balance lots.

133. In the first instance, the Council would need to be persuaded that the proposed lot layout was appropriate in the circumstances. Evidence of the viability of a rural activity could be required in order to support the proposal. In addition, the District Plan signals that Council may impose a condition on a subdivision consent requiring a consent notice to be registered on a title in order to prevent future subdivision. This method has been used in Oratia and other areas to address the issue raised in the submission, and could continue to be used in the future.

Recommendations:

It is recommended that submissions 35/60 and 35/74 relating to the Oratia Structure Plan provisions are **rejected**.

Submissions in relation to CDL Land – Swanson

134. One submission (35/35) was received from CDL Land (NZ) in relation to its property comprising 6.8 hectares at 7 Christian Road, Swanson. This submission is opposed by the Waitakere Ranges Protection Society (35/131/4) and the Auckland Regional Council (35/133/6).

Discussion:

135. The submitters' land is currently identified as Foothills Environment in the WDP. The submitters concerns relate to the fact that PPC35 makes no provision in the WDP for a LAP for Swanson which should include the CDL land.
136. The relief sought by the submitter seeks that:
- (i) An opportunity be created in Section 5B.2 Local Area Plans of the district plan to provide a heading and contents for inclusion of a LAP for Swanson for all land within 500 metres of the Swanson Railway Station;
 - (ii) Consequential changes to issues, objectives, policies and maps of the district plan to implement the relief sought;
 - (iii) The Council initiate a private plan change for the extension of the ARPS MUL notation to include the Company's land and other affected land as part of the future Swanson LAP.
137. The submitter is an urban development company which seeks that this land be developed for ultimately urban residential purposes. The submitter's land forms part of the Swanson Structure Plan and has been considered as part of that process. The Environment Court's decision in relation to the CDL property at 7 Christian did not allocate any additional subdivision potential beyond what is provided for under the existing Foothills Environment 4 hectare minimum lot size subdivision rule. The CDL land is currently outside the MUL and within the WRHA.
138. The Council has a programme of LAP development underway. This programme commenced with the development of LAPs for Oratia and Waiatarua. A LAP for Opanuku/Henderson Valley has recently been completed and a draft notified for public submissions. It is intended that LAPs for other eastern foothill communities including Swanson and Anzac Valley will be completed next followed by the West Coast and Manukau coastal village communities.
139. The potential urbanisation of the CDL land at Swanson was given some consideration during the preparation of the Swanson Structure Plan. However this was rejected in favour of making Christian Road the eastern most limit of urban residential development in Swanson.

140. A decision about whether to continue with the development of LAPs for the remaining communities of interest in the WRHA will be made by the new Auckland Council. Should this Council decide to prepare a LAP for Swanson, it is likely that matters relating to the merits of urban expansion will be debated. A further plan change would be required to give effect to any aspects of a LAP requiring changes to subdivision or land use activity rules. Given that this land is currently outside the MUL and within the WRHA it is considered inappropriate to consider this land for urban development at this time particularly given WRHAA Heritage Objective 8 (f) which states:

“to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect, -

- (i) is of an appropriate character, scale, and intensity; and*
- (ii) does not adversely affect the heritage features; and*
- (iii) does not contribute to urban sprawl.”*

141. It is considered that urbanisation of the CDL land would be contrary to this objective.
142. It is noted that this submission is opposed by WRPS and the ARC. The ARC states in its further submission that it would not support a proposal to shift the MUL in this location. Any future decision about an MUL shift will be made by the new Auckland Council.

Recommendation:

It is recommended that submission 35/35 be **rejected**.

Management of Fire Risk in the Waitakere Ranges Heritage Area

143. The New Zealand Fire Service Commission (NZFS) has made a submission (35/41a) regarding the management of fire risk in the WRHA. The NZFS is concerned about the potential for fire hazards and the fire risk of locating low density residential communities in regenerating forest settings such as the WRHA.

Discussion:

144. The focus of the NZFS submission is the new proposed issues, objectives and policies for the WRHA and the LAPs as these are concerned with the protection of the environment and rural character and amenity through management of existing vegetation, replanting and avoiding transport infrastructure of an urban scale. The NZFS notes that if these are not balanced with fire risk mitigation strategies and fire protection, there is potential for loss and damage in the event of a fire which would have significant impact on the safety and wellbeing of communities in the Waitakere Ranges.
145. The NZFS is seeking specific amendments to the resource management issues and objectives stated in Section 5B.1, and the Oratia and Waitatarua Local Area policies in Section 5B.3 that include reference to fire risk and fire risk management strategies. In addition the relief sought in the NZFS submission seeks to amend the assessment criteria associated with the subdivision rules for the Foothills, Bush Living and Waitakere Ranges Environment to include a criterion that states:

“the extent to which subdivision and new dwellings incorporate fire risk mitigation strategies and fire protection”.

146. The NZFS provides some guidance in its submission about what is meant by 'fire risk mitigation strategies'.
147. The Council accepts that fire risk is an important issue in the WRHA particularly given the remote nature of many of its residential communities and the proximity of bush. However, it is considered that the management of fire risk is already provided for in both the existing WDP objectives and policies as well as the assessment criteria relating to subdivision in these areas.
148. Particularly, WDP Policy 10.9 states:
"Any settlement should be provided with adequate appropriate and safe infrastructure sufficient to ensure the health (including safety from fire) of residents and the wider community. Reticulated networks for the disposal of sewage and stormwater, for water supply and for telephones are available through much of the City..."
149. In addition, Foothills Environment Subdivision Assessment Criterion 7(n), Bush Living Subdivision Assessment Criterion 10(m) and Waitakere Ranges Environment Subdivision Assessment Criterion 11(u) state:
"The extent to which design, construction and location and provision of public water supply mains (if provided):
 - ...
 - *Ensure sufficient capacity for firefighting including provision for fire hydrants..."*
150. In respect of vegetation management, the WDP Natural Area Rules for the Managed and Protected Natural Areas do permit the clearance of native vegetation which is less than 6 metres in height and less than 600mm in girth within 3 metres of the edge of a dwelling. This rule enables residents to ensure the perimeter of dwellings is clear of native vegetation and therefore limit fire risk. The clearance of exotic vegetation is also permitted in these Natural Areas.
151. The above policy and rules and assessment criteria recognise that protecting communities from fire risk is an important health and safety issue in Waitakere City and that appropriate infrastructure should be in place to control fire hazards wherever they may occur throughout the City. It is acknowledged that some resident communities in the WRHA do not have access to reticulated water supply for fire fighting purposes, however in these areas rural fire fighting services would rely on access to residential water supply tanks or aerial water spraying.
152. While the list of fire risk mitigation strategies are important for the appropriate management of fire risk, it is considered that district plan regulatory methods are unlikely to be effective in managing this risk as rules requiring setbacks from vegetation would be difficult to enforce and ensure compliance. An education programme and the distribution of information about fire risk and how it can be managed, particularly to remote resident communities without reticulated water supply is more likely to achieve the concerns expressed by the NZFS in its submission.

Recommendation:

It is recommended that submission 35/41a be **rejected**.

General Matters – Rural Noise

Discussion:

153. One general matter has been raised by a larger number of submitters in relation to rural noise. Specifically, the submissions seek that the proposed amendment to Foothills Environment Rule 10 to exclude rural activities be deleted. There are no clear reasons given as to why rural activities should not be excluded from the rule.
154. It is considered that noise generated by legitimate rural activities is part of the character of the rural environment. Restricting noise from activities could unreasonably constrain these activities and potentially make it difficult for those undertaking rural activities to provide for their economic wellbeing.
155. It is appropriate that rural activities are excluded from Rule 10. For this reason the submissions seeking that they be excluded are not supported.

Recommendation:

It is recommended that those parts of submissions 35/2, 35/4, 35/5, 35/6, 35/8, 35/9, 35/10, 35/11, 35/12, 35/13, 35/14, 35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/24, 35/26, 35/27, 35/28, 35/29, 35/30, 35/31, 35/32, 35/33, 35/34, 35/36, 35/37, 35/38, 35/39, 35/40, 35/41, 35/32a, 35/33a, 35/34a, 35/35a, 35/36a, 35/37a, 35/38a, 35/40a, 35/43, 35/44, 35/45, 35/47, 35/48, 35/49, 35/50, 35/51, 35/52, 35/53, 35/54, 35/55, 35/56, 35/57, 35/64, 35/65, 35/66, 35/67, 35/68 35/70, 35/71, 35/73, 35/78, 35/81, 35/82, 35/85, 35/123, 35/126, 35/127 relating to Foothills Environment Rule 10.0 **be rejected**.

Submissions supporting PPC35 in its entirety

156. Submissions 35/3, 35/7, 35/92,35/93, 35/94, 35/95, 35/96, 35/97, 35/98, 35/99, 35/100, 35/101, 35/102, 35/103, 35/104, 35/105, 35/106, 35/107, 35/108, 35/109, 35/110, 35/111, 35/112, 35/118, and 35/124 support PPC35 in its entirety.
157. Submissions 35/3 and 35/7 are opposed by 35/131/4 (WRPS) in so far as they support the proposal to create a rural village at Oratia.

Discussion:

158. Support for PPC35 is consistent with the Council's decision to give effect to the purpose and objectives of the WRHAA and matters arising from the Oratia and Waiatarua Local Area Plans.
159. It is considered that these submissions should be accepted, although it is noted that a number of amendments to the notified PPC35 are proposed in response to issues raised in others submissions on this plan change. Each submitter's support of the plan change as notified will need to consider the recommended amendments to PPC35 to determine whether the proposed amendments are acceptable.

Recommendation:

That submissions 35/3, 35/7, 35/92,35/93, 35/94, 35/95, 35/96, 35/97, 35/98, 35/99, 35/100, 35/101, 35/102, 35/103, 35/104, 35/105, 35/106, 35/107, 35/108, 35/109, 35/110, 35/111, 35/112, 35/118, and 35/124 be **accepted**.

4.0 SUMMARY OF RECOMMENDED CHANGES TO THE PLAN

A1-A27

160. It is recommended that a number of amendments be made to PPC35 in response to the decisions sought in submissions. These are attached at pages A1 to A27. In summary these include:
- (i) 5B.1 Introduction to the Waitakere Ranges Heritage Area (paragraph 7 & 9) – add references to rural working landscapes and impact of rural activities on the landscape;
 - (ii) 5B.1 Introduction to the Waitakere Ranges Heritage Area (paragraph 11) – refer to water catchment ‘in part’
 - (iii) Objectives 5B.1.2.1 – remove text reference to ‘heritage features’ to WDP glossary.
 - (iv) 5B.2.1 Introduction and Explanation – Local Area Planning – Add new reference to maintaining landscapes;
 - (v) Policy 5B.3.1.6.1 and 5B.3.1.6.2 – Amend to include reference to policy map 5B.3.1.3 showing walkways.
 - (vi) Policy 5B.3.1.6.4 – amend to include changes to Holdens Road triangle land;
 - (vii) Consequential changes to Oratia Local Area policies to reflect changes to rules;
 - (viii) Objective 5B.3.2.5.1 Waitatarua Local Area and Policy 5B.3.2.6.1 – amend to include reference to landscape values;
 - (ix) Definition of fence – delete reference to ‘wooden post and rail’
 - (x) Foothills Rule 8B Non Residential Activities within the Oratia Rural Village Non-Residential Activities Overlay – Amend rule to reflect revised provisions for Oratia Village area.
 - (xi) Foothills Residential Activities/Density Rule 2 – amend to make new residential activities in the Overlay area a ‘non-complying’ activity;
 - (xii) Foothills Subdivision Rule assessment criteria – amend E(e) to refer to Policy Map 5B.3.1.3 – Oratia Local Area - Foothills Walkway Concept;
 - (xiii) Foothills Subdivision Rule 7.3 Discretionary Activities – add new rule to provide for discretionary activity subdivision of Holden’s Road triangle land;
 - (xiv) Foothills Subdivision assessment criteria – add new assessment criterion Y(y) to refer to Holden’s Road triangle land;
 - (xv) Bush Living Environment Subdivision Rule 10 – amend proposed assessment criterion F(f) by adding reference to landscape values.

5.0 AUCKLAND COUNCIL TRANSITION ISSUES

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

Report prepared by: Deanne Rogers: Senior Planner - Policy Implementation.

Released by: Philip Brown: Group Manager: Planning & Community Services.



3 **RECOMMENDATIONS ON SUBMISSIONS TO PROPOSED PLAN CHANGE 36:
RURAL ACTIVITIES AND SOCIAL, CULTURAL AND ECONOMIC WELLBEING OF
PEOPLE AND COMMUNITIES IN THE WAITAKERE RANGES HERITAGE AREA.**

GLOSSARY

Auckland Regional Council	(ARC)
Auckland Regional Policy Statement	(ARPS)
Local Area Plan	(LAP)
Long Term Council Community Plan (2009-2019)	(LTCCP)
Proposed Plan Change 36	(PPC36)
Resource Management Act 1991	(RMA)
Waitakere City Council	(the Council)
Waitakere Economic Wellbeing Strategy	(WEWS)
Waitakere District Plan	(WDP)
Waitakere Ranges Protection Society	(WRPS)
Waitakere Ranges Heritage Area	(WRHA)
Waitakere Ranges Heritage Area Act 2008	(WRHAA)

EXECUTIVE SUMMARY

A31-A64

The purpose of this report is to make recommendations to the Planning and Regulatory Committee regarding the decisions sought in submissions and further submissions received in relation to the Proposed Plan Change 36: "Rural Activities and Social, Cultural and Economic Wellbeing of the People and Communities in the Waitakere Ranges Heritage Area ("PPC36"). The report recommends that PPC36 be approved subject to amendments made in response to the decisions sought in submissions described in this report and detailed in the attachments at pages A31 to A64.

PPC36 seeks to improve the regulatory provisions that apply to the Waitakere Ranges Heritage Area ("WRHA") associated with non-residential activities, specifically those which control future uses of rural land that retain rural character and activities that provide for the social, economic, and cultural wellbeing of the people and communities of the WRHA. The purpose of these changes is to give effect to those parts of the Waitakere Ranges Heritage Area Act 2008 ("WRHAA") and the Council's broader economic wellbeing objectives set out in the Waitakere Economic Wellbeing Strategy 2009 ("WEWS"). Specifically, PPC36 proposes to amend the Waitakere District Plan ("WDP") to provide specific objectives and policies to guide the scale, intensity and character of development appropriate to the WRHA, particularly within the Foothills Environment. Amendments to rules that control non-residential activities, signs and traffic generation in the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments are also proposed.

The Council received 721 submissions in relation to Plan Change 36 and 25 further submissions. Council staff have considered the issues raised in these submissions. Recommendations relating to the decisions sought in submissions are set out in Section 3.0 of this report.

RECOMMENDATIONS

It is recommended that the Planning and Regulatory Committee resolve to:

1. **Receive** the "Report on Recommendations on Submissions on Plan Change 36: "Rural Activities and Social, Cultural and Economic Wellbeing of the People and Communities in the Waitakere Ranges Heritage Area".
2. **Agree** to accept, accept in part, or reject the submissions to Plan Change 36: "Rural Activities and Social, Cultural and Economic Wellbeing of the People and Communities in the Waitakere Ranges Heritage Area".

3. **Agree** to accept late submissions 36/714, 36/715, 36/716, 36/717, 36/718, 36/719, 36/721 as these were received shortly after the close of submissions and their consideration does not prejudice any party.

A31-A64

4. **Agree** that pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991, the Planning and Regulatory Committee having had regard to the submissions received and subject to any contrary or additional evidence presented at the hearing, approve the amended Proposed Plan Change 36: Rural Activities and Social, Cultural and Economic Wellbeing of the People and Communities in the Waitakere Ranges Heritage Area attached at pages A31 to A64.

1.0 BACKGROUND

Waitakere Ranges Heritage Area

1. PPC36 relates to the WRHA which comprises the western (Tasman) and southern (Manukau) coastlines, the bush clad Waitakere Ranges and the eastern foothills of Waitakere City (Auckland). The area extends north from Whatipu to Te Henga (Bethells) in the west and from Titirangi to Waitakere Village in the east when viewed on a south-north traverse. The extent of the area is shown on a map attached as Schedule 1 to the WRHAA and on Policy Map X which was introduced via WDP Plan Change 16.
2. The WRHA is recognised as an area that has local, regional and national significance because of its outstanding ecological and landscape values. It is known for its terrestrial and aquatic ecosystems, which include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences. The WRHA is the western visual backdrop to urban Auckland which has significant landscape value. The forested hills and coastal vistas are essential to the identity of both the WRHA itself and urban Auckland containing a diverse range of landscapes and distinct resident communities. The WRHA is an important destination attracting visitors from the wider region, other parts of New Zealand and overseas to its iconic west coast beaches and unique bush clad areas.
3. The WRHA comprises approximately 27,720 hectares of public and privately owned land. The area includes a 17,000 hectare Regional Park which was established over a long period through gifts, grants, purchases and vesting of land. The WRHA also contributes to metropolitan Auckland's water supply. It is, in part, a water catchment area and the location for a series of storage and supply systems that have sustained Auckland since 1902.
4. The WRHA is home to more than 21,000 people. The WRHA has a long and rich human history with significance to people of both Maori and NZ European descent. Residential communities are dispersed throughout the WRHA on rural properties in the eastern foothills, larger bush lots in the Ranges, particularly along main roads and in coastal settlements. A significant number of people also work in the WRHA, with a large proportion working from home.

Plan Changes 35, 36 and 37

5. PPC36 is part of a suite of plan changes including PPC35 and PPC37 designed to give effect to the purpose and objectives of the WRHAA and the Council's broader economic wellbeing objectives for those people living and working within the WRHA. At its 8 December 2009 meeting, the Council's Planning and Regulatory Committee resolved to publicly notify PPC35, PPC36 and PPC37. The Plan Changes were publicly notified on 10 February 2010 with the submission period closing on 12 March 2010. A total of 721 primary submissions were received in relation to PPC36. A summary of the decisions sought in submissions was notified on 28 April 2010. The further submission period closed on 4 June 2010. A total of 25 further submissions were received that support or oppose primary submissions on PPC36.
6. The statutory mandate set out in Section 11 of the WRHAA is the basis upon which the Council has initiated a review of the WDP in relation to the WRHA. This acknowledges the fact that the sustainable management of natural and physical resources is fundamentally linked to achieving the purpose and objectives of the WRHAA (including environmental, social, economic and cultural objectives) although it is noted that the purpose and principles of the RMA have primacy. The review resulted in a Council resolution to amend the WDP in accordance with PPC36 which introduces new objectives and policies and amends existing Human Environment rules relating to non-residential activities in the WRHA.
7. PPC36 relates to the social, economic, cultural and environmental wellbeing of the people and communities living and working in the WRHA as well as those visiting this area from the wider Auckland region, other parts of New Zealand or overseas. PPC36 implements aspects of the WRHAA, particularly Section 8(i) and 8(j) as well as Council's broader economic objectives arising from the Waitakere Wellbeing Strategy 2009 and subsequent economic development studies specific to the WRHA.
8. Specifically, PPC36 introduces changes to existing WDP rules to enable future uses of rural land in order to retain rural character, particularly in the eastern foothills of the WRHA. In addition PPC36 gives greater support for existing non-residential activities throughout the WRHA by enabling appropriate and managed expansion of these activities. More limited rule changes are also proposed to enable the establishment of retail activities involving the sale of food and arts and crafts in the Waitakere Ranges, Bush Living and Coastal Villages Environments. Amendments to traffic generation and existing signage rules in the Waitakere Ranges, Bush Living and Coastal Villages Environments are also proposed in order to streamline consenting processes associated with the land use activities provided for.
9. PPC35 introduces the WRHAA objectives in relation to the heritage features of the WRHA, the LAPs for Oratia and Waitarua and rules changes relating to matters arising from development of the Oratia LAP, particularly strengthening the Oratia Village as a focus for local community activity. Recommendations on decisions sought in submissions on PPC35 are set out in a separate hearing report.
10. PPC37 relates to Titirangi Village. Specifically, PPC37 removes inappropriate District Plan provisions relating to Titirangi Village, and proposes new policy guidance and matters of assessment for land use activities. These are intended to provide long term certainty for the desired future character and amenity of Titirangi Village described in PPC37. Recommendations on decisions sought in submissions on PPC37 are set out in a separate hearing report.

Waitakere Economic Wellbeing Strategy

11. The city wide Waitakere Economic Wellbeing Strategy (“WEWS”) sets out a 20 year vision for the development of the Waitakere economy within the context of five themes: Place, People, Enterprise Development, Profile and Marketing, and Partnering.
12. The WEWS builds on the Council’s Economic Development Strategy developed in 2004 which addressed the City’s economic issues that included strategic infrastructure investment, identifying new land for business expansion, new educational opportunities and other initiatives to encourage innovative and productive economic activities.
13. The WEWS is the Council’s expression of how it fulfils its legislative role in promoting the community’s economic wellbeing. It provides a guide for decision making about economic issues in an integrated manner, makes the appropriate links between social, cultural and environmental wellbeing and establishes a platform for collaborative action.
14. The WEWS addressed Waitakere Community Outcomes developed as a result of the Council’s Long Term Council Community Planning (LTCCP) process under the Local Government Act 2002. This process identified priority actions which inform the focus of the Strategy. For rural Waitakere, actions included the development of a rural economic activities plan to:
 - Facilitate development of appropriate commercial activity in the WRHA that is sensitive to the special nature of the area;
 - Enable rural communities to realise economic potential while retaining connectedness and promoting natural and cultural heritage, character and recreation resources;
 - Identify appropriate economic activity in place-based plans and policies to be supported by Council advocacy, regulation and services.
15. The Council engaged Lois Easton Consulting to undertake economic studies relating to development potential in the WRHA. These studies have further informed the Council about appropriate economic activity in the WRHA that supports the economic wellbeing of the people who live and work in, and who visit this area.

Proposed Plan Change 36

16. The Section 32 report that supports PPC36 sets out the proposed changes to the WDP. In summary these include:
 - Introduction of a new Objective 5B.4.2 and Policy 5B.4.3 which seeks to provide for appropriate, small-scale non-residential activities that benefit the people and communities of the WRHA and those who visit the area;
 - Introduction of a new Foothills Rule 8A “Non-Residential Activities within the WRHA”. This rule applies to all non-residential activities except for those on scheduled sites and within the Oratia Rural Village Non-Residential Activity Overlay. It is based on the operative Rule 8, although it identifies specific activities within the permitted, controlled, limited discretionary and discretionary standards. New activities which support the rural character are proposed to be limited discretionary and discretionary;

- Extending the Controlled Activity status rule for filming activities not requiring the construction of any buildings to the Bush Living, Waitakere Ranges and Coastal Villages Environments;
- Amendments to the non-residential activity rules for the Bush Living, Waitakere Ranges and Coastal Villages Environment;
- Amendments to the Foothills Environment building coverage rules, and traffic generation and signs rules in the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environments.

Consultation

17. Council officers have discussed issues associated with the Waitakere Ranges and the implementation of the WRHAA with a wide variety of landowners, communities and interest groups. Many of the issues have been explored through other processes, including the WRHA Bill where there were extensive community discussions on the proposal to protect and enhance the WRHA, and on the needs of communities with respect to their wellbeing. Further details regarding the consultation about the issues addressed by PPC36 are set out in the Section 32 report.
18. The Council has decided to use the RMA First Schedule process to provide an opportunity for affected persons to have input into finalising PPC36. The Council considers that the RMA provides a legitimate consultation process and the ability for interested persons to influence the outcome of the plan change.

2.0 STRATEGIC CONTEXT

19. The purpose of the WRHAA is to recognise the national, regional and local importance of the WRHA, and to promote the protection and enhancement of its heritage features for present and future generations.
20. The regulatory protection of the WRHA through PPC36 supports the central objective of the "Green Network" Platform of the Council's LTCCP. The restricted growth and protection of this area is part of the Waitakere Growth Management Strategy 2009 and the urban intensification objectives of the Council. As the urban part of the City intensifies, the strategic importance of the unspoiled coast, the protected Ranges and the rural foothills will continue to grow.
21. The suite of plan changes (35, 36 and 37) are designed to give effect to the purpose and objectives of the WRHAA and its local contexts of Oratia, Waiatarua and Titirangi. These complement and implement the Waitakere Growth Management Strategy, the Auckland Regional Growth Strategy and gives effect to the policies in the Auckland Regional Policy Statement ("ARPS"). The WRHAA seeks to avoid ad hoc urban development beyond the Metropolitan Urban Limits ("the MUL") that may adversely affect the rural and natural character of the WRHA. At the same time, the continued existence and sustainable development of the diverse local communities in the area is also an objective of the WRHA.

3.0 DECISION MAKING

Issues

22. The Council is required pursuant to Clause 10 of the First Schedule of the RMA to make a decision on the proposed provisions and the decisions sought in submissions on PPC36. The decision must include the reasons for accepting or rejecting the submissions having regard to the purpose and principles of the RMA. Particularly the Council needs to be satisfied that PPC36 gives effect to the WRHAA pursuant to Section 11 of that Act and promotes the sustainable management purpose of the RMA.

Statutory Requirements and Planning Framework

Waitakere Ranges Heritage Act 2008 (“WRHAA”)

23. The WRHAA received royal assent on 8 April 2008. The legislation establishes the Waitakere Ranges Heritage Area (27,720 hectares). Its purpose is to recognise the national, regional and local significance of the WRHA and promote the protection and enhancement of its heritage features for present and future generations.
24. The WRHAA responds to concerns expressed by the community and statutory bodies over a number of years. These concerns relate to the potential adverse cumulative effects from urban growth (particularly residential subdivision) on the natural, rural and coastal landscape and the ecological, historic and cultural heritage of the area, and the difficulties in managing such effects under the current regulatory framework. It is considered a key piece of legislation which provides additional status to an important geographical area beyond the matters in Part II of the RMA.
25. Section 7 of WRHAA defines the heritage features of the WRHA which identify a range of natural, physical, cultural and amenity features. Section 8 sets out the objectives of establishing and maintaining a heritage area. Section 11 establishes a mandatory requirement for territorial authorities to give effect to the purpose and objectives of the WRHAA when preparing or reviewing a district plan that affects the WRHA. This requirement is in addition to the requirements in sections 74, 75 and 79 of the RMA. When evaluating a proposed district plan, change or variation that affects the WRHA, a territorial authority must examine whether the plan, change or variation is the most appropriate way to achieve the objectives of the WRHAA.
26. Section 13 requires consideration to be given to the purpose of the WRHAA and the relevant objectives when considering an application for resource consent. A consent authority may impose conditions under Section 108 of the RMA that relate to 1 or more of the heritage features or the objectives. The WRHAA has predominance over the Auckland Regional Growth Strategy (Section 18). In relation to the Waitakere Ranges Regional Park, the ARC is required to prepare, adopt and maintain a management plan for the integrated management of the Park (Section 19).
27. Section 25 provides for the preparation of LAPs. A territorial local authority may prepare and adopt a local area plan for a local area that is within its district and the heritage area, however, it is not mandatory. The purpose of a LAP is to promote the purpose of the WRHAA and its objectives and provide objectives in relation to the future amenity, character and environment of the local area to which the LAP applies and the wellbeing of the local community within that area (including its economic and social wellbeing). LAPs are also intended to inform decision-making processes that relate to the WRHA. Section 25(3) sets out what a LAP must include. While the adoption of a LAP does not constitute a decision by a territorial local authority to act on any specific matter there is an expectation that where decision making is inconsistent with the LAP the reasons for such any inconsistency will be clearly explained (Section 27).
28. A territorial local authority may include in its district plan any part of a LAP that relates to managing the use, development or protection of natural and physical resources. However, this is not a mandatory requirement. A LAP or a provision of a LAP has no effect on any decision under the RMA until it has been implemented through a plan change.

29. Section 29-32 require formal acknowledgement of the historical, traditional, cultural, or spiritual relationship between tangata whenua and the WRHA, namely Ngati Whatua and Te Kawerau a Maki.
30. Part 3 requires local authorities to monitor the state of the environment in the WRHA and the progress made towards achieving the objectives of the WRHAA. Section 35 preserves the existing use rights enjoyed by those who have title or right to ownership of any land or natural resources, and Section 36 excludes those resource consent applications or plan changes in the WRHA that have been notified by not finally determined.

Resource Management Act 1991 (“the RMA”)

31. The purpose of the RMA as outlined in Part II is the sustainable management of natural and physical resources. Part II also sets out the matters, including those of national importance, to which Council must have regard to and provide for in achieving that purpose. The purpose of a district plan as outlined in section 72 of the RMA is to assist Council to carry out its functions. 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 RMA. The Council is to establish, implement and review the objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities.
32. The RMA provides a statutory framework for the management of natural and physical resources. The purpose of the RMA is *“to promote the sustainable management of natural and physical resources”*.
33. Section 5(2) defines the purpose of the RMA, 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 –

 - i. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - ii. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - iii. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*
34. Section 6 of the RMA 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.”*
35. Section 7 of the RMA sets out other matters that must be given particular regard including:
- 1. “(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...”*
36. Section 8 of the RMA requires that managing the use, development and protection of natural and physical resources, takes into account the principles of the Treaty of Waitangi.
37. Part IV of the RMA relates to functions, powers and duties of central and local government. Section 31 of the RMA sets out functions of territorial local authorities for giving effect to the RMA within its boundaries. These functions include the integrated management of the natural and physical resources of the district and the control of the effects of the use or development of land including subdivision. Section 32 of the RMA imposes a statutory responsibility to evaluate the options available to achieve the Council’s particular objectives or policies. Section 35 of the RMA requires that a local authority monitor the suitability and effectiveness of its plan in managing the City’s environment. Council therefore has a duty to ensure that the WDP remains relevant in order to achieve integrated management of its natural and physical resources.
38. Part V of the RMA relates to Standards, Policy Statements and Plans. Section 73 of the RMA provides for changes to District Plans. The First Schedule of the RMA sets out the process that must be followed for plan changes. Section 74 of the RMA states the matters Council must have regard to when changing its District Plan. Under section 75 a District Plan must give effect to any national policy statement, New Zealand coastal policy statement, and any regional policy statement.
39. Section 76 of the RMA requires that when making a rule the Council must have regard to the actual or potential effect on the environment including any adverse effects.

Waitakere District Plan

40. The WDP establishes the City's approach to the management of the effects of development on natural and physical resources. It identifies the City's significant resource management issues, the objectives sought by the Plan and the policy direction adopted in response to these issues and objectives. It also describes the methods which will be used to implement the policies, and the principal reasons for adopting the particular objectives, policies and methods. PPC36 acknowledges the existing Objectives and Policies of the WDP that apply to those Natural and Human environments in the WRHA. A comprehensive assessment of the objectives and policies of PPC36 against the WDP is set out in the Section 32 report.
41. The Rules Section of the WDP contains the detailed means of implementing the Objectives and Policies set out in the Policy Section, where it has been established that rules are the most appropriate method of achieving objectives. The Rules Section of the WDP contains four sets of rules:
 - the City-Wide Rules;
 - the Natural Area Rules;
 - the Human Environment Rules; and
 - the Subdivision Rules.
42. For many proposed activities, there will be relevant rules that apply to that activity in each of these four parts.

Auckland Regional Policy Statement ("ARPS")

43. The Auckland Regional Policy Statement (ARPS), which became operative in 1999, 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 ARPS provides a resource management framework under the RMA for the integrated management of the natural and physical resources of the region. The ARPS contains objectives and policies in relation to the actual or potential effects of the use development or protection of land which are of regional significance. The appropriate management of land use and subdivision in the WRHA is a matter of regional significance. The WDP is required to give effect to the Regional Policy Statement.
44. The ARPS 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 and reasons and the environmental results anticipated as a result of implementation of the ARPS.
45. The ARPS definitions for Rural and Urban Activities (development) and the urban containment policies (including Policy Change 6) are particularly relevant to PPC36. Within the WRHA there is a broad range of non-residential activities. Some of the larger examples such as Carey Park, Auckland Waitakere Estate and the Bahai National Centre have existed in the WRHA over a long period of time and have become part of the social, economic and cultural fabric the area.

46. The WRHA is an area governed by a series of complex planning frameworks. For example, Titirangi is a low density urban area located within the WRHA and the Auckland Metropolitan Urban Limits ("MUL"). The coastal village (settlements) are distinct from the urban areas of the City, however the ARPS indicates that these are urban locations and appropriate for urban activities. Further, there are a number of distinctive rural communities located outside the MUL which are focal points for community activity.
47. PPC36 provides guidance about the type, scale and intensity of non-residential activities within the WRHA. The establishment of non-residential activities will be linked to whether the activity currently exists, its proposed size and intensity and its link a rural activity, particularly in the Foothills Environment. Within the Waitakere Ranges, Bush living and Coastal Villages Environment, the amended rules provide for some expansion (up to the limit of the existing building coverage controls) of existing activities and limited provision for new retail activities (sale of arts and crafts only).
48. It is considered that PPC36 gives effect to the urban containment objectives and policies of the ARPS and does not provide for the establishment of new non-residential activities at a size and scale that could be described as "urban".
49. A comprehensive assessment of the objectives and policies of PPC36 against the ARPS is set out in the Section 32 report.

Other Statutory Considerations

50. Additional statutory assessments have been undertaken including Sections 7 & 8 of the WRHAA, the New Zealand Coastal Policy Statement, the Hauraki Gulf Marine Park Act, and the Regional Parks Management Plan.
51. The relevant objectives and policies of PPC36 are considered to be consistent with the national significance and heritage features of the particular areas to which the plan change relates and the relevant objectives of the WRHAA.
52. It is considered that the objectives, character and amenity statements and policies contained in PPC36 are consistent with the provisions of the NZ Coastal Policy Statement, the Hauraki Gulf Marine Park Act and the Regional Parks Management Plan.
53. Overall, PPC36 is considered to be consistent with sound resource management practice across the region. It is not contrary to the purpose or principles of the RMA and is appropriate in terms of effectiveness and efficiency of Council exercising its functions.

Section 32 Considerations

54. Section 32 of the RMA requires an evaluation to be undertaken by a local authority before any objective, policy, rule or other method is adopted.
55. Council's obligations under section 32(3) 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 RMA;
 - 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 providing reasons for that evaluation.
56. The section 32 analysis completed prior to notification concluded that the objectives of the PPC36 are the most appropriate way to achieve the purpose of the RMA. Further, the proposed policies are considered to be the most efficient and effective means of achieving the purpose of the RMA. It is acknowledged that the section 32 analyses is a dynamic process and that the conclusions reached about the final content of PPC36 will be further refined through the plan change processes set out in the First Schedule to the RMA.

Analysis of Submissions

57. A total of 721 submissions and 25 further submissions were received in respect of the PPC36.
58. The submissions received have been grouped for analysis according to the decisions sought from the Council and the issues raised in submissions including:
- Withdraw PPC36 in its entirety;
 - Support PPC36 (in particular the provision for markets in the Foothills Environment);
 - PPC36 Introduction and Objectives (5B.4);
 - PPC 36 – Proposed Human Environment Rule Changes;
 - General Matters – Definitions.
59. Where submissions are seeking specific changes to the wording of PPC36, they have been addressed either individually or grouped under a common heading. At the beginning of each submission topic, the submission numbers that relate to that topic are set out. Further submissions that relate to primary submissions are also identified. Where an original submission is supported or opposed, the original submission number is identified along with its accompanying further submission.
60. A recommendation stating whether the relief sought in the submissions should be accepted, rejected, or accepted/rejected in part is provided at the conclusion of the discussion on the submission topic.
61. Submissions received after the date the submission period closed include 36/714, 36/715, 36/716, 36,717, 36,718, 36,719, 36/721. The relief sought in these submissions is discussed in this report and recommendations have been made accordingly.

Withdraw PPC36 in its entirety

62. The following submissions relate to PPC 36 in its entirety.

Submitter Number	Summary of Relief Sought	Further Submissions
36/305, 36/308, 36/309, 36/310,36/312, 36/313, 36/314, 36/317, 36/318, 36/319, 36/320, 36/321, 36/322, 36/323, 36/324, 36/325, 36/326, 36/327, 36/328, 36/329, 36/330, 36/331, 36/332, 36/333, 36/334, 36/335, 36/336, 36/337, 36/338, 36/339, 36/340, 36/341, 36/342, 36/343, 36/344, 36/345, 36/347, 36.348, 36/349, 36/350, 36/351, 36/352, 36/353, 36/354, 36/355, 36/356, 36/357, 36/358, 36/359, 36/360, 36/365, 36/368, 36/373, 36/399, 36/410, 36/444, 36/445, 36/449, 36/455, 36/457, 36/460, 36/470, 36/471, 36/472, 36/473, 36/474, 36/465, 36/476, 36/477, 36/478, 36/479, 36/480, 36/481, 36/482, 36/484, 36/485, 36/486, 36/487, 36/488, 36/489, 36/492, 36/493, 36/494, 36/495, 36/496, 36/497, 36/498, 36/499, 36/500, 36/501, 36/502,36/503, 36/504, 36/505, 36/506, 36/507, 36/508,36/509, 36/700, 36/701, 36/702	That PPC36 be withdrawn.	
36/306, 36/307, 36/346, 36/361, 36/369, 36/370, 36/371, 36/372, 36/374, 36/376, 36/377, 36/378, 36/379, 36/380, 36/381, 36/387, 36/389, 36/394, 36/395, 36/397, 36/400, 36/402, 36/406, 36/411, 36/412, 36/413, 36/415, 36/418, 36/421, 36/452, 36/464, 36/468, 36/469, 36/483, 36/488, 36/490, 36/510, 36/511, 36/703, 36/705, 36/707, 36/711, 36/716, 36/717	That Plan Change 36 be withdrawn (reasons given)	

Discussion:

63. The submissions set out in the table above seek that Plan Change 36 be withdrawn. These submissions are addressed first, as if accepted there would be no reason to consider other submissions on specific provisions of PPC36.
64. Reasons listed in the submissions for withdrawing PPC36 (where these exist) include:
- a. PPC36 will result in a range of cumulative and adverse effects on the natural heritage, character, infrastructure and amenity values of the WRHA;
 - b. PPC36 is contrary to the principles of heritage, amenity and character of the Waitakere Ranges and the WRHAA;
 - c. PPC36 is contrary to the purpose & principles of the RMA;
 - d. Lack of adequate consultation with affected WRHA communities regarding the details of the plan change/contravenes Section 82 (principles of consultation) of the Local Government Act 2002;
 - e. PPC36 is premature and should not be implemented until LAPs completed for all WRHA communities as this has the potential to undermine the LAP process;
 - f. Contrary to the Karekare Management Plan;
 - g. PPC36 changes to the Coastal Village Environment which would enable the expansion of existing activities and the establishment of new activities as a Limited Discretionary Activity is contrary to WCC Decision Notice 41 (March 1998) which made all new non-residential buildings within the Coastal Villages Environment 'non-complying';
 - h. PPC36 ignores the environmental protection objectives of the WRHAA and does not treat the WRHA according to its distinctive communities;
 - i. There is no need to provide for additional non-residential activities in the Waitakere Ranges.
65. It is clear from the number of submissions received in opposition to PPC36 and the sentiment expressed in those submissions that there is significant community interest and concern about the extent to which non-residential activities may be able to establish or expand in the WRHA. A wide variety of reasons are given for this opposition. These are summarised above.
66. The issue of deciding the content and merit of a District Plan change is one where case law² provides guidance as to the stages that need to be considered, being:
- Ascertaining the relevant facts, identifying the issues, and generating and proposed objectives and consequential policies and methods of implementation;
 - Preparation of the overall section 32 analysis;
 - The overall assessment of the plan change [the ultimate issue as to whether on balance the council is satisfied that implementing the proposals would more fully serve the statutory purpose than would cancelling them].

² Wakatipu Environmental Society Inc v Queenstown Lakes District Council [2000] NZRMA 59 [para 54] and Terrace Tower (NZ) Pty Ltd v Queenstown Lakes District Council [2001] NZRMA 23.

67. The Council has clear reasons for implementing PPC36. The plan change is a response to the WRHAA (Objectives (i) and (j)) and the implementation of the Council's strategic objectives to better enable people and communities living and working in the WRHA to provide for their economic, social and cultural wellbeing which is also consistent with the sustainable management purpose of the RMA. In particular, the Council seeks to enable a more diverse range of rural businesses that maintain the rural character of the WRHA. It also seeks to support existing non-residential activities to ensure they remain able to support the economic, social or cultural wellbeing of the people who live and work in the area as well as those who visit.
68. The Council's WEWS is a strategic document which assists in informing and giving effect to its statutory responsibility to promote the economic wellbeing of its community in accordance with its purpose under the Local Government Act 2002. Through the development of this document including subsequent economic studies relating to the WRHA, as well as consultation with local businesses and landowners the Council believes it is well informed about economic wellbeing issues in its district and those specific to the WRHA.
69. PPC36 forms part of a suite of proposed plan changes that broadly address the matters to be given effect to in the WRHAA, the RMA and the LGA. PPC36 does not ignore the environmental protection and enhancement purposes of the WRHAA or the sustainable management purposes of the RMA as suggested in some submissions. Rather, the focus of PPC36 is the social, economic and cultural wellbeing of the people living and working in the WRHA by including them in WDP policy and rules to provide greater certainty about the appropriate type, size and scale of existing and future non-residential activities. This is addressed in the context of Part II of the RMA and the objectives of the WRHAA.
70. The content of PPC36 and its effect is explained in section 2.0 of this report, as well as in section 3.0 of the section 32 report. It is considered that there is a clear logic between the facts, the evaluation of the responses to these, and the generation of objectives, policies and methods that respond to these.
71. The section 32 analysis undertaken prior to notification of PPC36 identified that the proposed Plan Change was necessary and the most efficient and effective means of achieving the purpose of the RMA. It also concludes that the objective is the most appropriate way to achieve the purpose of the RMA, that the policies achieve the objectives and that the methods are the most effective and efficient means to achieve the policies and provide for the sustainable management of natural and physical resources, and the wellbeing of the community. PPC36 is consistent with relevant statutory documents. In this regard careful consideration has been given to the type, size and scale of non-residential activities able to establish outside the MUL in order to give effect to the ARPS. It is considered that PPC36 represents the most appropriate way to manage adverse effects by establishing clear parameters for future non-residential activities and the expansion of existing ones. The section 32 also provides a detailed assessment of PPC36 against the purpose and objectives of the WRHAA.
72. It is also considered that the Council has met its obligations with respect to consultation. While this has not included direct consultation about the details of the plan change with the affected WRHA communities prior to notification, the Council has consulted extensively with a variety of organisations, businesses and residents communities about issues relating to the social, economic wellbeing of communities in the WRHA. It has also drawn on the findings of other consultation processes in respect of the WRHAA, the Council's Economic Wellbeing Strategy 2009, the West Coast Plan and the development of LAPs in Oratia, Waiatarua and more recently Henderson Valley. In addition, local views on issues relating to commercial activity in coastal villages such as Piha are well known to the Council as a result of the recent resource consent application for the Piha Café. The Council has also been made aware of the difficulty legitimate non-residential activities, particularly community organisations have when seeking resource consent on sites within the WRHA.

73. To withdraw the plan change, undertake further consultation with the parties involved and then re-notify it to seek additional submissions would be disruptive and costly as well as time consuming. Council and the other submitters are already committed to the hearing process with an expectation that the various concerns raised can be addressed at this forum. Abandoning the hearings would not only impose substantial delays but also involve the parties having to make new arrangements. The Council fully understands its consultation obligations pursuant to Section 82 of the Local Government Act and the RMA.
74. The Council's approach to consulting on the details of PPC36 has been to use the First Schedule process set out in the RMA. While some submitters may consider this approach unsatisfactory, it is a legislative process that enables affected persons to comment on and seek changes to a proposed plan change. Some plan changes are by nature complex and technical, and may require submitters to seek professional advice particularly when they involve extensive areas of land such as the WRHA. Council officers are always available to assist the public in understanding any proposed changes.
75. Some of the submission seek that PPC36 be put on hold or refined to include just the eastern foothills until Local Area Plans (LAPs) have been completed for all communities within the WRHA. LAPs are one tool to consider the future of communities and environmental outcomes but the development of the Plans is not mandatory. PPC36 addresses known deficiencies within the WDP as well as objectives 8(i) and (j) which relate to future rural activities and economic wellbeing. The provision for non-residential activities with the Waitakere Ranges, Bush Living and Coastal Villages Environments is limited to enabling existing activities to expand and new retail activities involving the sale of arts and crafts. It is not proposed to change WDP rules that control other 'new' non-residential activities, except for linking these to the building coverage controls rather than to an a building originally erected as a dwelling. The Council has a programme of LAP development underway which is budgeted for in the LTCCP, however it is likely to take 7 years to complete these, providing the new Auckland Council chooses to continue this work. Delaying PPC36 until all LAPs are completed is unrealistic and would enable the Council to address know deficiencies in the WDP in a timely manner.
76. In relation to the WDP Coastal Villages – Decision Notice 41, PPC36 does not propose to amend this in relation to non-complying activities. The existing rule which makes any new non-residential activities (that do not comply with the building coverage rule) will be retained. Applications for new non-residential activities that comply with the building coverage rule will be 'discretionary'. The proposed rule differs slightly from the existing rule in that the building is linked to the building coverage rule rather than a building originally erected as a dwelling. It has come to the attention of the Council that the existing rule which links non-residential activities to existing dwellings is not working. This is because building consent applications for dwellings are being made in advance of applications for non-residential activities to ensure compliance with the rule. This simply results in more buildings in the landscape rather than constraining non-residential activities to the existing residential building stock. For this reason, it is proposed that the discretionary rule be amended to better manage the effect of additional building in the coastal village settlements. This change is also proposed in the Waitakere Ranges and Bush Living Environments.
77. Regarding the Karekare Management Plan, PPC36 is not proposed to be contrary to this. Non-residential activities are very limited in this community including the surf club, the fire station in Lone Kauri Road and the Karekare Beach Lodge. These activities could apply to expand under the proposed limited discretionary activity rules.

78. Subject to recommended amendments suggested elsewhere in this report, it is considered that PPC36 is appropriate and should be retained. PPC36 does not enable wholesale commercialisation of the WRHA as suggested by some submitters. Rather the Council has taken a carefully targeted and strategic approach to enabling a limited range of non-residential activities within the eastern foothills of the WRHA to better provide for future uses of rural land in order to retain a rural character and enable some expansion of existing non-residential activities elsewhere to support the ongoing viability of these activities and to provide an outlet for local creative endeavour (sale of arts and crafts).
79. Council staff have considered the various issues, concerns and changes sought in relation to PPC36 and recommended appropriate changes to PPC36 to reflect these. These recommended changes are discussed in the following sections and may go some way toward addressing the concerns raised by submitters seeking the withdrawal of PPC36.
80. It is considered that withdrawing PPC36 will not enable the Council and the community to appropriately manage the WRHA or provide for the economic, social and cultural wellbeing of the communities who live and work there consistent with the Council's statutory responsibilities. Accordingly any submissions which simply seek to withdraw PPC36 would have to demonstrate that there were substantial deficiencies in both the planning process and plan change to justify such action. Any withdrawal at this stage would impose substantial delays, costs and disruption on a wide range of parties.

Recommendation:

It is recommended that the submissions set out in the table above that seek that Plan Change 36 be withdrawn be **rejected**.

Submissions in Support of PPC36 – specifically the provision for “markets”

81. The following submissions support PPC36. In particular the proposed changes that make provision for markets. The submissions are identical in the relief sought and the reasons given for the support for PPC36.

36/1, 36/2, 36/3, 36/4, 36/5, 36/6, 36/7, 36/8, 36/9, 36/10, 36/11, 36/12, 36/13, 36/14, 36/15, 36/16, 36/17, 36/18, 36/19, 36/20, 36/21, 36/22, 36/23, 36/24, 36/25, 36/26, 36/27, 36/28, 36/29, 36/30, 36/31, 36/32, 36/33, 36/34, 36/35, 36/36, 36/37, 36/38, 36/39, 36/40, 36/41, 36/42, 36/43, 36/44, 36/45, 36/46, 36/47, 36/48, 36/49, 36/50, 36/51, 36/52, 36/53, 36/54, 36/55, 36/56, 36/57, 37/58, 36/59, 36/60, 36/61, 36/62, 36/63, 36/64, 36/65, 36/66, 36/67, 36/68, 36/69, 36/70, 36/71, 36/72, 36/73, 36/74, 36/75, 36/76, 36/77, 36/78, 36/79, 36/80, 36/81, 36/82, 36/83, 36/84, 36/85, 36/86, 36/87, 36/88, 36/89, 36/90, 36/91, 36/92, 36/93, 36/94, 36/95, 36/96, 36/97, 36/98, 36/99, 36/100, 36/101, 36/102, 36/103, 36/104, 36/105, 36/106, 36/107, 36/108, 36/109, 36/110, 36/111, 36/112, 36/113, 36/114, 36/115, 36/116, 36/117, 36/118, 36/119, 36/120, 36/121, 36/122, 36/123, 36/124, 36/125, 36/126, 36/127, 36/128, 36/129, 36/130, 36/131, 36/132, 36/133, 36/134, 36/135, 36/136, 36/137, 36/138, 36/139, 36/140, 36/141, 36/142, 36/143, 36/144, 36/145, 36/146, 36/147, 36/148, 36/149, 36/150, 36/151, 36/152, 36/153, 36/154, 36/155, 36/156, 36/157, 36/158, 36/159, 36/160, 36/161, 36/162, 36/163, 36/164, 36/165, 36/166, 36/167, 36/168, 36/169, 36/170, 36/171, 36/172, 36/173, 36/174, 36/175, 36/176, 36/177, 36/178, 36/179, 36/180, 36/181, 36/182, 36/183, 36/184, 36/185, 36/186, 36/187, 36/188, 36/189, 36/190, 36/191, 36/192, 36/193, 36/194, 36/195, 36/196, 36/197, 36/198, 36/199, 36/200, 36/201, 36/202, 36/203, 36/204, 36/205, 36/206, 36/207, 36/208, 36/209, 36/210, 36/211, 36/212, 36/213, 36/214, 36/215, 36/216, 36/217, 36/218, 36/219, 36/220, 36/221, 36/222, 36/223, 36/224, 36/225, 36/226, 36/227, 36/228, 36/229, 36/230, 36/231, 36/232, 36/233, 36/234, 36/235, 36/236, 36/237,

36/238, 36/239, 36/240, 36/241, 36/242, 36/243, 36/244, 36/245, 36/246, 36/247,
36/248, 36/249, 26/250, 36/251, 36/252, 36/253, 36/254, 36/255, 36/256, 36/257,
36/258, 36/259, 36/260, 36/261, 36/262, 36/263, 36/264, 36/265, 36/266, 36/267,
36/268, 36/269, 36/270, 36/271, 36/272, 36/273, 36/274, 36/275, 36/276, 36/277,
36/278, 36/279, 36/280, 36/281, 36/282, 36/283, 36/284, 36/285, 36/286, 36/287,
36/288, 36/289, 36/290, 36/291, 36/292, 36/293, 36/294, 36/295, 36/296, 36/297,
36/298, 36/299, 36/300, 36/301, 36/302, 36/315, 36/316/ 36/383, 36/384, 36/385,
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36/697, 36/698, 36/699, 36/706, 36/710, 36/715, 36/718, 36/719, 36/721.

Discussion:

82. PPC36 proposed Rule 8A provides for markets in the Foothills Environment as a permitted activity provided certain performance standards are met including the type of goods sold, the size of site, and being a single day operation. In all other WRHA Human Environments, markets involving retail sales of any description would be non-complying.
83. Markets for food, beverages and arts and crafts can add to the social, cultural and economic wellbeing of both the people and communities in the WRHA and visitors from metropolitan Auckland. They allow people to connect with produce growers, market operators and the historical context of the area (related to horticulture and agricultural production). These markets can also improve opportunities associated with rural production and the management of rural land by providing an outlet for the sale of local produce as well as arts and crafts.
84. The provision for markets in the Foothills Environment is considered appropriate and is an activity that gives effect to objectives (i) and (j) of the WRHAA along with Part II of the RMA. The existing Oratia Farmers market is a good example of this. The proposed rules will enable this market to continue supporting the economic, social and cultural wellbeing of the people who work and live in the WRHA.
85. It is noted that the Council has received submissions which seek to modify aspects of Rule 8A in relation to markets and that a decision on the relief sought may result in changes to proposed Rule 8A. A discussion and recommendation in relation to the relief sought in submissions is set out in the sections below.

Recommendations:

It is recommended that the submissions that support PPC36 in relation to markets set out in the table above be **accepted**.

Submissions in relation to PPC36 Section 5B.4 (Issues, Objectives and Policies)

86. The submissions set out in the table below raise issues and seek decisions from the Council in relation to the Issues, Objectives and Policies set out in section 5B.4 of PPC 36. Due to the length of the decisions sought in some of these submissions they are summarised in separate tables below. A discussion about the decisions sought in each submission is provided separately as they contain discrete issues relevant to the concerns of the submitter.

Submitter Number	Summary of Relief Sought	Further Submissions
35/304 (Turner)	<ul style="list-style-type: none"> Delete the statement in paragraph 9 of the explanation to Objective 5B.4.2 and Policy 5B.4.3 which refers to drawing visitors away from the Waitakere Ranges Regional Parkland, particularly toward the Foothills Environment." 	

Discussion

87. The submitter's concerns relate to the basis of the statement in paragraph 8 of the Explanation to proposed Objective 5B.4.2 and Policy 5B.4.3 which refers to the fact that the Waitakere Ranges Regional Park is under pressure from visitors. The submitter contends that this statement has no basis. In particular the submitter is concerned this statement implies that visitors should be drawn away from the Regional Park when in fact it can easily accommodate an increase in the number of visitor facilities without damage to the natural environment, without perceptible reduction in the area of regenerating native forest and detriment to the spectacular views.
88. The fact that the Waitakere Ranges is a popular destination for visitors from Auckland, New Zealand and overseas is not in contention. Management of the effects of visitor use of the Regional Park and the wider WRHA is, and will continue to be a key priority for the Auckland Regional Council and Waitakere City Council (Auckland Council). For this reason it is appropriate that PPC36 reflect those priorities.
89. The statement in paragraph 8 of the policy explanation is not intended to give the impression that people should be discouraged from enjoying or using the Waitakere Regional Park. Rather, by providing alternative visitor and recreation experiences, particularly in the adjacent foothills area, visitor experiences can be better distributed to ease pressure on the resources of the Park itself.
90. It is accepted that the wording of this paragraph may leave users of the WDP with the wrong impression about the use of the Regional Park. For this reason it is recommended that the wording of the explanation be amended as follows:

"The Waitakere Ranges Regional Park is under pressure from visitors. The approach of the Policy is to enable alternative visitor and recreation experiences, particularly in the Foothills Environment to ease visitor pressure on the Regional Park."

Recommendation:

That submission 35/304 is **accepted in part** to the extent the wording of paragraph 8 of the Explanation to Objective 5B.4.2 and 5B.4.3 be amended to address the concerns of the submitter.

Submitter Number	Summary of Relief Sought	Further Submissions
35/311 (ACTB)	<ul style="list-style-type: none"> • Objective 5B.4.2 - Remove the reference to “small scale” activities • Amend Policy 5B.4.3 to acknowledge the importance of social associations with the Area. • Amend Policies 5B.4.3 (v) and (vi) to acknowledge Carey Park as an exception to the home occupation requirement. • Policies 5B.4.3 (xv)-(xxiv) should include a Carey Park specific policy • Include an additional policy which acknowledges all activities in the Foothills Environment which have an important social or cultural association with the area and which contribute to the wellbeing of the community and visitors alike. • Amend paragraph 6 of the ‘Explanation’ to Objective 5B.4.2 <i>“The policy provides for limited expansion of these activities in appropriate circumstances ...”</i> by deleting the word <i>‘limited’</i>. 	<p>Opposed by: 36/749/24 (ARC) 36/734/9 (WRPS)</p>

Discussion:

91. Carey Park Christian Camp is located at 397 Henderson Valley Road and is owned and operated by the Adventure Camp Trust Board (ACTB). As stated in the submission, Carey Park has a long history of providing outdoor recreational, environmental and educational opportunities to a range of groups in the community including schools, churches and youth organisations. The Park is well known to many Aucklanders who have attended school or youth camps at the Park over many decades. Carey Park forms a significant part of the social and cultural fabric of the WRHA and the wider Auckland region.
92. The decisions sought in the submission seek that the PPC36 Objectives and Policies better reflect the existence of established non-residential activities that support the social and cultural wellbeing of the local community and visitors to the WRHA. This relief is summarised above.
93. The relief sought in the submission is opposed by the WRPS and the ARC. The WRPS opposition relates to its concern that that relief sought in the submission, if granted, will provide for additional non-residential activities in the WRHA. The ARC’s concerns relate to the fact that the relief sought, if granted, could enable the introduction of activities that could be considered urban in scale and/or use into the rural area and that this outcome could undermine the strategic direction of the ARPS including the containment policies.

94. As described above, Carey Park is an existing non-residential activity with a strong connection to the social and cultural wellbeing of Auckland. The relief sought in the ACTB submissions seeks that its existence be recognised in policy, including its existing size and scale which is distinct from other smaller-scale non-residential activities PPC36 might enable in the future. In addition, the submission highlights its commercial (not for profit) accommodation function which is also distinct from the new types of short stay accommodation PPC36 provides for (primarily “bed & Breakfast” home occupations). Other examples of existing commercial accommodation in the WRHA include Auckland’s Waitakere Estate, Whatipu Lodge and the camping ground at Piha.
95. In terms of the relief sought it is accepted that parts of the relief will ensure that PPC36 objectives and policies better reflect existing non-residential activities and the contribution they make toward the social, economic and cultural wellbeing of the community, in particular:
- Amending Objective 5B.4.2 to remove the reference to small-scale and replacing it with wording that refers to ‘new activities being an appropriate size and scale’;
 - Including a reference to ‘social’ as well as cultural in policy 5B.4.3;
 - Including a reference in policy 5B.4.3 (vi) to existing commercial accommodation as distinct from home occupations.
96. It is not considered necessary to include a Carey Park specific policy that acknowledges the role the Park plays in contributing to the character of the area and the social wellbeing of people within and outside the WRHA. Proposed Policy 5B.4.3 already captures this intent in general terms by recognising opportunities for appropriate expansion of existing activities that contribute to the wellbeing of the community and/or the quality of the visitor experience. It is however recommended that existing activities such as Carey Park are specifically referred to in paragraph 6 of the explanation to the Policy.
97. The submitter also seeks amendments to paragraph 6 of the policy explanation by removing the word “limited” expansion...’ in the last sentence. The term limited refers to the fact that the expansion of existing activities will be limited by rules, performance standards and assessment criteria specific to each of the Human Environments that will determine the appropriateness of the proposed expansion. It is accepted that the word “limited” is not required given the reference to “appropriate expansion” in policy 5B.4.3 (ix) and “appropriate circumstances” in the explanation.

Recommendation:

A31-A64

It is recommended that submission 36/311 be **accepted in part** and that Objective 5B.4.2 and 5B.4.3 be amended as attached at pages A31 to A64.

Submitter Number	Summary of Relief Sought	Further Submissions
36/362 (Stevenson)	<ul style="list-style-type: none"> • Add filming activities to 5B.4.3 	

Discussion:

98. The submission seeks to include ‘filming activities’ in the sub-clauses of Policy 5B.4.3. Further relief is sought in respect of the rules relating to filming which is discussed next.

99. Given that PPC36 proposes to enable filming activities not requiring the construction of any building as a ‘controlled activity’, it is appropriate that this intent is also reflected in policy. The contribution of the film industry to the economic, social and cultural wellbeing of the Waitakere community is acknowledged as it now forms an important part of the Waitakere economy. The Waitakere Ranges are an important resource for filming and access to them for filming purposes is appropriate where the effects of such activities are carefully managed.

Recommendation:

A31-A64

That submission 36/362 is **accepted in part** to include reference to filming activities as attached in the amended PPC36 at pages A31 to A64.

Submitter Number	Summary of Relief Sought	Further Submissions
36/364 (Federated Farmers of NZ)	<ul style="list-style-type: none"> • Amend Objective 5B.4.2 to state that ‘appropriate’ activities include traditional agricultural activities. • Amend Policy 5B.4.3 (xii) to state that earthworks and vegetation removal activities are part and parcel of normal Rural Activity. • Amend Policy 5B.4.2 (xix) to refer to providing for the continuation of present activities and development of future activities and retaining and maintaining a wide range of rural production activities. • Amend Policy 5B.4.3 (xx) by deleting “requiring” and replacing it with “enabling”: • Amend Policy 5B.4.2 ‘Explanation’ to include the words “normal range of rural activities” immediately after the word “including” on the second line of the 6th paragraph of the Explanation. 	Opposed by: 36/734/9 (WRPS)

Discussion:

100. The submitter seeks to amend proposed Objective 5B.4.2 and Policy 5B.4.3 to better reflect the existence of rural activities in the WRHA. The submission highlights the contribution rural activities make to the economic wellbeing of the local community and the need for landowners to be able to undertake normal farming and other normal low-impact rural land use activities without having to obtain resource consent.
101. Specific changes are sought in relation to the matters summarised in the table above. The amendment sought to Objective 5B.4.2 is not considered appropriate as it is deliberately general without reference to specific types of non-residential activities such as rural activities. The inclusion of rural activities in the broad category of ‘non-residential’ activities stated in the objective is provided for in Policy 5B.4.3 (iv), (xv), (xvii), (xix), and (xx) as well as rules that provide for rural activities as “permitted” in the Foothill Environment.

102. This submission is opposed by WRPS. The Society is concerned that the policy amendments sought could elevate the significance of agricultural activities and their associated effects to the WRHA beyond other economic non-residential activities and make clearance of protected vegetation easier.
103. It is understood from its submission that Federated Farmers is concerned about ensuring that Policy 5B.4.3 recognises and provides for the ongoing use of rural land in the WRHA and a wide range of rural activities as well as the ancillary activities typically associated with rural activities such as earthworks and vegetation clearance. However this must be balanced with the purpose and objectives of the WRHAA which may direct that a more limited range of rural activities than those permitted in other rural areas. It is noted that rural activities are a permitted activity in the proposed WRHA Foothills Environment but that the existing definition of Rural Activity excludes 'forestry' or 'woodlots'. Clearance of protected native vegetation for the purpose of rural activity is not provided for nor is earthworks beyond that which is permitted in the respective Natural Area rules. PPC36 does not propose to change this.
104. The policy changes sought in respect of 5B.4.3 (xx) are accepted as it is appropriate that a rural business's contribution to rural character should be enabled rather than required. A genuine rural business will by nature contribute to rural character. Similarly, the changes sought to the policy explanation in paragraph 6 to include rural activities are accepted, although it is recommended that this simply include a reference to 'rural activities'.

Recommendations:

A31-A64

It is recommended that submission 36/364 be **accepted in part** and that PCC 36 Policy 5B.4.3 and its explanation be amended as attached at pages A31 to A64.

Submitter Number	Summary of Relief Sought	Further Submissions
36/366 (Raumati Point Ltd) 36/375 (Worley)	<ul style="list-style-type: none"> • Amend paragraph 1, 2 and 3 of Issue 5B.4.1 and add an additional paragraph that refers to existing lawfully established uses including rural activities while balancing this with the protection of the natural environment and amenity values of the area etc; • Delete the words "and small-scale" from line one of Objective 5B.4.2 and refer to connection with an existing non-residential building or activity or rural activity. • Amend Policy 5B.4.3 (iii) and (iv) by referring to a connection with an existing non-residential building/activity or rural activity: • Delete the words "home occupations and" from Policy 5B.4.3(v). • Delete Policy 5B.4.3 (vi). • Add the words "(including filming activities)" after the words "industries" in Policy 5B.4.3 (viii). • Add the words "and/or the long term sustainability and economic viability of the 	<p>Opposed by:</p> 36/734/9 (WRPS) 36/749/24 (ARC) 36/750/25 (PPHS Inc) <p>Supported by:</p> 36/730/5 (Roberts Family Farm) 36/737/12 (V Bethell) Hooker Family (36/745/20)

Submitter Number	Summary of Relief Sought	Further Submissions
	<p><i>activity.</i>" at the end of Policy 5B.4.3 (ix).</p> <ul style="list-style-type: none"> • Add the following words at the end of Policy 5B.4.3(x): (refer submission) • Delete the words <i>"that relate to the historic and/or rural character of the area"</i> from Policy 5B.4.3 (xi). Also, substitute the word <i>"avoid"</i> with <i>"mitigate any"</i> and add the word <i>"generally"</i> before the word <i>"subservient"</i>. • Add the words <i>"and existing buildings and other physical resources"</i> at the end of the second paragraph of the Explanation to Policy 5B.4.3. • Add the words <i>“,but recognising and accepting existing non-residential buildings and existing non-residential activities, and the need for rural activities.”</i> to the end of the fourth paragraph of the Explanation to Policy 5B.4.3. • Add the following sentence to the end of the fifth paragraph of the Explanation to Policy 5B.4.3, <i>“In addition, rural activities, activities that are connected with either an existing non-residential building or an existing non-residential activity, where a proposal relates to increasing the scale or intensity of that activity, should be recognised and accepted.”</i> • Add the following words to the end of the sixth paragraph of the Explanation to Policy 5B.4.3, <i>“and provide for, support and encourage the economic sustainability and viability of the activity and the potential future innovative economic activities.”</i> • Add the following sentences to the end of the eighth paragraph of the Explanation to Policy 5B.4.3: • Delete paragraph 11 of the Explanation to Policy 5B.4.3. 	
<p>36/714 (S & JM Wheeler Trust)</p>	<p>Same as relief sought in submission 36/366 except for summary bullet points 5, 7, 9, 20, 21, 35 and 36.</p> <p>Additional/alternative relief sought:</p> <ul style="list-style-type: none"> • Replace the words <i>‘...do not rely on or support the productive use and capacity of rural land...’</i> in Policy 5B.4.3 (iv) with the words <i>‘...would compromise the existing use and any potential use and any potential use of rural land...’</i>. After the word <i>“land”</i> in Policy 5B.4.3 add the following words <i>“the use of existing non-residential buildings or other existing physical resources.”</i> 	<p>Opposed by:</p> <p>36/734/9 (WRPS) 36/749/24 (ARC) 36/750/25 (Protect Piha Heritage Society Inc)</p> <p>Supported by:</p> <p>36/730/5 (Roberts Family Farm) 36/737/12 (V Bethell)</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	<ul style="list-style-type: none"> Delete Policy 5B.4.3 (vi) and replace with <i>'limiting any commercial overnight accommodation to a scale that is responsive to the character of the structure in which the accommodation is to be located and the overall setting within the wider community.'</i> 	Hooker Family (36/745/20)

Discussion:

105. The submission from Raumati Point Ltd seeks that PPC36 policies give greater emphasis to existing lawfully established non-residential buildings/activities and the activities. In particular the potential to use (or recycle) lawfully established non-residential buildings for new uses such as accommodation, arts and crafts and local businesses etc. In addition the submission is concerned with ensuring filming activities are not unduly restricted and that rural activities in the Waitakere Ranges Environment are permitted. The Wheeler Trust seek similar relief with noted exceptions. In addition the Trust seeks relief in relation to policies that refer to the nature of future rural land uses and commercial accommodation.
106. Overall it is considered that PPC36 adequately provides for the ongoing use and appropriate expansion of existing non-residential activities including the size and scale. Where there are existing non-residential buildings these may be used to accommodate new non-residential activities where these are provided for by way of a permitted activity or resource consent. The type, size and scale of these activities are controlled so that they are appropriate to the WRHA. It is noted that Policy 5B.4.3 (xi) encourages the reuse of existing buildings that relate to the historic and/or rural character of the area.
107. It is considered that the submitter's proposal to link the appropriateness of non-residential activities to an existing non-residential building places too great an emphasis on the existence of the building rather than the activity itself which may or may not be appropriate.
108. Other matters raised in the submission relate to filming activities and rural activities in the Waitakere Ranges Environment.
109. It is considered that the policy changes sought by the submitters 36/366 and 36/375 in relation to the following are acceptable:
- Amend Policy 5B.4.3 (viii) – add reference to filming activities.
 - Amend Policy 5B.4.3 (xi) to refer to 'avoid, remedy, or mitigate' adverse effects.
110. Matters relating the rules which give effect to the relief sought in the proposed policies are discussed in the sections below.
111. Regarding the relief sought in submission 36/714, It is considered appropriate that Policy 5B.4.3 (iv) refer to avoiding the development of activities that do not rely on or support the productive use and capacity of rural land, or the character, amenity, communities, recreational or attributes of the WRHA as the policy is much broader than just rural activities. In regards to commercial accommodation, the Council's approach is enable new opportunities for commercial accommodation within the context of a home occupation and to avoid larger scale more intensive accommodation in the WRHA, other than what is existing.

Recommendation:

It is recommended that submissions 36/366 and 36/375 **be rejected in part** and that submission 36/714 **be rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/390 (Auckland Waitakere Estate)	<ul style="list-style-type: none"> • Amend Policy 5B.4.3 (vi) to read: <i>“limiting any new commercial overnight accommodation to that associated with home occupation activities and allowing appropriate expansion of existing activities.”</i> • Retain 5B.4.3 (ix) as proposed. 	<p>Opposed by: 36/734/9 (WRPS) 36/749/24 (ARC)</p>

Discussion:

112. The Auckland Waitakere Estate is a four star, 17 room boutique hotel located on Scenic Drive in the WRHA. The complex began as a motel in the 1960's and expanded to become a larger hotel and conference facility during the 1980's. It is a family owned business with a historical connection to the WRHA. The Auckland Waitakere Estate is the only hotel operation of this type and standard in the WRHA.
113. The submission supports PPC36 policies that recognise and provide for existing non-residential activities, particularly 5B.4.3 (ix). The submission seeks that the proposed policies be amended to recognise existing commercial accommodation other than in the form of a home occupation. This is similar to the relief sought by the ACTB (Carey Park).
114. The relief sought in the submission is opposed by the ARC and WRPS. The ARC is concerned that the relief sought, if granted will undermine the urban containment policies of the ARPS and enable the introduction of urban scale activities. However this submission fails to recognise that the Auckland Waitakere Estate is an existing activity. The WRPS concerns relate to the potential for home occupations to expand to an extent that would create adverse character and amenity effects in the Waitakere Ranges.
115. PPC36 recognises existing non-residential activities that have established over time and which contribute to the economic, social and cultural wellbeing of people who live and work in the WRHA as well as visitors to the area. The Auckland Waitakere Estate is identified as one of these existing activities.
116. It is appropriate that Policy 5B.4.3 (ix) is retained to recognise and provide for the appropriate expansion of existing activities so that they can continue to provide for the wellbeing of the community and/or the quality of the visitor experience. The amendments sought in respect of Policy 5B.4.3 (vi) are also appropriate as this will ensure that existing commercial accommodation as distinct from future accommodation associated with home occupations are provided for. Amendments to this policy will not result in opportunities for home occupations to expand as contended by the WRPS in its further submission.

Recommendations:

It is recommended that the relief sought in submission 36/390 be **accepted** to the extent that the relief sought is met by the changes recommended to Policy 5B.4.3 (vi)

Submitter Number	Summary of Relief Sought	Further Submissions
36/396 (ARC)	<ul style="list-style-type: none"> • Amend PC 36 to ensure that all Heritage Act objectives including those related to the natural and landscape features, are considered. • Amend proposed Objective 5B.4.2 to state the following or similar: <i>“These activities shall ensure the enjoyment, protection or enhancement of the natural and rural character and amenity of the Waitakere Ranges Heritage Area and be clearly connected to the wellbeing of those people and communities.”</i> 	<p>Opposed by: 36/727/2 (Dean) 36/728/3 (Wise) 36/396 – in part (WRPS)</p>

Discussion:

117. The ARC submission seeks that PPC36 consider all of the WRHAA objectives including those related to the natural and landscape features. In addition the submission seeks changes to Objective 5B.4.2 to provide a stronger link between non-residential activities and the enjoyment, protection or enhancement of the natural and rural character and amenity of the WRHA.
118. It is noted that PPC 36 is part of a suite of changes that give effect to the objectives and purpose of the WRHAA. The focus of PPC36 is on the social, economic and cultural wellbeing of the people who live and work in the WRHA. PPC35 implements the broader WRHAA objectives and policies as well as aspects of the Oratia and Waitarua LAPs. PPC37 relates to Titirangi Village. For this reason, it is not appropriate that PC36 also include all of the objectives of the WRHAA as these are provided for in PPC35.
119. Regarding the amendments sought to Objective 5B.4.2, it is considered that these go further than the intent of the PPC36. The nature of the proposed changes imply that the legitimacy of a non-residential activity should be linked to whether that activity ensures the enjoyment, protection or enhancement of the natural and rural character and amenity of the WRHA whereas the objective as proposed only requires there to be a connection to the wellbeing of those people and communities in the WRHA, or to the enjoyment, protection or enhancement of the natural and rural character and amenity of this area. It is the connection between the activity and the outcome that determines whether it is appropriate to the WRHA having regard to its size and scale. For this reason, it is considered sufficient to require a connection between non-residential activities and the matters set out in the Objective. This will ensure that any proposed activities have a legitimate relationship with the WRHA and give effect to the purpose and objectives of the WRHAA.

Recommendation:

It is recommended that submission 36/396 **be rejected in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/404 (SPAN)	<ul style="list-style-type: none"> • Issue 5B.4.1 (paragraph 1) – add suggested text to reflect the need for a sufficient number of non-residential activities and the effects of unnecessarily restricting uses of land and subdivision on land values and affordability. • Issue 5B.4.1 (paragraph 3) – Amend proposed text to read: <i>“Failure to provide for future uses of rural land <u>and viable rural businesses</u> may result...”</i> • Issue 5B.4.1 – Add new paragraph (5) to include new sub-issue relating to the cost of resource consent processes caused by inappropriately targeted District Plan provisions. • Policy 5B.4.3 <ul style="list-style-type: none"> (vi) – Amend to refer to ‘new’ commercial overnight accommodation and expand the range accommodation type permissible in the Waitakere Ranges Heritage Area. (vii) – Amend to substitute the term ‘support the wellbeing’ for ‘serve the economic and cultural needs’. Also to refer to provision for income for the property owner. (ix) – Retain as proposed. (xv) – Add the words ‘viable and successful’ after the words ‘small-scale’. (xix) – Add the word ‘farming’ before the word ‘orchards’. 	<p>Opposed by: 36/734/9 (WRPS) 36/749/24 (ARC)</p>

Discussion:

120. The submission from the Strategic Property Advocacy Network (SPAN) supports PPC36 but seeks comprehensive amendments to the objectives, policies and rules relating to the WRHA. In particular the submitter seeks to amend PPC36 Issues (5B.4.1) and Policies (5B.4.3) to provide for a greater number and range of non-residential activities and to ensure that these activities are able to remain viable. This in turn supports landowners in being able to take care of their land and avoid seeking alternative economic relief such as subdivision.

121. The relief sought by the submitter is opposed by the ARC and the WRPS. The ARC is concerned that the relief sought by the submitter will undermine the urban containment policies of the ARPS and result in urban scale/uses in the WRHA. The WRPS is concerned that such relief (particularly the relief sought for the Human Environment rules) will provide for additional non-residential activities in the WRHA.
122. The basis of the amendments sought to Issue 5B.4.1 paragraph (3) are accepted as the viability of rural businesses is key to their success and their ability to continue in the area, however business viability is much broader than just the resource management issues relating to these activities. The Council can modify its district plan requirements to ensure that appropriate rural businesses are able to establish in the WRHA while ensuring that the effects of these activities are appropriately managed, however it cannot guarantee, of itself, that those business will remain viable. For this reason, the amendment sought to paragraph 3 of Issue 5B.4.1 is not supported.
123. The amendments sought to paragraph 1 are also rejected as it is not the Council's role to ensure there are sufficient numbers of businesses, but rather that such businesses are appropriate in the WRHA. The addition of a 5th paragraph is unnecessary. While the transaction costs associated with resource consent application processing may be of concern to some landowners, the intent of PPC36 is to better enable the establishment of appropriate non-residential activities in the WRHA and thereby remove some of the existing regulatory impediments.
124. In terms of the relief sought in respect of Policy 5B.4.3 (vi), it is considered appropriate to amend this policy to reflect existing commercial accommodation (other than home occupations) as sought by ACTB and Auckland Waitakere Estate, however the intent of PPC36 is that future accommodation is small-scale and home based e.g. Bed and Breakfast/small lodge and avoids larger scale lodge/hotel/motel accommodation of an urban scale. For this reason the more extensive changes sought to this policy are rejected.
125. The amendments sought to Policy 5B.4.3 (vii) are also rejected. The term "wellbeing" is a holistic one which implies a completeness of "wellbeing" including social, economic, cultural (including spiritual) and environmental. It is not considered necessary to amend the reference to "wellbeing to include *serve the economic and cultural needs...*"
126. It is noted that the submission supports Policy 5B.4.3 (ix) which provides for the appropriate expansion of existing activities. Amendments to Policy (xix) to include farming are appropriate as farming, particularly pastoral farming form part of the rural landscape of the WRHA.

Recommendation:

It is recommended that submission 36/404 be **accepted in part** and **rejected in part** and that PPC36 be amended in accordance with the recommended changes set out in the attached pages at A31 to A64.

Submitter Number	Summary of Relief Sought	Further Submissions
36/416 (NZ Fire Service Commission)	<ul style="list-style-type: none"> Amend the Plan Change to include an additional resource management issue under section 5B.4 – Fire Risk and the importance of fire risk mitigation strategies for non-residential activities, particularly home occupations in areas where there is extensive vegetation close to the home, for the safety and wellbeing of communities. 	

Discussion:

128. The New Zealand Fire Service Commission (NZFS) submission relates to the management of fire risk in the WRHA. The NZFS is concerned about the potential for fire hazards and the fire risk of locating low density residential communities in regenerating forest settings such as the WRHA. In particular the NZFS submission seeks that ‘fire risk’ be added as an additional resource management issue under section 5B.4.
129. The relief sought in the submission from NZFS is comprehensively addressed in the hearing report relating to PPC35 in which the submitter has sought similar relief. It is not considered appropriate or necessary to include reference to Fire Risk in PPC36 as this plan change is primarily concerned with the management of non-residential activities in the WRHA. The management of fire risk is provided for in the existing WDP objectives and policies relating to “Effects on Amenity Values: Health & Safety.

Recommendation:

It is recommended that submission 36/416 be **rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/467 (National Assembly of the Baha'is of NZ)	<ul style="list-style-type: none"> Objective 5B.4.2 – amend to include the word “spiritual” in the first sentence alongside ‘social, cultural and economic’. Objective 5B.4.2 – clarify the meaning of the first sentence – if necessary, make appropriate changes to reflect the ongoing presence and development of places of religious administration, worship, retreat and study in the area. Policy 4B.4.3 – insert the word ‘spiritual’ into the last sentence of the first paragraph to read ‘<i>spiritual</i> or cultural association with the area’. Policy 5B.4.3 – add a new bullet point to refer to enabling the continuation and development of places of religious administration, worship, retreat and study in the area. 	Opposed by: 36/749/24 (ARC)

Submitter Number	Summary of Relief Sought	Further Submissions
	<ul style="list-style-type: none"> Amend Explanation to Policy 5B.4.3 to include reference to the established and ongoing role of the WRHA to provide for the spiritual and religious needs of the wider community as stated in the submission. 	

Discussion:

130. The National Spiritual Assembly of the Baha'is of New Zealand is a religious organisation with its National Centre located at 180 Candia Road in Henderson Valley. The National Spiritual Assembly of the Baha'is first purchased the property at 180 Candia Road in 1949 as a place of learning and retreat and as a summer school. In 1987, a decision was made to build the National Centre at the Candia Road property.
131. The submission states that the foothills of the Waitakere Ranges has a long history of religious communities owning property in this area for purpose of retreat, religious education, youth/church camps etc, including Camp Wesley and Carey Park in Henderson Valley and Knock Na Gree (Oratia). More recently the Adidam Spiritual Community has established a similar venue to the Baha'is on Seibel Road. The submission states that the long established and ongoing role of the area in providing for the spiritual needs of the Auckland region should be explicitly recognised in PPC 36 as a significant community activity.
132. The submission specifically seeks changes to Objective 5B.4.2 and Policies 5B.4.3 to recognise the importance of the WRHA as a place of spiritual significance and the existence and future expansion of places of religious worship, retreat and study. This submission is opposed by the ARC which is concerned that the introduction of such activities could undermine the urban containment policies of the ARPS as they may involve the establishment activities of an urban scale/use.
133. The Council acknowledges the existence of the National Centre for the Baha'is in the WRHA and other places of worship (including churches), retreat and study. These form part of the social and cultural fabric of the WRHA. It is considered appropriate that the policies make reference to the 'spiritual' wellbeing of the people and communities of the WRHA as well as those visiting. However, it is preferred that the policies which refer to existing activities remain general and that the explanation to the policy be modified to specifically refer those activities to inform the policy. A similar response has also been recommended in relation to the submission from ACTB.

Recommendations:

It is recommended that submission 36/467 **be accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/517 (L & G Dean)	<ul style="list-style-type: none"> • Reword Policies 5B.4.3 (v), (ix), (xi), (xviii), (xx), (xxi) and (xxiv) to clearly allow for a range of adaptive uses of land and buildings that may have a similar scale and intensity to any activities which may be seen to have a more direct rural land connection. • Define the term 'creative endeavour' used in Policy 5B.4.3 (xxii). • Align Policy 5B.4.3 (xxiv) to the Council's engineering standards for roads. • Clarify Policy 5B.4.3 (v). • Delete from Policy 5B.4.3 'Explanation' the words <i>"Rules for non-residential activities should not be considered as part of any permitted baseline comparison with residential activities or subdivision in the Waitakere Ranges Heritage Area."</i> 	<p>Opposed by: 36/749/24 (ARC) 36/750/25 (Protect Piha Heritage Society Inc)</p>

Discussion:

134. The submitter seeks changes in relation to the PPC36 policies to link the range of permitted rural land uses to size, scale and intensity in addition to those linked to rural activity. In addition the submission seeks to define 'creative endeavour', clarify Policy 5B.4.3 (v), delete the above words from Policy 5B.4.3 'Explanation' and link Policy 5B.4.3 (xxiv) to the Council's engineering standards. It is noted that the policy aspect of this submission is opposed by the ARC and PPHS.
135. The policy changes sought by the submitter include a comprehensive list of changes to the WRHA Foothills Environment. These are discussed in the sections below.
136. It is clear from the submission that the submitter is seeking a much broader range of activities, size and scale than proposed in PPC36. It is considered that the outcomes sought in this submission are contrary to the WRHAA and the ARPS and are not supported for the following reasons:

- Amending 5B.4.3 sub-policies to enable a range of land use activities that are of a similar size, scale and intensity to those specified in the policy fails to recognise that activity type/use is fundamentally linked to the character and amenity appreciated by those who live in, work in and visits the WRHA. The RMA is concerned with promoting the sustainable management of natural and physical resources. The definition of this includes enabling people and communities to provide for their social, economic and cultural wellbeing and their health and safety while sustaining the potential of natural and physical resource to meet the needs of future generations, safeguarding the life-supporting capacity of air, land and water and avoiding, remedying or mitigating adverse effects on the environment (which includes amenity values). The WRHA (outside of Titirangi) is a non-urban environment. It is expected that activities of an urban-scale or those unrelated to the existing rural land uses or the wellbeing of the people living and working in the area will be avoided. This is also the policy position of the ARPS. The Council seeks to give effect to the RMA, the purpose and objectives of the WRHAA and the policy directives of the ARPS in a way that enables the ongoing protection, enhancement and enjoyment of the heritage features that make the WRHA unique and enables its resident population to provide for their wellbeing. The Council has made judgements about what it considers appropriate non-residential land use activities in the WRHA and this is expressed in PPC36 (and its accompanying section 32 analysis) and any appropriate consequential amendments that might arise from the submission process.
- Aligning Policy 5B.4.3 (xxiv) with the Council's engineering standards is unnecessary and inappropriate. The Council has codified its own standards for road and infrastructure and these are used throughout the City. However in the rural WRHA environment, it is desirable that policy guidance be given to the establishment of roading infrastructure that is sympathetic to the rural character of the area where it will not compromise the safety of the road user. In particular, there may be some flexibility around the extent to which kerb and channel is required, street lighting provided or car parking areas paved to reflect rural character.
- Creative endeavour refers to those the ability of people in the WRHA to engage in creative activity e.g. the production of arts and crafts, filming, writing etc. It is not necessary to define this term.
- Policy 5B.4.3 (v) refers to limiting commercial and office activities to either home based occupations or activities that support the WRHA's distinctive communities thereby creating opportunities for local business support and innovation. The policy recognises that people not only live but work in the WRHA, many at home. However there may be instances where businesses that support the wellbeing of the local resident population or small-scale offices to accommodate local people are appropriate. The policy does not provide for businesses or small-scale offices that are not related to serving the needs of people in the local area or those visiting the area.
- The statement in Policy 5B.4.3 'Explanation' (paragraph 11) is included to ensure that inappropriate comparisons between the size and scale of non-residential activities provided for in the WRHA and residential/subdivision activities are avoided. Non-residential activities are by nature different to residential activities in terms of size, scale and intensity of use.

Recommendation:

It is recommended that submission 36/517 **be rejected**.

Submissions in relation to PPC35 proposed rules for non-residential activities – Foothills Environment

137. The following submissions have raised issues and seek decisions from the Council in relation to PPC 36 rules.

Submitter Number	Summary of Relief Sought	Further Submissions
36/311 (ACTB)	<ul style="list-style-type: none"> • That Assessment Criteria relating to Foothills Environment Rule 7 & 8A reflect the higher order objectives and policies for the WRHA which refer to both rural and natural characters and also social and cultural associations. • Amend Rule 12 ‘Signs’ to make traffic directional signs for non-residential activities a permitted activity. <p>That the Plan Change be amended to provide for the scheduling of Carey Park under the Human Environment Rules – Scheduled Sites Chapter and develop rules to appropriately manage and expand this activity.</p> <ul style="list-style-type: none"> • That the Council amend the Plan Change to provide for the scheduling of Carey Park. 	<p>Opposed by: 36/734/9 (WRPS) 36/749/24 (ARC)</p>

Discussion:

138. The above submission from the Adventure Camp Trust Board (ACTB – Carey Park) relates to the assessment criteria for Foothills Environment Rule 7 (Building Coverage) and proposed Foothills Environment Rule 8A (Non-Residential Activities in the WRHA). In particular, that the assessment criteria include a reference to objectives and policies that promote a link between non-residential activities and rural and natural character and also social and cultural association. The submission also seeks changes to Rule 12 that would make traffic directional signs for non-residential activities a permitted activity. These are currently a discretionary activity.
139. It is noted that PPC36 includes additional assessment criteria for Rule 7 (Building Coverage) which makes reference to any new building/addition contributing to the rural character and/or wellbeing of the community and that any application would need to be assessed against the relevant objectives and policies in Sections 5B.1, 5B.3 and 5B.4. It is considered that these existing proposed assessment criteria and references to policies meet the relief sought by the submitter.
140. Regarding traffic directional signs, it is accepted signs that direct traffic to or from the site are appropriate, however the submission does not elaborate on the location, size or scale of such signs. It is recommended that in the absence of information regarding the nature of these signs that the rules relating to signs remain unchanged. The submitter may wish to elaborate on this at the hearing.

141. Regarding the scheduling of Carey Park, the Council has not considered this option as part of PPC36. Scheduling of sites is provided for in the WDP where a single site contains unique activities which differ markedly from their surrounding environment. The intention with this approach is to ensure that the activities are able to proceed without being unreasonably restricted by the requirements set for the surrounding Environment. Scheduled sites differ from ‘Special Areas’ in that there is an expectation that the activity must remain largely unchanged with only minor provision for development to develop the site.
142. Carey Park is not considered to be so restricted by the existing Foothills Environment rules and performance standards to warrant scheduling of this site. PPC36 provides policy recognition to existing non-residential activities that are unique their use, size and scale but which contribute to the wellbeing of people living and working in and visiting the WRHA. In addition, the proposed rule changes will enable expansion of these activities as limited discretionary activity which is currently a non-complying activity. For this reasons, it is not considered necessary or appropriate to schedule Carey Park at this time.

Recommendation:

It is recommended that submission 36/311 relating to proposed rules **be rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/362 (Paul Stevenson)	<ul style="list-style-type: none"> • Amend Foothills Environment Rule 7.1 to make ‘filming activities’ a permitted activity. • Amend Waitakere Ranges Environment Rule 7.1 ‘Permitted Activities’ to include “<i>any non-residential activity that is carried on within a lawfully established non-residential building where that activity meets the criteria of a home occupation and that heavy traffic generation will not exceed 4-6 heavy traffic movements per day – rather than two per week.</i>” 	Opposed by: 36/734/9 (WRPS)

Discussion:

143. The submitter seeks that proposed WRHA Foothills Rule 7.1 (Non-Residential Activities) and Waitakere Ranges Environment Rule 7.1 (Non-Residential Activities) to make filming activities a permitted activity. In addition, the submitter seeks that in the Waitakere Ranges Environment any non-residential activity that is carried out within a lawfully established non-residential building where that activity meets the criteria of a home occupation of the Waitakere Ranges Environment including traffic generation, is a permitted activity.
144. This submission is opposed by the WRPS because it is concerned that the submitters’ proposal to make non-residential activities in existing non-residential buildings (where they meet the home occupation performance standards) will potentially result in adverse character and amenity effects in the Waitakere Ranges.

145. PPC36 proposes to make filming activities that do not involve the construction of a building a 'controlled activity' in all of the Human Environments within the WRHA. This is a more permissive regulatory approach than currently exists where filming activities (other than temporary activities or within a building) are non-complying.
146. While the Council seeks to encourage filming activities in Waitakere City, it is appropriate that it retain some control over the effects arising from these activities so that any adverse effects can be avoided, remedied or mitigated. The Council cannot decline a controlled activity consent application, but it can impose conditions which control the way in which the proposed activity is carried out. Filming activities are likely to have effects on traffic, noise levels, lighting and local amenity caused by the presence of an activity/people which would not normally be present. For this reason, it is recommended that the proposed rule remain unchanged.
147. Regarding that part of the submission seeking changes Waitakere Ranges Environment permitted activity rule, this is contrary to the Council's approach to enable business activities primarily within a home environment where people are resident. The building within which the activity takes place is residential in character and is of a size and scale commensurate with a residential environment located in the bush. Outside of a home based environment, non-residential activities (excluding retail sales except restaurant food) would be discretionary and limited by the building coverage controls. Exceptions include the expansion of existing lawfully established activities (retail sales limited to arts and crafts or food/beverages) and new activities involving the sale of arts and crafts up to 100m² (in buildings complying with building coverage rules) which would be a limited discretionary activity.
148. The Waitakere Ranges Environment comprises the core part of the WRHA. It is appropriate that non-residential activities in this area are appropriately controlled while enabling people to work from their home. Non-residential activities in locations other than a residential home would be carefully assessed in terms of the relevant objectives and policies and assessment criteria to ensure that the purpose of the RMA and the WRHAA is achieved.

Recommendations:

It is recommended that submission 36/362 **be rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/366 (Raumati Pt Ltd)	<ul style="list-style-type: none"> • Amend Rule 7.1 of the Waitakere Ranges Environment by deleting commercial overnight accommodation from inclusion within "home occupations". Make commercial accommodation, including within existing lawfully established non-residential buildings, a "permitted activity". • Amend Rule 7.1 of the Waitakere Ranges Environment to make any non-residential activity that was lawfully established on a site prior to the notification date of the Plan Change, a "permitted activity" on that site. • Amend Rule 7.1 of the Waitakere Ranges Environment to make "rural activities" a "permitted activity". 	<p>Opposed by: 36/734/9 (WRPS) 36/749/24 (ARC)</p> <p>Supported by: 36/735/10 (Benton) 36/737/12 (V Bethell) 36/745/20 (Hooker Family)</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	<ul style="list-style-type: none"> • Amend Rule 7.1 of the Waitakere Ranges Environment to make the production of arts and crafts (as defined in the District Plan) a “permitted activity”. • Amend Rule 7.1 of the Waitakere Ranges Environment to make ‘Filming Activities’ of less than 6 months duration on any site a “permitted activity.” • Amend Rule 7.1 of the Waitakere Ranges Environment to make any non-residential activity that is carried on within a lawfully established non-residential building where that activity meets the criteria of a home occupation a “permitted activity”. Amend home occupation performance standards. • Amend Rule 7.2 of the Waitakere Ranges Environment to make ‘outdoor recreation activities’ a “controlled activity”. • Make proposed Rule 7.3(i) and (ii) of the Waitakere Ranges Environment a “controlled activity” under Rule 7.2 where the activity utilises an existing lawfully established non-residential building. • Amend Rule 6 of the District Plan, so that the new rules in rule 7.2 in relation to building coverage are treated as controlled activities with any building coverage in excess of 15% of the net site area and up to 20% of the new site area, in these specific instances, then being treated as limited discretionary activities. • Amend Rule 7.3 of the Waitakere Ranges Environment to make non-residential activities not meeting the standards of Rule 7.1 and 7.2 a “limited discretionary activity”. • Amend the list of the matters over which the Council has discretion listed at the end of Rule 7.3 as per the submission: • Amend Rule 8 of the Waitakere Ranges Environment by providing that the traffic generation rules that apply in respect of non-residential activities are consistent with the type of consent (if any) required in Rule 7. • Delete Rule 9.3(ii) of the Waitakere Ranges Environment. • Amend Rule 12.1 of the Waitakere Ranges Environment to allow for signs for non-residential activities where the maximum sign area does not exceed 0.3m² and the sign is not illuminated, flashing or moving and is located on the site to which the sign relates. 	

Submitter Number	Summary of Relief Sought	Further Submissions
	<ul style="list-style-type: none"> Amend Rule 9 of the Waitakere Ranges Environment by providing that all permitted non-residential activities under Rule 7 are permitted for the purpose of Rule 9. Similarly if a non-residential activity is a controlled or a limited discretionary activity then the rules in Rule 9 should be consistent. Make it clear that any buildings that are (or were) solely incidental to residential buildings such as a garage, carport or garden shed are excluded from the definition of non-residential buildings in respect of the changes sought above. 	
36/714 (S & JM Wheeler)	<ul style="list-style-type: none"> Amend Rule 7.1 of the Waitakere Ranges Environment by deleting commercial overnight accommodation from inclusion within "home occupations". Make commercial accommodation, including within existing lawfully established non-residential buildings, a "permitted activity". Clarify the scope of the amendments to Rule 8.3 and request that filming activities (as a specific non-residential activity) not be subject to this rule as they are already covered by Rule 8.2 for filming as a controlled activity. 	<p>Opposed by: 36/734/9 (WRPS)</p> <p>Supported by: 36/736/11 (M Brenton) 36/738/13 (V Bethell)</p>

Discussion:

149. The submission from Raumati Point Ltd seeks changes to the rules relating to the Waitakere Environments that would enable a more permissive regulatory environment for non-residential activities including commercial accommodation, rural activities, production of arts and crafts, filming and outdoor recreation. In addition, provision for non-residential activities would relate to whether they were lawfully established or whether they are located within existing non-residential buildings. The submission also seeks changes to the building bulk and location controls and traffic generation.
150. The Council has clear reasons for proposing PPC36. Central to this is the better management of non-residential activities in the WRHA to enable some flexibility for local economic activity that supports the wellbeing of local people and communities while not compromising the heritage values of the WRHA. A more conservative approach has been adopted in the Waitakere Ranges Environment which comprises the core of the WRHA. In this area non-residential activity (including the production of arts and crafts) will be mostly conducted as a home occupation with limited provision for the expansion of existing non-residential activities and new activities involving the sale of arts and crafts (up to 100m²). Both of these are limited by the building coverage rules for the Waitakere Ranges Environment. Filming activities that do not require the construction of buildings are 'Controlled Activities'. The Council supports this type of activity but acknowledges that there are effects associated with such activities that may need to be controlled. It is considered that a less restrictive regulatory regime than that proposed in PPC36 would be contrary to the objectives and policies of the plan change, the existing WDP, the ARPS and the purpose, principles and objectives of the WRHAA and the RMA.

151. In respect of rural activities, the Council has considered the extent to which rural activities are provided for in the Waitakere Ranges Environment, particularly given the fact that there are many existing rural activities operating in this area such as pastoral farming and bee keeping. An amendment to the Waitakere Ranges Environment permitted activity Rule 7.1 is supported to enable rural activities, particularly pastoral farming in existing cleared that are already identified on the Natural Maps as 'General Natural Area'.

Recommendations:

It is recommended that submission 36/366 **be rejected in part and accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/367 (WCC)	<ul style="list-style-type: none"> • Amend proposed Rule 8A.0 to ensure that it is clear that this rule only applies in the Foothills Environment, and • Clarify proposed amendments to Rule 8.3(i)(a) Non Residential Activities – Bush Living Human Environment to ensure that the rule as it applies to a specific site can be interpreted without doubt. 	

Discussion:

152. The Council's submission seeks to clarify that Rule 8A.0 only relates the Foothills Environment and that Rule 8.3 (a) (i) relates to Auckland Waitakere Estate only.
153. Based on informal feedback from the public regarding the notified plan change it was apparent that there was some confusion over the application of rule 8A.0 and that it might have wider application than just the Foothills Environment. This was caused by the way in which the rule has been laid out and the small area of text preceding the rule which states that applies to the Foothills Environment only. Given that the rule (if approved) will ultimately form part of the Foothills Human Environment rules it is unlikely that the potential for such confusion will remain which will address the Council's concerns.
154. The Bush Living Environment proposed Rule 8A.3 (i) (a) provides for the expansion of non-residential activities that comply with the building coverage Rule 6 but makes an exception for Pt Allot 7A DP 3530 Waipareira and Lot 4 DP 370123. The Council is concerned that it is not clear from this rule what or where this site is. While this information is not required to administer the rule, it would be helpful to District Plan users to know where and what this site is as it refers to Auckland Waitakere Estate for which special provision has been made for the future expansion of this facility. For this reason it is recommended that the rule include reference to the name of the activity as well as the legal description.

Recommendation:

That submission 36/367 **be accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/390 (Auckland Waitakere Estate)	<ul style="list-style-type: none"> • Amend Bush Living Environment Rule 8.3 (i) (a) to read: <ul style="list-style-type: none"> “a) any building(s) or additions to existing building(s) associated with the activity comply with Rule 7 (except that on Pt Allot 7A DP 3530 Waipareira and Lot 4 DP 370123 the maximum building coverage shall be no greater than an additional 400m² of building coverage).” • Retain Rule 9.3(i) as proposed. 	<p>Opposed by: 36/734/9 (WRPS) 36/749/24 (ARC)</p>

Discussion:

155. The submission from Auckland Waitakere Estate relates in part to the rules that affect its site, in particular the proposed Bush Living Environment Building Coverage Rule 8.3(i) which specifies the amount of increased building coverage that can be applied for as a limited discretionary activity. The submission seeks that the amount of increased building coverage refers to 400m² (i.e. expressed in square metres) rather than the percentage proposed in PPC36.
156. PPC36 amends Bush Living Rule 8.3 (i) to enable the expansion of the Auckland Waitakere Estate up to 10% of the existing building coverage area as a limited discretionary activity. Such an application would be assessed against the relevant assessment criteria including compatibility with the amenity values, neighbourhood character and natural landscape (in this case the Waitakere Ranges backdrop) to the hotel.
157. The Council has considered the submission from Auckland Waitakere Estate and understands that the additional 400m² building coverage sought is necessary to ensure that this facility remains viable. The additional area will be used to provide additional accommodation facilities to meet growing demand. The total building area of Auckland Waitakere Estate is currently 2000m². An additional 400m² of building coverage represents a 20% increase which could be applied for as a limited discretionary activity. The proposed expansion would be assessed against the relevant assessment criteria to ensure that it did not compromise the heritage features of the area and local amenity values.
158. While the proposed increase over and above what the Council has proposed is not insignificant, it is representative of what the owners of Auckland Waitakere Estate consider necessary to ensure the ongoing viability of this activity. The activity occurs on a limited area of cleared land within a forest setting. The appropriate expansion of existing non-residential activities is provided for in Policy 5B.4.3. Providing the adverse effects of such an expansion can be avoided, remedied or mitigated, the additional building coverage area that the rule enables is supported. In addition it is recommended that an additional site specific assessment criterion is added to the list of existing criteria to ensure the effects of an increase in building coverage on this site are appropriately managed.

Recommendation:

It is recommended that submission 36/390 be **accepted in part**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/396 (ARC)	<p>For the Foothills Environment Zone:</p> <ul style="list-style-type: none"> • Amend the matters of discretion under Limited Discretionary Activity to include the following or similar; <ul style="list-style-type: none"> <u>“The protection, restoration and/or enhancement of the environment and ecology.”</u> • Add the following assessment criteria to proposed Rule 8A: to the following or similar: <ul style="list-style-type: none"> <u>“The extent to which activities protect and avoid adverse effects including cumulative effects on native vegetation, wildlife habitats, ecological corridors and the significant values of the Waitakere Ranges and its Foothills.”</u> • Amend proposed Rule 8A.4 (iii) Discretionary Activities, to ensure buildings that exceed building coverage and bulk rules are considered as a Non-Complying Activity, as follows, or similar: <ul style="list-style-type: none"> <u>“Non-residential activities not provided for in Rules 8A.1 or 8A.2 or 8A.3 provided that the activity comply with Rule 7 of the Foothills Environment and there are no retail sales or Part A and B processes as listed in the Air Discharge Appendix.”</u> • Amend Rule 9 Traffic Generation, Access & Car Parking of the Foothills Environment by adding the following assessment criteria as follows, or similar: <ul style="list-style-type: none"> <u>“9(g) The extent to which an activity generates heavy vehicle traffic that detracts from the rural character of the area.”</u> 	<p>Opposed by:</p> <p>36/726/1 (in part) (Carey Park)</p> <p>36/727/2 (Dean)</p> <p>36/728/3 (Wise)</p> <p>Supported by:</p> <p>36/734/9 - in part (WRPS)</p>

Discussion:

159. In relation to the Foothills Environment the ARC seeks changes to the proposed assessment criteria to give greater emphasis to the protection of, and avoidance of adverse effects on, native vegetation, wildlife habitats, ecological corridors and the significant values of the Waitakere Ranges and its Foothills. In addition changes are sought to the Discretionary Activity rule to refer to the Foothills Environment Building Coverage rule and the Traffic Generation rule assessment criteria to address the effects of traffic generation on rural character.
160. This submission is opposed by ACTB, Dean and Wise. In particular ACTB consider that the bulk and location of non-residential activities can be appropriately dealt with by the building coverage rules for the Foothills Environment rather than having an additional layer of control linked to the activity itself.
161. It is agreed that the PPC35 proposed amendments to the existing Foothills Environment building coverage rules are sufficient to manage the effects arising from a proposed increase in building coverage. The proposed assessment criteria (particularly 7(d)) address issues of scale, intensity and context so that any proposed non-residential building is compatible with the rural environment and contributes to rural character and/or the wellbeing of the community or the productive or outdoor recreational use of rural land.
162. It is considered unnecessary and inefficient in the Foothills Environment to link the activity status of a proposed non-residential to building coverage where there is more flexibility for non-residential activities to vary building bulk and location providing they contribute to rural character or community wellbeing. For sites such as Carey Park, the relief sought by the ARC may cause an application to expand their activities (where these exceed the Foothills Environment building coverage rule) to automatically become non-complying (due to larger size and scale of existing buildings) which is not the intention of the policies which provide for their expansion. This is in contrast to the more sensitive Waitakere Ranges, Bush Living and Coastal Village Environments where the Council has determined the limits to non-residential activities based on the proposed use and the building size and scale both of which are linked to activity status.
163. In regards to the additional Rule 8A assessment criterion, it is considered appropriate that these matters be considered when assessing a proposal and included in the list of proposed criteria (with the addition of 'natural' to the term significant value to clarify those values).
164. It is considered that the ARC proposed Rule 9 Traffic Generation assessment criterion is unnecessary as these issues are already addressed in proposed criterion 9(a) although it is recommended that the reference to 'rural landscape' be substituted for 'rural character'. Traffic generation is unlikely to have a significant effect on the rural landscape (i.e. its appearance) but it can affect rural character (i.e. the number and frequency of cars travelling through and area).

Recommendation:

It is recommended that submission 36/396 **be accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/398 (Ussher)	<p>Amend Rule 8A.1,a(i) Rural Activities</p> <ul style="list-style-type: none"> • Make pastoral farming a “permitted activity” in Waitakere Ranges area and specify within the definition of ‘Rural Activities’. <p>Rule 8A.1,b)) Home Occupations</p> <ul style="list-style-type: none"> • Limit commercial overnight accommodation to 10 persons (including normal residents) except where the area of land is greater than 2 hectares, in which case specialised buildings can be constructed (for up to 20 persons). <p>Coastal Villages – Non-Residential activities</p> <ul style="list-style-type: none"> • Make new retail sales (including restaurants) activities a Limited Discretionary Activity. <p>Waitakere Ranges Environment – Limited Discretionary Activities</p> <ul style="list-style-type: none"> • Provide for multiple dwellings on land greater than 2 (or 4) hectares. 	<p>Opposed by:</p> <p>36/734/9 (WRPS) 36/749/24 (ARC) 36/750/25 (PPHS)</p>

Discussion:

165. The submission seeks changes to PPC36 in relation rural activities, commercial accommodation, retail activities in Coastal Villages and dwellings in the Waitakere Ranges Environment.
166. The WRPS oppose this submission as it is concerned about the potential for additional non-residential activities in the WRHA and changes to the commercial accommodation and retail sales provisions which may result in adverse effects on the character and amenity of the WRHA. The ARC concerns relate to effects on the urban containment policies of the ARPS. Protect Piha Heritage Society oppose an increase in the scale of visitor accommodation and the provision of multiple dwellings on land greater than two hectares.
167. In regards to rural activities, proposed Foothills Rule 8A.1 (a) (i) provides for these as a permitted activity. The provision for rural activities in the Waitakere Ranges Environment is discussed in relation to the submission from Raumati Point Ltd (36/366). Recommended changes in response to this submission include the provision for rural activities (pastoral farming) within the General Natural Area of the Waitakere Ranges Environment to reflect existing rural uses in this part of the WRHA.

168. PPC36 proposes that permitted commercial accommodation in the Foothills Environment be limited to home occupations and does not provide for larger scale lodges/motels/hotels regardless of the size of site except by way of a Discretionary Activity. Discretionary Activity applications may be granted where, amongst other things, the building size, character, scale and hours of operation does not compromise rural character and is compatible with the amenity values of the surrounding area or whether the activity contributes to the wellbeing of the community. It is considered that the proposed rules that relate to commercial accommodation are appropriate and provide sufficient opportunity for proposals involving commercial operation outside a home based environment to be considered on their merits.
169. In regards to retail activities in the Coastal Villages Environment, the Council has proposed limited rule changes to allow some expansion of existing activities and new retail activities in relation to the sale of arts and crafts only. The Council is aware from the submissions received in relation to PPC36, that non-residential activity in the Coastal Village Environment is of great interest and concern to those resident communities and that additional retail activity is opposed by many. It is not considered appropriate to make general retail activities a limited discretionary activity as sought in the submission as this could result in retail activities of an inappropriate type, size and scale that have significant adverse effects on the character and amenity of those coastal communities. A broader debate about the extent to which retail activities are appropriate in the Coastal Village Environments can occur during the development of Local Area Plans for these communities should the new Auckland Council decide to proceed with these.
170. In relation to multiple dwellings on sites greater than 2 or 4 hectares, the relief sought is beyond the scope of PPC36. PPC36 relates to non-residential activities in the WRHA. Rules relating to residential density are controlled by the density rules for each of the WRHA Human Environments.

Recommendation:

It is recommended that submission 36/398 **be rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/404 (SPAN)	<ul style="list-style-type: none"> • All Environments – Make small lodges and private campgrounds (in addition to commercial overnight accommodation activities as a home occupation) and expansion of existing accommodation facilities a 'limited discretionary activity'. • Foothills Environment – Amend Rule 8A.3 (ii) to include convenience retail to the list of retail exceptions. Delete from the list of Resource Consent Conditions 'limiting the range of products sold from the site. • Waitakere Ranges Environment – Amend Rule 7.1 Permitted Activities, Home Occupations to increase the number of persons from '8' to '10'. Amend Rule 7.3 (i)(b) to include 'convenience retail'. 	<p>Opposed by: 36/734/9 (WRPS) 36/749/24 (ARC)</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	<ul style="list-style-type: none"> • Bush Living Environment <ul style="list-style-type: none"> • Amend Rule 8.1, Permitted Activities, Home Occupations to increase the number of persons from '8' to '10'. • Amend Rule 8.3 (i)(a) by replacing the text '(10% of the building coverage existing on 8 December 2009)' with '(400 square metres of building coverage)'. • Amend Rule 8.3 (i)(b) to include 'convenience retail' • Retain proposed 9.3(i)(a) • Coastal Villages Environment – Amend Rule 8.1 Permitted Activities, Home Occupations to increase the number of persons from '8' to '10'. 	

Discussion:

171. The submission from SPAN seeks a range of amendments to the Foothills, Waitakere Ranges, Bush Living and Coastal Village Environments to give effect to the relief sought in relation to the PPC36 objective and policies. In the Foothills Environment, the relief sought relates to the type of commercial accommodation provided for and a broader provision for retailing to enable the expansion of non-residential activities to include convenience retail as a limited discretionary activity in the Foothills and Waitakere Ranges Environment. In the Waitakere Ranges, Bush Living and Coastal Villages Environment an increase in the permitted number of persons in commercial home based accommodation is sought (from 8 to 10) and an increase in the building coverage area for Auckland Waitakere Estate as sought by the Estate in its submission 36/390.
172. It is understood from the submission that the reason for proposing an expansion to the range of commercial accommodation provided for in the WRHA is based on the fact that this would allow larger families, larger groups and a greater diversity of people to stay in the WRHA. The submission acknowledges that not all areas in the WRHA are the same and that there may be merit in distinguishing between these areas. In relation to convenience retail, the rationale relates to the fact that the basic needs of residents must be met close to home if the Council's objective of sustainable communities is to be met and travel reduced.
173. The relief sought in this submission is opposed by WRPS and the ARC. The Society seeks that PPC36 is retained rather than the relief sought in the SPAN submission.

174. The Council's rationale for managing commercial accommodation in the WRHA is to generally limit this non-residential activity to a home based environment e.g. small Bed and Breakfasts accommodation/home stays etc. PPC36 does not prohibit other types of accommodation. Discretionary activity applications for other forms of accommodation such as lodge, motels, hotels etc can be made but these would need to demonstrate, amongst other things, a consistency with the rural character and amenity of the WRHA and/or that they can contribute to the wellbeing of the community. In the Waitakere Ranges, Bush Living and Coastal Village Environment, the activity status is also linked to the Building Coverage Rule, therefore larger proposal are likely to be non-complying in these environments. The distinction between the numbers of people that can be accommodated in the Foothills Environment compared to the other Human Environments is related to the fact that property sizes in the foothills tend to be larger and more able to absorb the effects of this activity than the other more sensitive core parts of the WRHA. This is also consistent with the Council's objectives to enable more rural visitor experiences in the foothills area.
175. It is acknowledged that larger properties also exist in the Bush Living and Waitakere Ranges Environments, and as with the Foothills Environment these are more capable of absorbing effects. Therefore it is recommended that for commercial accommodation activities (as a home occupation) the proposed provisions of PPC36 remain for sites less than two hectares in size. For those sites greater than two hectares, the maximum number of persons able to be accommodated (inclusive of those who permanently reside on the site) would be ten.
176. In regards to the convenience retail provisions in the Foothills and Waitakere Ranges Environment, the ability for local people to provide for their wellbeing and reduce the need for travel outside the WRHA is supported by proposed policy 5B.4.3 (vii). It is noted that most of the communities in the WRHA are already well served by convenience retail, in the form of local dairy/shop. Other than in the Oratia Village, new convenience retail is not provided for in the WRHA except in the Coastal Village Environment where an expansion of an existing non-residential activity could include convenience shops, although the Council has reviewed its position on this in response to other submissions. While convenience retail provides a service to local communities, it is not considered appropriate to enable additional convenience retail in the WRHA, other than as a discretionary activity in the Foothills Environment as these areas are already well served. In addition, the definition of convenience shops in the WDP is too broad and would enable a wide range of retail goods sold as well as retail services.

Recommendations:

It is recommended that submission 36/404 **be accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/405 (Protect Piha Heritage Society)	<ul style="list-style-type: none"> • Oppose Section 5B.4 • Oppose proposed Waitakere Ranges Rules 7 & 8 • Oppose Coastal Villages Environment Rules 8 & 9 	
36/704 (Wise)	<ul style="list-style-type: none"> • Amend Coastal Villages Environment Rule 8.1(i) 'Non-Residential Activities so that the 8 person limitation excludes the residents of the 	Opposed by: 36/734/9 (WRPS)

Submitter Number	Summary of Relief Sought	Further Submissions
	<p>property.</p> <ul style="list-style-type: none"> • Amend Coastal Villages Environment Rule 8.3 to: <ul style="list-style-type: none"> (a) remove proposed limitation on site coverage based on Rule 7 of the Plan provisions. (b) Ensure Rule 8.3(i)(b) (b) clearly provides for restaurants, cafes and general stores etc. • Amend Rule 8.3 to provide for visitor accommodation for up to 20 persons (excluding home occupations) excluding the owners and their family. No coverage limits specified and no cross reference to Rule 7. Assessment criteria should be amended to properly address the relevant matters related to potential adverse effects. • Amend Rule 8.4 to provide for any activity not provided for under the permitted, controlled or limited discretionary rules to be a discretionary activity. • Delete Rule 8.5. 	<p>36//750/25 (PPHS)</p> <p>Supported by: 36/733/8 – in part (NZ Fire Service)</p>

Discussion:

177. The submission from Protect Heritage Society Inc opposes PPC36, specifically proposed Waitakere Ranges Environment (Rules 7 and 8) and Coastal Villages Environment (Rules 8 and 9). The Society is opposed to these rules because they are considered inappropriate, have not been adequately consulted on with residents and would result in a range of cumulative and adverse effects on the natural heritage and amenity values of the WRHA. In addition, the submission opposes PPC36 because the Society considers that the plan change should not precede the development of Local Area Plans in the Coastal Villages of Waitakere or in the Waitakere Ranges Environment.
178. The Society is concerned that PPC36 makes numerous changes that will facilitate commercialisation of the Waitakere Ranges, Coastal Villages and the west coast of Waitakere set a precedent by enabling economic activities in these areas where they do not already exist. Specifically the Society states that PPC36 will enable existing activities such as clubs serving alcohol and meals to expand in scale, bulk and prominence which are considered undesirable as these are already some of the larger buildings in the landscape. The Society is also opposed to limiting new non-residential activities to just for arts and crafts (food, convenience shops, beverages) as the residents of Piha might prefer other activities which might be more appropriate/desirable in the Piha Coastal Village. The Society is also concerned about the assessment criteria for filming activities, particularly that these are too narrow and should include an assessment of 'when/where, noise, lighting etc'. The Society also opposes the effects based traffic generation rules and amendments to the Permitted Activity sign rule.

179. The submission from Wise seeks more permissive amendments to PPC36, particularly that the accommodation limit on the number of persons in the Coastal Villages Environment exclude those resident at the site, that the limited discretionary activity Rule 8.3 provide for a range of non-residential activities supplying food and general goods as well as visitor accommodation for up to 20 persons and that the size of these are not limited by the building coverage rules. In addition, the submission seeks that Rule 8.4 be amended to provide for any activity that is not permitted, controlled, or limited discretionary to be a discretionary activity.
180. PPC36 proposes to enable some expansion of existing non-residential activities in the Waitakere Ranges and Coastal Villages Environment as well as a very limited opportunity for new activities where these are related to the sale of arts and crafts. The existing rules that apply to these two Environments provide for any new non-residential activity (not involving retail sales) as a 'Discretionary Activity' where the proposed activity is located within a building originally erected as a dwelling. PPC36 does not propose to change this provision except for the requirement that the activity be located within an existing dwelling. Instead, the Discretionary Activity rule will be linked to the building coverage rule as the Council has found that new dwellings are often constructed simply to enable compliance with the rule which is not the intent of the existing rule as drafted.
181. The Council acknowledges that provision for non-residential activities in the Coastal Villages Environment is of great interest and concern, particularly to the resident Piha community as this is one of the larger, more visited coastal areas in the WRHA. While the Council understands that the Society would prefer a LAP for Piha to be prepared prior to any changes to the rules that enable non-residential activities, the Council believes the limited changes that enable some expansion of existing non-residential activities and new retail sales of arts and crafts are appropriate and will not result in significant changes to the existing environment. Rather, the provision of some flexibility to expand existing activities will support the ongoing viability of existing non-residential activities, including the existing community facilities (e.g. pre-school, community halls, the surf clubs) that contribute to wellbeing of these communities and those who visit. This approach is consistent with the West Coast Plan 'Actions' including:
- (i) "6.1 – *Ensure policies and rules in the District Plan specifically recognise and protect against the adverse cumulative effects of development on the nature and character of small clustered communities.*" - PP36 will only enable limited expansion (up to the building coverage limits) of existing non-residential activities (involving the sale of food) and new retail for arts and crafts only.
 - (ii) "7.3 – *Continue to prevent large-scale commercial developments such as hotels and shopping centres that do not fit in with the character of the area.*" – PPC36 provides for limited home based visitor accommodation. The existing WDP Discretionary Activity rule enables larger accommodation facilities to be applied for however the scale of these would be limited by the building coverage rule. Larger shops/centres would be non-complying.
 - (iii) "11.1 – *Ensure that communities have public facilities for community activities (e.g. halls, community centres, fire stations, surf clubs, libraries).*" – PPC36 will enable the expansion of existing non-residential activities including community facilities as a limited discretionary activity. Under the existing WDP, any expansion of these activities is non-complying.

- (iv) “13.3 – *Allow and encourage people to carry out small scale and low environmental impact businesses at home.*” – PPC36 supports home based employment in the Waitakere Ranges and Coastal Village Environment. Minor amendments are proposed to the sign rules to enable a slight increase in the size of the signs (0.1m² up to 0.3m²).
- (v) “15.4 – *Ensure that local communities set their own priorities and are consulted by public agencies on decision making within their own communities.*” – The Council proposes a programme of LAP development that will address the broader issues of community interest relating to the heritage and amenity features of the coastal villages. The limited changes to rules relating to existing non-residential activities and some provision for the sale of arts and crafts is a response to the Council’s broader economic wellbeing objectives set out in its Economic Wellbeing Strategy 2009 and the objectives of the WRHAA. The RMA First Schedule process provides an opportunity for the public to have input into PPC36 and seek decisions from the Council.

182. In preparing PPC36, the Council has also had regard to its WEWS and the objectives of the WRHAA that relate to the social, economic and cultural wellbeing of people who live and work in the WRHA as well as recent resource consent processes that have highlighted issues relating to the establishment of non-residential activities.

183. The Council has considered the issues identified in submissions that relate to non-residential activities in the Waitakere Ranges and Coastal Village Environments. The Council maintains that support for existing activities is required to ensure that they are able to adapt to meet the growing needs of both the resident and visiting population. However, it accepted that aspect of the Rules 7 of the Waitakere Ranges Environment and Rule 8 of the Coastal Villages Environment could be amended to address the concerns of the submitter and to enable a broader debate about the extent of non-residential activities in these areas when LAPs are prepared for these areas.

184. In particular it is considered appropriate that the provision for “convenience shops” be removed from Rule 8.3 (i) (a) as would potentially enable a wide range of retail activities and services as defined in the WDP. Similarly it is considered appropriate that the reference to ‘beverages’ be removed from Waitakere Ranges Environment Rule 7.3 (ii) (b) and 7.4 (i) and Bush Living Environment Rule 8.3 (i) (b) and 8.4 (i) as it would be inappropriate for ‘stand alone’ beverage sales in this area, although this would be limited by the existing liquor licensing rules for Waitakere City. Beverages would still be able to be sold in conjunction with restaurant activities.

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185. It is also appropriate that the assessment criteria that would apply to ‘Controlled Activity’ applications for filming be amended to include consideration of matters related to the existing amenity of the Coastal Village communities including quietness, darkness, traffic movements etc. An addition to the existing assessment criteria is recommended as attached at pages A31 to A64.

186. In regards to the Wise submission, the more permissive rules sought are not considered appropriate. The Council's intention is that commercial accommodation is primarily home based with some provision for larger accommodation facilities as a 'Discretionary Activity' although some flexibility is recommended in response to the submission from SPAN. As discussed above, it is considered appropriate to limit the range and scale of retail activities (other than food and arts and crafts) that can establish in the Coastal Village Environment until such time as a LAP has been prepared for these communities. It is noted that applications for non-residential activities (other than retail sales) are already a 'Discretionary Activity' providing these comply with the building coverage rule. It is not appropriate that this rule be extended to retail sales until further consultation with the coastal village communities as part of any future LAP development process.

Recommendations:

It is recommended that submission 36/405 **be accepted in part.**

It is recommended that submission 36/704 **be rejected.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/416 (NZ Fire Service Commission)	<ul style="list-style-type: none"> • Insert a new performance standard within Foothills Environment Rule 8A.1 (b)(i) which states: "The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes, and water supply for fire fighting purposes". • Insert a new performance standard within Waitakere Ranges Environment Rule 7.1 which states: "The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes and water supply for fire fighting purposes". • Insert a new performance standard within Bush Living Environment Rule 8.1 which states: "The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes and water supply for fire fighting purposes". • Insert a new performance standard within Coastal Villages Environment Rule 8.1, which states: "The home occupation recognises fire risks and establishes risk mitigation strategies for the home such as fire prevention setbacks, adequate access and emergency egress routes and water supply for fire fighting purposes". 	

Discussion:

187. The submitter seeks changes to the performance standards for home occupations in the Foothills, Waitakere Ranges, Bush Living and Coastal Villages Environment to include provisions relating reference to fire risk and fire risk mitigation strategies.
188. It is unclear from the submission how such a performance standard could be applied or assessed by the Council as the Council would have no involvement in the establishment of a home occupation unless a certificate of compliance was sought. Given the discussion on this issue in relation to the policy changes sought and in relation to PPC35, these changes are not supported and considered unnecessary and inappropriate.

Recommendations:

It is recommended that submission 36/416 **be rejected**.

Submitter Number	Summary of Relief Sought	Further Submissions
36/514 (C Frentz) 36/515 (T Frentz) 36/516 (Oratia Farmers Market)	Support Plan Change 36 subject to the following: <ul style="list-style-type: none"> • Retain the proposed wording of Rule 8A (a)(iii) (a) and (c) 'Non-Residential Activities within the Waitakere Ranges Heritage Area for the Foothills Environment as it relates to 'Markets'. • Amend Rule 8A.1 (a) (iii) (b) "Permitted Activities" Activities within the Waitakere Ranges Heritage Area for the Foothills Environment to read: <i>"retail sales are limited to beverages, food, agricultural and horticultural produce and arts and crafts."</i> • Amend Rule 8A.3 Limited Discretionary Activities (ii) "Non-Residential Activities" Activities within the Waitakere Ranges Heritage Area for the Foothills Environment to read: <i>"Non-Residential Activities involving increase in scale and/or intensity of an existing lawfully established non-residential activity including markets, provided retail sales are limited to restaurant (food), beverages, food, agricultural and horticultural produce and arts and crafts."</i> • Retain Rule 9 Traffic Generation, Access and Car Parking of the Foothills Environment, specifically 9.1 (iv) 'Permitted Activities'. 	
36/518 (R Sunde) 36/519 (Artisan Investments Ltd) 36/520 (M Sunde) 36/521 (Artisan	Support Plan Change 36 subject to the following: <ul style="list-style-type: none"> • Same as above 36/514, 36/515, 36/515. • Retain proposed wording of Rule 8A.3 'Non-Residential Activities within the Waitakere Ranges Heritage Area for the 	

Submitter Number	Summary of Relief Sought	Further Submissions
Wines Ltd)	<p>Foothills Environment, 'Limited Discretionary Activities (iv) 'Retail Sales of agricultural and horticultural produce and (v) manufacturing and/or processing activities. Provide for the sale of ancillary merchandise and/or complementary products associated with the agricultural horticultural and/or manufacturing activity.</p> <ul style="list-style-type: none"> • Retain the proposed wording of Rule 6/6.1 'Outdoor Storage of the Foothills Environment'. • Retain the proposed wording of Rule 7/7.1 and 7.2 'Building Coverage of the Foothills Environment'. • Retain Rule 9 Traffic Generation, Access and Car Parking of the Foothills Environment, specifically 9.1 Permitted Activities (i) 'Rural Activities and (iv) 'Non-Residential Activities'. • Retain Rule 9 Traffic Generation, Access and Car Parking of the Foothills Environment, specifically 9.3 Limited Discretionary Activities (i) and (iii). • Retain Rule 12 'Signs of the Foothills Environment', specifically Rule 12.1 'Permitted Activities (a) and (b). 	

Discussion:

189. The above submissions support PPC36 provision for 'markets'. Where sought, changes relate to the range of goods that may be sold at markets to include 'agricultural and horticultural produce' (Rule 8A.1 (iii) (b)). For existing (lawfully established) non-residential activities involving an increase in scale and/or intensity, the submission seeks to include 'markets' and retail sales of 'agricultural and horticultural produce' and beverages (Rule 8A.3 Limited Discretionary Activities).
190. In relation to Rule 8A.1 (iii) (b) 'Markets', it is appropriate that agricultural and horticultural produce are included in the performance standard specifying the items to which retail sales are limited as these are commonly sold at farmers markets (including the Oratia Farmers Market) which provide an outlet for the production of local food.
191. Regarding Rule 8A.3 (ii), it is understood that the submission is seeking opportunities for markets to be held on more than one day per week on sites within the Foothills Environment and that this second day of operation should require a limited discretionary resource consent. Markets in the Foothills Environment are consistent with the objectives and policies of PPC36. There may be issues of cumulative effects from additional market activities however these can be addressed as part of an assessment a resource consent application.

192. It is proposed that performance standards in Rule 8A.3 restrict market activities that limit the range of goods that may be sold and to a one day per week operation. This is to ensure that retail activities occurring within a market remain small-scale and are not operating every day, particularly during the week when the effects of a market may be more noticeable. However, it is considered that one additional day may be appropriate and not result in significant adverse effects on the environment. The inclusion of 'markets' (limited to one additional day than permitted under Rule 8A.1) in the proposed limited discretionary activity Rule 8A.3 (ii) is appropriate. Any adverse effects arising from such activities can be assessed by the Council with the ability to decline an application or impose appropriate resource consent conditions.
193. It is noted that the changes sought in the submissions include the addition of retail sales relating to agricultural and horticultural produce and beverages. These changes are supported as this would enable existing local producers such as wineries and orchards/farms to sell locally produced beverages, such as wine and agricultural and horticultural produce. A consequential amendment is also proposed to Rule 8A.3 (iv) to accommodate new activities such as wineries.
194. It is noted that the submission seeks that permitted activity Rule 9(iv) Traffic Generation be retained. While the Council supports (farmers) markets in the WRHA, there are effects associated with these activities which require management, in particular traffic generation. It has come to the attention of the Council that the traffic generation rule as it relates to markets is subject to the approval of a Traffic Management Plan, however there is no regulatory mechanism for that approval. While the approval of a traffic management plan is required by the rule as drafted, there is no guidance as to how the Council would approve this plan or whether it could require changes to it.
195. For this reason, it is recommended that Rule 9 be amended to require a Controlled Activity consent for the traffic generation effects associated with markets. In this way the Council has the ability to assess and approve the required Traffic Management Plan and impose resource consent conditions relating to it. The Council cannot decline a controlled activity resource consent application, nor would such an application be publicly notified. A Controlled Activity consent would also give long term certainty to the operators of the market about the traffic generation aspects of this activity. For market activities involving more than one of operation, a limited discretionary consent would be required for traffic generation.

Recommendation:

It is recommended that submissions 36/514, 36/515, 36/516, 36/518, 36/519, 36/520, 36/521 **be accepted in part.**

Submitter Number	Summary of Relief Sought	Further Submissions
36/517 (Dean)	<ul style="list-style-type: none"> • Amend Rule 8A.1 to provide for the continued legality of land use activities and buildings which are legally established at the time the Plan Change was notified. • Amend Rule 8A.3 (ii) to enable the expansion of existing non-residential activities without any limitation as to the nature of any retail activity. • Amend Rule 8A.3(ii) to enable restaurants or cafes using existing buildings without any lot size limitation. • Amend Rule 8A.4(ii) to remove the 2 hectare net site area standard. • Amend Rule 8A.4(iii) to remove any reference to retail sales. • Amend Rule 7.1 Building Coverage for the Foothills Environment by deleting the words in brackets (<i>provided that the standard of 1% of the net site area does not apply to non-residential activities except for rural activities</i>). • Amend Rule 7.2 (iii) to cap site coverage for non-residential activities at 25% of the net site area. • Provide for the adaptive reuse of existing buildings as a restricted discretionary activity (on a non-notified basis with no other party approvals required). • Provide for additions and alterations to existing buildings as a limited discretionary activity (on a non-notified basis with no other party approvals required). • Provide for retail nurseries as a limited discretionary activity without any limitation on whether or not they grow plants on site. 	<p>Opposed by: 36/749/24 (ARC) 36/734/9 (WRPS)</p> <p>Supported by: 36/721/1 – in part (ACTB)</p>

Discussion:

196. Submission 36/517 seeks comprehensive amendments to PPC36 to give effect to the changes sought to Policy 5B.4.3. These changes propose more permissive regulatory controls on the type, scale and size of non-residential activities in the Foothills Environment. Specifically the submission seeks changes that would enable the expansion of non-residential activities without any reference to the type of retail activity or the size of site on which the activity is proposed. In addition, the submission seeks that the site coverage for non-residential activities be capped at 25% of the net site area (proposed for glasshouses only) and provision for retail nurseries (whether or not they grow plants on site) as limited discretionary activity.

197. The ARC and WRPS opposed this submission as the submission supports a proposal to provide for additional non-residential activities in the WRHA and may undermine the urban containment policies of the ARPS. ACTB supports this submission that part of the submission that relates to Rule 7.2(ii) 'Building Coverage. These are considered appropriate because the effects of non-residential activities can be managed so that the additional site coverage will not give rise to adverse stormwater runoff and building bulk effects.
198. It is considered that the range of amendments proposed in submission 36/517 could enable an environmental outcome that does not give effect to the purpose and principles of the RMA, the purpose and objectives of the WRHAA, the urban containment policies of the ARPS and the objectives of the Oratia LAP. In particular, the proposed amendments could enable a wide range of non-residential activities unrelated to the rural character of the Foothills Environment or the wellbeing of the local community where the size and scale of such activities is largely uncontrolled.
199. It is considered that PPC36 (including the recommended amendments) sufficiently provides for a range of rural related activities that will enable existing activities to diversify and/or expand to an appropriate size and scale. The protection of rural character is fundamental to the future management of the Foothills part of the WRHA. The proposed amendments in submission 36/517 would not promote sustainable management of this area to ensure that the rural environment is maintained for the enjoyment of future generations and as a key heritage feature of the WRHA.

Recommendation:

It is recommended that submission 36/517 **be rejected**.

General Matters - Definitions

Submitter Number	Summary of Relief Sought	Further Submissions
36/303 (Bacon)	<p>Amend the definition of 'Arts and Crafts' to read (or similar).</p> <p><i>"Arts and craft/s means those goods produced by hand, by the use of hand tools, or the use of mechanical appliances where such appliances:</i></p> <ul style="list-style-type: none"> <i>• Do not produce goods in a repetitive manner through the use of jigs, templates, moulds, patterns dies, jolleys or other similar devices, except where the original form is designed and created by the person producing the goods and the use of the devices is intended as a starting point for further creative development rather than a means of mass production; and</i> <i>• Do not produce the goods other than through the direct control of the operator; and</i> <i>• The person producing such goods shall have complete control over the production of every piece and stage of production."</i> 	

Submitter Number	Summary of Relief Sought	Further Submissions
36/388 (Reynolds)	<ul style="list-style-type: none"> Reject the proposed change to the definition of 'intensive livestock farming'. <p>Alternatively include a rigorous definition of the new terms 'free range' or 'free range poultry farming'.</p>	

Discussion:

200. Submission 36/303 seeks amendments to the definition of arts and crafts. The amendment sought to the definition is considered to be appropriate as it establishes flexibility to allow a person to establish a 'pattern' which may be used as a template. An amendment to the definition as proposed by the submitter will ensure that the definition supports the policy intention to encourage creative endeavour in the WRHA.
201. Submission 36/388 opposes the proposed definition of 'intensive livestock farming'. The amendment to the definition clarifies that free range poultry farming is not intensive livestock farming as it does not involve raising animals within buildings that have artificially controlled conditions. This clarifies the interpretations associated with the definition of 'rural activities' which refers to intensive livestock farming. Free range poultry farming is the antithesis of intensive livestock farming where animals are free to move around, often in a pastoral environment. This is in contrast to intensive livestock farming which is different in character, scale and intensity of rural use.

Recommendation:

It is recommended that submission 36/303 **be accepted**.

It is recommended that submission 36/388 **be rejected**

Submissions supporting PPC36 in its entirety

202. The following submissions support PPC 36 in its entirety:
36/391, 36/393, 36/403, 36/407, 36/407, 36/409, 36/419, 36/420, 36,453, 36/454, 36/456, 35/461, 36/462, 36/463, 36/465, 36/466, 36/710, 36/715, 36/718, 36/719, 36/721 and 36/725.

Discussion:

203. Support for PPC36 is consistent with the Council's decision to give effect to the purpose and objectives of the WRHAA and its broader economic wellbeing objectives.
204. It is considered that these submissions should be accepted, although it is noted that a number of amendments to the notified PPC36 are proposed in response to issues raised in others submissions on this plan change. Each submitter's support of the plan change as notified will need to consider the recommended amendments to PPC36 to determine whether the proposed amendments are acceptable.

Recommendation:

It is recommended that submissions 36/391, 36/393, 36/403, 36/407, 36/407, 36/409, 36/419, 36/420, 36,453, 36/454, 36/456, 35/461, 36/462, 36/463, 36/465, 36/466, 36/710, 36/715, 36/718, 36/719, 36/721 and 36/725 **be accepted**.

4.0 SUMMARY OF RECOMMENDED CHANGES TO THE PLAN

A31-A64

205. It is recommended that a number of amendments be made to PPC36. These are attached at pages A31 to 64 and are summarised below:
- i. Amendments to Objective 5B.4.2 to clarify that non-residential activities should be of an appropriate size and scale as opposed to being small scale;
 - ii. Amendments to Policy 5B.4.3 to reference social and cultural (including spiritual) associations with the area, to recognise existing commercial accommodation, to acknowledge that creative industries includes filming, to provide for opportunities to avoid, remedy or mitigate effects on streetscapes, and to acknowledge the maintenance of enabling of farming activities;
 - iii. Amendments to the explanation to Policy 5B.4.3 to acknowledge existing non-residential activities in the WRHA, and to clarify the issue of visitor pressure on the Regional Park;
 - iv. Amendments to the definition of arts and crafts and the deletion of the definition of garden centre;
 - v. Amendments to Rule 8A of the Foothills Environment to clarify that retail sales includes agricultural and horticultural produce, food and beverages, and that consideration of natural values is important to the consideration of resource consent applications;
 - vi. Amendments to Rule 9 of the Foothills Environment to provide for a resource consent approval of a traffic management plan for a market and the consideration of rural character in the assessment of applications;
 - vii. Amendments to Rule 12 of the Foothills Environment to implement recommendations relating to the Oratia Rural Village Non-Residential Activity Overlay in respect to PPC35;
 - viii. Amendments to Rule 7 of the Waitakere Ranges Environment to provide for rural activities within the general natural area and to delete references to beverages in relation to retail sales;
 - ix. Amendments to Rule 8 of the Bush Living Environment to provide for the managed expansion of Waitakere Estate and to delete references to beverages in relation to retail sales;
 - x. Amendments to Rule 8 of the Coastal Villages Environment to delete references to beverages and convenience shops in relation to retail sales and the insertion of an additional assessment criteria relating to the quiet, privacy and darkness of the coastal villages; and
 - xi. Amendments to Rule 9 of the Coastal Villages Environment to insert an additional assessment criteria relating to the quiet, privacy and darkness of the coastal villages.

5.0 AUCKLAND COUNCIL TRANSITION ISSUES

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

Report prepared by: Deanne Rogers: Senior Planner – Policy Implementation.

Released by: Philip Brown: Group Manager: Planning & Community Services.



4 RECOMMENDATIONS ON SUBMISSIONS TO PROPOSED PLAN CHANGE 37: TITIRANGI VILLAGE AND VARIATION 1 TO PLAN CHANGE 17

GLOSSARY

Auckland Regional Policy Statement	(ARPS)
Local Area Plan/s	(LAP/s)
Long Term Council Community Plan 2009-2019	(LTCCP)
Metropolitan Urban Limits	(MUL)
Resource Management Act 1991	(RMA)
Proposed Plan Change 35	(PPC35)
Proposed Plan Change 36	(PPC36)
Proposed Plan Change 37: Titirangi Village and Variation 1 to Plan Change 17	(PPC37)
Titirangi Non-Residential Activity Overlay	(TNRAO)
Waitakere City Council	(the Council)
Waitakere District Plan	(WDP)
Waitakere Ranges Heritage Area	(WRHA)
Waitakere Ranges Heritage Area Act 2008	(WRHAA)

EXECUTIVE SUMMARY

A65-A79

The purpose of this report is to make recommendations to the Planning & Regulatory Committee regarding the decisions sought in submissions and further submissions received in relation to the Proposed Plan Change 37: Titirangi Village and Variation 1 to Plan Change 17 ("PPC37") to the Waitakere District Plan ("WDP"). The report recommends that PPC37 be approved subject to amendments made in response to the decisions sought in submissions described in this report and detailed in the attachments at pages A65 to A79.

PPC37 seeks to delete the existing WDP policy 11.22 for Titirangi Village and introduce a new objective (5B.3.3.5) and policy (5B.3.3.6), and statements on the existing character and amenity of the village (5B.3.3.2), its heritage features and the desired future character and amenity of the village (5B.3.3.3). Further, it proposes amendments to the WDP rules and assessment criteria to align with the policy approach. The amendments proposed locate the issues, objectives and policies within a new section 5B.3.3 of the WDP.

The Waitakere City Council (“the Council”) received 108 submissions in relation to PPC37 and 7 further submissions. Council staff have considered the issues raised in these submissions. Recommendations relating to the decisions sought in submissions are set out in Section 3.0 of this report.

RECOMMENDATIONS

It is recommended that the Planning and Regulatory Committee resolve to:

1. **Receive** the “Report on Recommendations on Submissions on Plan Change 37: Titirangi Village and Variation 1 to Plan Change 17”.
2. **Agree** to accept late submission 37/104 as the submission was received shortly after the close of submissions and its consideration does not prejudice any party.
3. **Agree** to accept, accept in part, or reject the submissions to Plan Change 37: Titirangi Village and Variation 1 to Plan Change 17.
4. **Agree** that pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991, the Planning and Regulatory Committee having had regard to the submissions received and subject to any contrary or additional evidence presented at the hearing, approve the amended Proposed Plan Change 37: Titirangi Village and Variation 1 to Plan Change 17 attached at pages A65 to A79.

A65-A79

1.0 BACKGROUND

1. The Council in the mid 1990s established design guidelines for Titirangi Village. This resulted in an amendment to Rule 5 of the WDP ‘Community Environment’ to include performance standards to guide development of the Village. The guidelines are now considered to be outdated and reflect design outcomes which are not consistent with urban design approaches that are currently used elsewhere in the City. Furthermore, since the enactment of the Waitakere Ranges Heritage Area Act 2008 (“WRHAA”), all resource consent applications need to be considered against the purpose and objectives of that Act, in addition to the Resource Management Act 1991 (“RMA”) and WDP. Policy 11.22 addressed the manner in which development should occur in Titirangi. Analysis has indicated that this policy is not specific enough to assist with the assessment of resource consent applications for development in Titirangi village.
2. There is a potential conflict in the interpretation of existing policies in the WDP and the WRHAA as they relate to Titirangi village. This conflict results in tensions and uncertainty as to the appropriate scale of development, and in the outcomes that are anticipated. Added to this is that the WRHAA directs that heritage features are to be protected, restored and enhanced, which includes ensuring that the built environment is subservient to the area’s natural environment. Without more specific guidance as to the anticipated future character and amenity in Titirangi village, there will be considerable uncertainty as to what developments or environmental outcomes are appropriate.
3. There has also been pressure for non-residential activities (café, restaurant, offices) to locate outside the Community Environment, particularly along South Titirangi Road. There is little policy guidance about the appropriateness of these activities or the extent of their spatial distribution. Nor there is any recognition of the existing non-residential activities on the periphery of the Village that contribute to community wellbeing.

4. PPC37 seeks to provide greater certainty about the long-term management of Titirangi Village and the assessment of future development proposals, by including a character and amenity statement (existing and desired future) for the Village, clear policy guidance through a new objective and policy and appropriate amendments to the rules and assessment criteria.

Consultation

5. Consultation during the preparation of PPC37 was undertaken at a community meeting, meetings with interested persons and groups, and meetings with Auckland Regional Council staff. Further information on consultation is provided in the section 32 assessment accompanying the plan change.

2.0 STRATEGIC CONTEXT

6. The purpose of the WRHAA is to recognise the national, regional and local importance of the WRHA, and to promote the protection and enhancement of its heritage features for present and future generations.
7. The regulatory management of development in Titirangi village through PPC37 supports the central objective of the “Green Network” Platform of the Council’s Long Term Council Community Plan 2009-2019. The restricted growth and protection of this area is part of the Waitakere Growth Management Strategy 2009.
8. The suite of proposed plan changes (35, 36 and 37) is designed to give effect to the purpose and objectives of the WRHAA and its local contexts of Oratia, Waiatarua and Titirangi. It complements the Waitakere Growth Management Strategy 2009, the Auckland Regional Growth Strategy and policies in the Auckland Regional Policy Statement (“ARPS”). The WRHAA seeks to avoid unplanned ad-hoc urban expansion, beyond the Metropolitan Urban Limits (“MUL”) that would destroy the rural and natural character of the WRHA. At the same time, the continued existence and sustainable development of the diverse communities in the area is also an objective of the WRHA.

3.0 DECISION MAKING

Issues

9. The Council is required pursuant to Clause 10 of the First Schedule of the RMA to make a decision on the proposed provisions and the decisions sought in submissions on PPC37. The decision must include the reasons for accepting or rejecting the submissions having regard to the purpose and principles of the RMA. Particularly the Council needs to be satisfied that PPC37 gives effect to the WRHAA pursuant to Section 11 of that Act and promotes the sustainable management purpose of the RMA.

Statutory Requirements and Planning Framework

Waitakere Ranges Heritage Area Act 2008

10. The WRHAA received royal assent on 8 April 2008. The legislation establishes the WRHA comprising 27,720 hectares of public and private land. The WRHAA responds to concerns expressed by the community and statutory bodies over a number of years about the potential adverse cumulative effects from urban growth (particularly residential subdivision) on the natural, rural and coastal landscape and the ecological, historic and cultural heritage of the area, and the difficulties in managing such effects under the current regulatory framework. It is considered a key piece of legislation which provides additional status to an important geographical area beyond the matters in Part II of the RMA.
11. Titirangi village is unique in that it is an 'urban area' located both within the WRHA and the Metropolitan Urban Limits ("MUL"), as defined in the ARPS. Therefore the urban objectives and policies of the ARPS apply to the site, along with the specific objectives and policies of the WDP, as well as the purpose and objectives of the WRHAA. When these are combined with the purpose of the RMA, there is a layering of statutes and policies that address elements of the natural and physical environment.
12. The WRHAA is a 'local Act', which has a specific geographical focus. The purpose of the WRHAA is set out in Section 3. Amongst other matters, this section states the 'national significance' of the WRHA (s(2)(b)), promotes the 'protection and enhancement' of its heritage features for present and future generations (s(1)(b)), and specifies the objectives of 'establishing and maintaining' the WRHA (s(2)(d)). It also specifies 'additional matters' for the Council to consider when making a decision, exercising a power, or carrying out a duty that relates to the WRHA (s(2)(e)), which includes the consideration of resource consent applications.
13. Section 7 of the WRHAA defines the relevant heritage features of the WRHA. The WRHA is described as being "of national significance and the heritage features described in subsection (2), individually or collectively, contribute to its significance". These heritage features are a particularisation (focussed identification) of the matters in section 6 and 7 of the RMA.
14. Section 8 of the WRHAA identifies the relevant objectives of the WRHAA for establishing and maintaining the WRHA. These are addressed in **Table 2** below. Significantly the statutory test of Objective 8(a) is to protect, restore and enhance the area and its heritage features.
15. Section 11 establishes a mandatory requirement for territorial authorities to give effect to the purpose and objectives of the WRHAA when preparing or reviewing a district plan that affects the WRHA. This requirement is in addition to the requirements in sections 74, 75 and 79 of the RMA. When evaluating a proposed district plan, change or variation that affects the WRHA, a territorial authority must examine whether the plan, change or variation is the most appropriate way to achieve the objectives of the WRHAA.

16. Section 13 requires consideration to be given to the purpose of the WRHAA and the relevant objectives when considering an application for resource consent. A consent authority may impose conditions under Section 108 of the RMA that relate to one or more of the heritage features or the objectives. The WRHAA has predominance over the Auckland Regional Growth Strategy (Section 18). In relation to the Waitakere Ranges Regional Park, the Auckland Regional Council is required to prepare, adopt and maintain a management plan for the integrated management of the Regional Park (Section 19).
17. Section 25 provides for the preparation of LAPs. Territorial authorities may prepare and adopt a LAP for a local area that is within its district and the WRHA, however, it is not mandatory. The purpose of a LAP is to promote the purpose of the WRHAA and its objectives and provide objectives in relation to the future amenity, character and environment of the local area to which the LAP applies and the wellbeing of the local community within that area (including its economic and social wellbeing). LAPs are also intended to inform decision-making processes that relate to the WRHA. Section 25(3) sets out what a LAP must include. While the adoption of a LAP does not constitute a decision by a territorial authority to act on any specific matter there is an expectation that where decision making is inconsistent with the LAP the reasons for such any inconsistency will be clearly explained (Section 27).
18. A territorial authority may include in its district plan any part of a LAP that relates to managing the use, development or protection of natural and physical resources. However, this is not a mandatory requirement. A LAP or a provision of a LAP has no effect on any decision under the RMA until it is included in the district plan through a plan change.
19. Section 29-32 require formal acknowledgement of the historical, traditional, cultural, or spiritual relationship between tangata whenua and the WRHA, namely Ngati Whatua and Te Kawerau a Maki.
20. Part 3 requires territorial authorities to monitor the state of the environment in the WRHA and the progress made towards achieving the objectives of the WRHAA. Section 35 preserves the existing use rights enjoyed by those who have title or right to ownership of any land or natural resources, and Section 36 excludes those resource consent applications or plan changes in the WRHA that have been notified but not finally determined.

Resource Management Act 1991

21. The purpose of the RMA as outlined in Part II is the sustainable management of natural and physical resources. Part II also sets out the matters, including those of national importance, to which Council must have regard to and provide for in achieving that purpose. The purpose of a district plan as outlined in section 72 of the RMA is to assist the Council in carrying out its functions. 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 RMA. The Council must establish, implement and review the objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities.
22. The RMA provides a statutory framework for the management of natural and physical resources. The purpose of the RMA is *"to promote the sustainable management of natural and physical resources"*.

23. Section 5(2) defines the purpose of the RMA, 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 –*
- i. Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - ii. Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - iii. Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*
24. Section 6 of the RMA 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.”*
25. Section 7 of the RMA sets out other matters that must be given particular regard including:
- “(a) Kaitiakitanga;*
 - (c) The efficient use and development of natural and physical resources;*
 - (d) The maintenance and enhancement of amenity values;*
 - (e) Intrinsic values of ecosystems;*
 - (f) Maintenance and enhancement of the quality of the environment;...”*

26. Section 8 of the RMA requires that managing the use, development and protection of natural and physical resources, takes into account the principles of the Treaty of Waitangi.
27. Part IV of the RMA relates to functions, powers and duties of central and local government. Section 31 of the RMA sets out functions of territorial local authorities for giving effect to the RMA within its boundaries. These functions include the integrated management of the natural and physical resources of the district and the control of the effects of the use or development of land including subdivision. Section 32 of the RMA imposes a statutory responsibility to evaluate the options available to achieve the Council's particular objectives or policies. Section 35 of the RMA requires that a local authority monitor the suitability and effectiveness of its plan in managing the City's environment. Council therefore has a duty to ensure that the WDP remains relevant in order to achieve integrated management of its natural and physical resources.
28. Part V of the RMA relates to Standards, Policy Statements and Plans. Section 73 of the RMA provides for changes to district plans. The First Schedule of the RMA sets out the process that must be followed for plan changes. Section 74 of the RMA states the matters Council must have regard to when changing its District Plan. Under section 75 a district plan must give effect to any national policy statement, New Zealand coastal policy statement, and any regional policy statement.
29. Section 76 of the RMA requires that when making a rule the Council must have regard to the actual or potential effect on the environment including any adverse effects of that rule.

Waitakere District Plan

30. The WDP establishes the City's approach to the management of the effects of development on natural and physical resources. It identifies the City's significant resource management issues, the objectives sought by the Plan and the policy direction adopted to give effect to those objectives. It also describes the methods which will be used to implement the policies, and the principal reasons for adopting the particular objectives, policies and methods. PPC37 acknowledges the existing Objectives and Policies of the WDP that apply to the natural and human environments in the WRHA. A comprehensive assessment of the objectives and policies of PPC37 against the WDP is set out in the Section 32 report.
31. The Rules Section of the WDP contains the detailed methods for implementing the Objectives and Policies set out in the Policy Section. The Rules Section of the WDP contains four sets of rules:
 - the City-Wide Rules;
 - the Natural Area Rules;
 - the Human Environment Rules; and
 - the Subdivision Rules.

32. For many proposed activities in the WRHA, there are relevant rules that apply to that activity in each of these four parts.

Auckland Regional Policy Statement

33. The ARPS, which became operative in 1999, 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. As directed by the RMA, the ARPS provides a resource management framework for the integrated management of the natural and physical resources of the Auckland region. The ARPS contains objectives and policies in relation to the actual or potential effects of the use, development, or protection of land which are of regional significance. The appropriate management of land use and subdivision in the WRHA is a matter of regional significance. A district plan is required to give effect to a Regional Policy Statement.
34. The ARPS 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 and reasons and the environmental results anticipated as a result of implementation of the ARPS. PPC37 gives effect to these objectives as it introduces objectives and policies which give effect to the WRHAA and provides for the identification of heritage features within the village. A comprehensive assessment of the objectives and policies of PPC37 against the ARPS is set out in the Section 32 report.

Other Statutory Considerations

35. Additional statutory assessments have been undertaken including Sections 7 & 8 of the WRHAA and the Regional Parks Management Plan.
36. The relevant objectives and policies of PPC37 are considered to be consistent with the national significance and heritage features of the particular areas to which the plan change relates and the relevant objectives of the WRHAA.
37. Overall, PPC37 is considered to be consistent with sound resource management practice across the region. It is not contrary to the purpose or principles of the RMA and is appropriate in terms of effectiveness and efficiency of Council exercising its functions.

Section 32 Considerations

38. Section 32 of the RMA requires an evaluation to be undertaken by a local authority before any objective, policy, rule or other method is adopted.
39. Council's obligations under section 32(3) 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 RMA;
 - 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 providing reasons for that evaluation.
40. The section 32 analysis completed prior to notification identified that the objectives of PPC37 are the most appropriate way to achieve the purpose of the RMA. Furthermore, the proposed policies are considered to be the most efficient and effective means of achieving the purpose of the RMA. It is acknowledged that the section 32 analysis is a dynamic process and that the conclusions reached about the final content of the plan change will be further refined through the plan change processes set out in the First Schedule to the RMA.

Analysis of Submissions

41. A total of 108 submissions and 7 further submissions were received in respect of the PPC37.
42. The submissions received have been grouped for analysis according to the decisions sought from the Council and the issues raised in submissions. The first group addresses matters regarding the whole of the plan change, the second group addresses submissions which relate to issues, objectives, policies and methods, the third group addresses other relief sought by individual section of PPC37, and the final group addresses site specific and general matters. The assessments are titled:
- Withdraw PPC37 in its entirety;
 - Withdraw PPC37 and Prepare a Local Area Plan;
 - Support PPC37;
 - Make Objectives, Policies and Methods Guidance to Landowners;
 - Role of the Village and Activities in the Village;
 - Residential Activities in the Village;
 - Building Height in the Village;
 - Views to and from the Village;
 - Continuous Building Frontage on the Northern Side of Titirangi Road;
 - Titirangi Non-Residential Activity Overlay (TNRAO);
 - Transport and Car Parking;
 - Adjoining Residential;
 - Signs;
 - Definitions;
 - Statement of Existing Character and Amenity;
 - Statement of Future Character and Amenity;
 - Issues Section 5B.3.3.4;
 - Objectives Section 5B.3.3.5;
 - Policies Section 5B.3.3.6;
 - Rules and Assessment Criteria – Community Environment;
 - Building on the Corner of Titirangi and South Titirangi Roads;
 - Identify Properties as Titirangi Non-Residential Activity Overlay;
 - Identify Property at 2 Rangiwai Road as Community Environment;

- Lopdell House;
 - Playgrounds;
 - Reserve Donation; and
 - General Matters
43. Where submissions are seeking specific changes to the wording of the proposed Plan Change, they have been addressed either individually or grouped under a common heading. At the beginning of each submission topic, the submission numbers that relate to that topic are set out. Further submissions that relate to primary submissions are also identified. Where an original submission is supported or opposed, the original submission number is identified along with its accompanying further submission.
44. A recommendation stating whether the relief sought in the submissions should be accepted, rejected, or rejected in part is provided at the conclusion of the discussion on each submission topic.

Withdraw PPC37 in its entirety

Submitter Number	Summary of Relief Sought	Further Submissions
37/13 (Woodhall-Martin)	<ul style="list-style-type: none"> • Postpone Proposed Plan Change 37 indefinitely. 	
37/27, 37/75, 37/78, 37/79, 37/80, 37/94, 37/95	<ul style="list-style-type: none"> • Withdraw Plan Change 37 in its entirety. 	<p>Supported by:</p> <p>37/110/2</p> <p>37/113/5</p>
37/72 (Waitakere Ranges Protection Society)	<ul style="list-style-type: none"> • Rejection Plan Change 37 in its entirety. • Or any alternative or consequential relief that may satisfy the concerns of the submitter. 	<p>Supported by:</p> <p>37/113/5</p>
37/107 (Mahoney)	<ul style="list-style-type: none"> • Opposes plan change because does not reflect views of members of community. 	

Discussion:

45. The submissions listed above seek that PPC37 be indefinitely postponed or withdrawn. Reasons listed in the submissions, where these exist, include that PPC37 provides for inappropriate building height, inappropriately identifies the extent of the village, provides for non-residential activities beyond the extent of the village, and that there has been inadequate consultation. These submissions are addressed first, as if accepted, there would be no reason to consider other submissions specific to the proposed provisions of PPC37.

46. The issue of deciding the content of a district plan is one where case law³ provides guidance about the stages that need to be considered, including:
- a) Ascertaining the relevant facts, identifying the issues, and generating proposed objectives, policies and methods of implementation;
 - b) Preparation of the Section 32 analysis;
 - c) The overall assessment of the Plan Change. [i.e the ultimate issue as to whether on balance the Council is satisfied that implementing the proposals would more fully serve the statutory purpose than would cancelling them].
47. PPC37 is a response to the WRHAA and known deficiencies in the WDP regarding the form and function of Titirangi village and the appropriateness of development. Concerns have previously been raised with Council regarding these issues, along with the location, design and height of buildings. These are described in the Section 32 report which also acknowledges the relevant requirements of statutes and plans including the RMA, WRHAA, ARPS and the WDP. The assessment identifies relevant heritage features (section 7 of the WRHAA). Using the planning maps from the ARPS and the WDP it identifies those matters of national importance, including matters contained within sections 6 and 7 of the RMA. Character and landscape assessments of Titirangi village were commissioned as part of the development of PPC37. In addition, the Council undertook a wide ranging evaluation of issues associated with the WRHA as part of the development of the WRHAA Bill. The resource management issues associated with Titirangi village are identified in Section 5B.3.3.4 of PPC37 and reflect the relevant facts and identified concerns.
48. The content of PPC37 and its effect is explained in the Section 32 assessment. It is considered that there is a clear logic between the facts, the evaluation of the responses to these, and the generation of objectives, policies and methods made in response.
49. The section 32 analysis has identified that PPC37 will enable the Council to manage land resources efficiently whilst meeting the purpose of the RMA by allowing sustainable management of natural and physical resources. It also concludes that the objective is the most appropriate way to achieve the purpose of the RMA, that the policies achieve the objectives and that the methods are the most effective and efficient means to achieve the policies and provide for the sustainable management of natural and physical resources, and the wellbeing of the community. It also identified that PPC37 is consistent with relevant statutory documents. In addition, it identified that PPC37 represents the most appropriate way to manage adverse effects arising from development and to direct environmental outcomes appropriate to Titirangi village. The section 32 report also provides a detailed assessment of PPC37 against the purpose and objectives of the WRHAA, along with section 11 of that Act.

³ Wakatipu Environmental Society Inc v Queenstown Lakes District Council [2000] NZRMA 59 [para 54] and Terrace Tower (NZ) Pty Ltd v Queenstown Lakes District Council [2001] NZRMA 23.

50. **Table 1** below compares the existing WDP provisions with those of PPC37. This comparison allows the consideration of whether either PPC37 or the existing WDP would more fully serve the statutory purposes of the RMA and the WRHAA (including its objectives). The existing WDP provisions for the Community Environment enable development through a series of permitted activity rules which enable the development of buildings without the need for resource consent. In effect there are few limits. Policy 11.22 of the WDP lacks certainty, direction and does not address the heritage features that have been identified within and surrounding the village. By comparison, PPC37 establishes requirements for resource consent for new buildings that include clear performance standards to manage development and which describes the future of the village. These provisions are more directive, have clear height limits and provide greater certainty about the form of development appropriate within the village. PPC37 also highlights forms of development that would detract from achieving the Village's desired future character and amenity. PPC37 more fully responds to the requirements of the RMA, LGAAA and the ARPS and the identified issues. In a statutory sense it is a better outcome than the existing provisions of the WDP.

Table 1 – Comparison of WDP and PPC37 methods

Glossary:

PA = Permitted Activity

LDA = Limited Discretionary Activity

DA = Discretionary Activity

NC = Non Complying Activity

Provision	WDP	PPC37
Community Environment Rule 4 – Building Location – Natural Landscape	<p>PA building height 7m plus roof (specific design) = 10m overall</p> <p>LDA not a permitted activity but height overall 10m.</p> <p>DA buildings over 10m</p>	<p>PA additions/alterations only</p> <p>LDA building height up to 8 m</p> <p>DA building height between 8 and 11m</p> <p>NC buildings over 11m</p>
Community Environment Rule 7 Building and Site Design - Titirangi	<p>PA building height 7m plus roof (specific design) = 10 m overall subject to frontage, roof, canopy, materials, display space, maximum width standards</p> <p>LDA not a permitted activity but height overall 10 m.</p> <p>DA exceeding 10 m</p>	<p>PA additions/alterations only</p> <p>LDA building height up to 8m</p> <p>DA building height between 8 and 11m</p> <p>NC buildings over 11m</p>
Community Environment Rule 12 Signs	<p>PA signs on a building</p>	<p>PA only on ground floor and below canopy</p>
Bush Living Environment (Titirangi Non-Residential Activity Overlay Area)	<p>DA non-residential activities in an existing building, no retail sales</p>	<p>LDA non-residential activities in an existing building, retail sales limited to</p>

Provision	WDP	PPC37
Rule 8 Non-Residential Activities	NC retail sales	arts/crafts, restaurants, beverages DA non-residential activities in a new building, retail sales limited to arts/crafts, restaurants, beverages NC other retail sales
Bush Living Environment Rule 9 Traffic Generation	LDA up to 20 trips NC over 20 trips	LDA any trips (assessed with proposal)

51. Withdrawing PPC37 will not enable the Council and community to appropriately manage Titirangi village, and would result in uncertainty for the future of the village and in the interpretation of the WRHAA for this part of the City which is located both within the MUL and the WRHA.
52. Any submissions which simply seek the withdrawal of PPC37 would have to demonstrate that there were substantial deficiencies in both the planning process to develop PPC37 to justify such a drastic step. There is nothing in the submissions to support such a move. Where submissions raise particular concerns they are addressed later in this report. Any withdrawal at this stage would impose substantial delays, costs and disruption on a wide range of parties and from these submissions there do not appear to be compensating benefits.
53. It is also considered that the Council has met its obligations with respect to consultation and that the notification of a plan change and undertaking of a hearing is another part of the consultation process. To withdraw PPC37, undertake further consultation with the parties involved and then re-notify it to seek additional submissions would be disruptive and costly.
54. Any challenge to a plan change such as this on the basis of Section 32 can only succeed if the submitter can show that the analysis is so inadequate that the Council has failed to meet its obligations under the RMA. Reference to the Section 32 analysis shows that this is clearly not the case.
55. The objectives and policies of PPC37 are considered to fall squarely within the ambit of the matters that the RMA and WRHAA are required to give effect to. Subject to recommended amendments made elsewhere in this report, it is considered that PPC37 is appropriate and should be retained.

Recommendation:

It is recommended submissions 37/13, 37/27, 37/75, 37/78, 37/79, 37/80, 37/94, 37/95, 37/72, 37/107 be **rejected**.

Withdraw PPC37 and Prepare a Local Area Plan

Submitter Number	Summary of Relief Sought	Further Submissions
37/71 (ARC)	<ul style="list-style-type: none"> Reject Plan Change 37 until local area planning is undertaken within Titirangi Village. 	<p>Supported by:</p> <p>37/110/2 - in part</p> <p>37/113/5</p>

Discussion:

56. Submission 37/71 seeks that PPC37 be rejected until local area planning is completed for Titirangi Village. Once local area planning is completed, a plan change can be notified to reflect the outcomes sought.
57. The submission essentially seeks that local area planning is undertaken in advance of any plan change process. The consideration of this submission, and those similar submissions to Proposed Plan Change 36 ("PPC36"), raises issues of whether local area planning is mandatory and should always precede plan changes, or whether the Council has a statutory ability to undertake plan changes based on the requirements of the RMA and WRHAA. At the core of this is whether the submitter's proposed approach is consistent with the WRHAA and the RMA, particularly those functions in section 31(1)(a) & (b) of the RMA.
58. The RMA provides for Council to prepare a district plan and undertake plan changes in accordance with the First Schedule. Sections 74 and 75 of the RMA outlines matters that Council shall have regard to, give effect to and the content of a district plan. Before adopting an objective, policy or rule or other method in a district plan an assessment under section 32 of the RMA must be carried out. There is nothing in the RMA that would inhibit the Council's ability to exercise its statutory duties and functions in respect to Titirangi village.
59. Sections 11(1) and (2) of the WRHAA establish that district plans and plan changes must give effect to the purpose of the WRHAA and its objectives, and that this requirement is in addition to sections 74, 75 and 70 of the RMA. Additional matters also need to be considered when preparing a Section 32 report (section 11(3) of the WRHAA). Again, these requirements have been addressed in the section 32 analysis accompanying PPC37.
60. Section 25(1) of the WRHAA establishes that Council 'may' prepare a local area plan (LAP) for an area within the WRHA. LAPs are not a mandatory requirement of the WRHAA. They provide an additional planning tool for the management of environment, amenity, character and wellbeing. Section 26 of the WRHAA establishes that the Council may decide for itself the process for preparing a LAP provided that it encourages participation and addresses the principles of consultation in the LGA 2002. Section 28(1) of the WRHAA establishes that Council 'may' include in the WDP any part of a LAP relating to the management, use, development or protection of natural and physical resources. Not having a LAP in place for the Titirangi area is not an impediment to undertaking a plan change. There is therefore no statutory reason that would prevent the Council undertaking a plan change in Titirangi that addresses the requirements of the RMA and sections 7, 8 and 11 of the WRHAA.

61. Section 9 of the WRHAA is important to the consideration of whether a LAP should precede a plan change and whether there is a statutory basis that would prevent plan changes from being notified prior to local area planning being undertaken. Section 9(1) states that where a conflict between the WRHAA and the RMA arises, then the RMA prevails. Section 74 and the first schedule of the RMA provide for the Council to prepare plan changes. Section 25 of the WRHAA establishes that LAPs are not mandatory. The approach proposed by the submitter is considered to result in a conflict between the responsibilities of Council under the RMA and the manner in which the requirements of the WRHAA are additional to those of the RMA.
62. The previous assessment relating to submissions seeking the withdrawal of the plan change is relevant to the consideration of this submission. That assessment concludes that PPC37 was undertaken in accordance with the requirements of the RMA and WRHAA, and that the section 32 assessment is appropriate.
63. In addition, resolutions of the Policy and Strategy Committee (8 October 2009 1642/2009) directed that PC 37 be prepared in a manner which also gives effect to Sections 25 and 26 of the WRHAA. This established the requirement for the plan change to address amongst other things the definition of the boundaries of the village, the identification of heritage features, the promotion of section 8 objectives of the WRHAA, the identification of natural, cultural or physical qualities of characteristics that contribute to its amenity and the preparation of objectives and policies in relation to future amenity and character.
64. The development of PPC37 has included the participation of the members of the community at a meeting on 3 November 2009 and consultation with Auckland Regional Council officers.
65. PPC37 addresses known deficiencies with the WDP. Any submissions which simply seek to withdraw or reject PPC37 would have to demonstrate that there were substantial deficiencies in both the planning process and in the plan change proposals to justify such a drastic step. There is nothing in the reasons for the submission to support such a move.

Recommendation:

It is recommended that submission 37/71 be **rejected**.

Support PPC37

Submitter Number	Summary of Relief Sought	Further Submissions
37/91, 37/93, 37/97, 37/98, 37/105	<ul style="list-style-type: none"> • Support Plan Change 37. 	<p>Opposed by:</p> <p>37/110/2</p>
37/74 (Lopdell House Development Trust)	<ul style="list-style-type: none"> • Supports the intent of Plan Change 37. 	
37/69 (Hinton)	<ul style="list-style-type: none"> • Adopt Plan Change 37 	<p>Opposed by:</p> <p>37/110/2</p> <p>37/113/5</p>

Discussion:

66. Submissions 37/91, 37/93, 37/97, 37/98, 37/105, 37/74, 37/69 support PPC37. Submission 37/74 supports PPC37 provided that no changes are made to the Lopdell House provisions. Specific submissions in respect to Lopdell House are addressed later in this report. To that extent, and as amendments are recommended, it is recommended that this submission be accepted in part.
67. Support for PPC37 is consistent with the Council's decision to give effect to the purpose and objectives of the WRHAA. It is considered that these submissions should be accepted, although it is noted that a number of amendments to the notified PPC37 are proposed in response to issues raised in other submissions on this plan change. Each submitter's support of the plan change as notified will need to consider the recommended amendments to PPC37 to determine whether the proposed amendments satisfy the relief sought.

Recommendation:

68. It is recommended that submissions 37/91, 37/93, 37/97, 37/98, 37/105, 37/69 be **accepted** and submission 37/74 **accepted in part**.

Make Objectives, Policies and Methods Guidance to Landowners

Submitter Number	Summary of Relief Sought	Further Submissions
37/86 (Geddes)	<ul style="list-style-type: none"> • Revision of all issues, conditions and proposed new rules and regulations to reduce same to a form for guidance of owners, if this is necessary, whilst carrying out the purpose of the Waitakere Heritage Area Act 2008 and considered absolutely necessary to rectify inadequacies in the District Plan rules and distinguishing between rural and existing built up areas. • Ensure this is summarised to be intelligible to owners and not prolix and incapable of use for the enjoyment of their own properties. 	

Discussion:

69. Submissions 37/86 seeks that the objectives, policies and methods of PPC37 only form guidance to landowners.
70. The relief sought is not considered to be consistent with the requirements of the RMA, WRHAA and the identified issues that warrant regulatory management through objectives, policies and methods. The option of no statutory provisions was addressed in the section 32 and rejected as it wouldn't provide for the sustainable management of natural and physical resources, or give effect to the purpose and objectives of the WRHAA.

Recommendation:

71. It is recommended that submissions 37/86 be **rejected**.

Role of Village and Activities in Village

Submitter Number	Summary of Relief Sought	Further Submissions
37/70 (Turner)	<p>Adopt Plan Change 37 with the following amendments:</p> <ul style="list-style-type: none"> • Add Issue (ix) to Section 5B.3.3.4 <i>“Loss of scarce retail activity will force Manukau communities to drive extended distances for basic shopping and services.”</i> • Add the following text to Section 5B.3.3.5 (x) at the end of the sentence <i>“specifically, serving the retail and service needs of the Tasman Coast and Manukau communities.”</i> • Include the following text in Section 5B.3.3.6 (f) <i>Serves the basic retail and service needs of residents of the Tasman Coast and Manukau Harbour communities.”</i> • Include the following text in Section 5B.3.3.6 (ii) at the end of the sentence <i>“and reserving ground floor retail space for retail and services serving Titirangi and the surrounding communities.”</i> • Modify Rules 4 and 7 to be consistent with the issue, objective and policy as modified, reserving ground floor retail space for retail and neighbourhood serves and directing office uses to upper level storeys. 	<p>Opposed by: 37/110/2</p>
37/102 (McEwan)	<ul style="list-style-type: none"> • Less land agents. • Do not need any more commercial building. 	

Discussion:

72. Submission 37/70 seeks amendments to the issues, objectives and policies to recognise the role of the village in providing retail and services for residential of the Tasman Coast and Manukau Harbour communities. In addition, the submission seeks amendments to methods (Rule 4 and 7 of the Community Environment) that reserve ground floor space for retail and services.

73. Submission 37/102 seeks less land estate agents and no more commercial buildings.
74. In respect to submission 37/70, the issue of whether Titirangi village serves the local Titirangi community, or that community and the wider community is important. Objective 5B.3.3.5(i) addresses this in respect to the local community's wellbeing, and is further addressed in Policy 5B.3.3.6(a) with reference to the Titirangi community. As noted by the submission, Titirangi village serves many more communities than just Titirangi. Resources such as Lopdell House are regionally significant. Therefore it is recommended that references in Objective 5B.3.3.5 and Policy 5B.3.3.6 be amended to refer to 'the community' to reflect and acknowledge the wider community (inclusive of other communities in the WRHA) instead of the submitters relief of inserting Objective 5B.3.3.5(x) and 5B.3.3.6(f).
75. Submission 37/70 also seeks a new issue statement 5B.3.3.4(x), which relates to the manner in which Titirangi village provides local retail and services for communities which would otherwise have to commute significant distances. It is recommended that the submission is accepted in part with alternative wording proposed for the issue statement.
76. Submission 37/70 also seeks policies and rules which seek to reserve ground floor retail space for retail and services. Submission 37/102 seeks less land estate agents. PPC37 restricts residential activities at street level (Rule 7.2.(iii) of the Community Environment) and enables all other non-residential activities in the Community Environment. It is acknowledged that street level space is a scarce and finite resource in Titirangi village, which is supported by policies that limit the extent of the zone. However, it is difficult for rules to differentiate between certain forms of non-residential activities, such as offices, retail and services and the degree to which these contribute, or otherwise to the village and community wellbeing as district plan rules must be effects based. On balance it is considered difficult and unnecessary to require, for example, office style activities to locate on the upper floors of buildings. This is a matter more appropriately addressed by market forces. Therefore, it is recommended that the submissions be rejected.
77. Submission 37/102 seeks no more commercial buildings. This submission conflicts with the purpose of the Community Environment, and Objectives and Policies of the WDP, objective 8(i) of the WRHAA and the enabling provisions of the RMA. It is not appropriate to prevent the development of commercial buildings in the Community Environment which are an important resource for accommodating business activity.

Recommendation:

78. It is recommended that submissions 37/70 be **accepted in part** and that submission 37/102 be **rejected**.

Residential Activities in Village

Submitter Number	Summary of Relief Sought	Further Submissions
37/56 (Wilton)	<ul style="list-style-type: none"> Oppose all provisions that will allow for multi-story apartments to be built in Titirangi Village. No apartments to be permitted in Titirangi Village. 	
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> Oppose any apartments in the Village. 	
37/73 Rotcol Enterprises Titirangi Ltd	<ul style="list-style-type: none"> That the Statement of Future Character and Amenity of Titirangi Village (5B.3.3.3) be amended to include "That residential land use may be appropriate within the Community Environment zone". 	<p>Opposed by:</p> <p>37/110/2</p> <p>37/113/5</p>
37/104 (Donald)	<ul style="list-style-type: none"> Seek that residential activities at street level in the Village are a non complying activity. 	<p>Opposed by:</p> <p>37/110/2 - in part</p> <p>Supported by:</p> <p>37/113/5</p>

Discussion:

79. Submissions 37/56 and 37/83 seek that there be no provision for multi-storey apartments in Titirangi. The Community Environment is a mixed use environment and provides for opportunities for people to live in buildings above street level. The issue of building height is addressed in the plan change. PPC37 restricts residential activities at street level (rule 7.2.(iii) of the Community Environment). However there is no effects based reason to restrict residential activities in the village itself. Reverse sensitivity issues are already managed through Plan Change 18 which includes requirements for residential activities to have acoustic insulation. The development of mixed use activities is supported by policies in the WDP and it would be inappropriate to restrict residential activities, including living above a shop, as sought.
80. Submission 37/73 seeks to amend the Statement of Future Character and Amenity (5B.3.3.3) to include a statement that residential land uses are appropriate within the Community Environment. This outcome is implicit to the mixed use nature of the Community Environment. However, the statement in 5B.3.3.3 is limited to non-residential activities and would potentially result in a conflict from no reference to residential activities. As consent has been granted to Rotcol Enterprises Titirangi Ltd for apartments on the third floor of that proposal, it is appropriate to reflect that Titirangi village is likely to have residential uses. An amended wording is recommended.

81. Submission 37/104 seeks that residential activities at street level are non-complying activities. Given the scarcity of street level frontages to Titirangi Road this amendment is considered appropriate and consistent with the policy intent. It is therefore recommended that the submission be accepted and Rule 7.3 of the Community Environment be amended.

Recommendation:

It is recommended that submissions 37/56 and 37/83 be **rejected**, and that submissions 37/73 and 37/104 be **accepted**.

Building Height in Village

82. The assessment below addresses the significant number of submissions relating to the issue of the height of buildings in Titirangi village.

Submitter Number	Summary of Relief Sought	Further Submissions
37/68 (Henderson Valley Residents and Ratepayers)	<ul style="list-style-type: none"> The concern is that the highly desirable experience that is Titirangi Village will be jeopardized by allowing changes of scale. 	
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> Oppose the proposal to allow 3 storey buildings. 	
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83	<ul style="list-style-type: none"> Oppose elements of 5.3.3.2 (i) [5B.3.3.3] 'Strengthening the Village's Built Environment that suggest buildings will be at least 2 or 3 storeys in height. Oppose Policy 5B.3.3.6 (viii) Policy Titirangi Village part (vii), Rule 4.3(ii) and Rule 7.3(i) which enable 3 storey buildings on Titirangi Road. Amend Section 5B.3.3.2 (i) [5B.3.3.3] (i) to state that "buildings will be a maximum of 2 storeys in height". Require amendments to rules which make buildings exceeding 8 metres in height a non-complying activity. Amend assessment criteria in Rule 4 as follows: "4(f) The extent to which the height of the building or development will interrupt views of the bush or the harbour". Retain the statement in assessment criteria 7(b) that "maintains the low rise character of the area". 	
37/4 (Anderson)	<ul style="list-style-type: none"> Restrict new buildings to 2 levels 	Opposed by:

	above street level.	37/112/4
37/104 (Donald)	<ul style="list-style-type: none"> • Oppose aspects of 5B.3.3.3 (i) that indicate there will be provision for 3 storey buildings and further development of non residential activities down South Titirangi Road. • Seek that the second paragraph is reworded as follows or similar: "...Buildings will have a maximum height of 2 stories above street level on Titirangi Road." (delete the rest of the sentence) • Oppose the provision for 3 storey buildings in the village, also the enclosing of Titirangi Road with buildings. Want the character of the village to remain low rise (max 2 storeys) with Lopdell House remaining clearly dominant and that view shafts of the bush between buildings should be provided for in appropriate locations. Avoid the canyon effect along Titirangi Road. Policies are amended accordingly to address these matters. • Rules: Support the height of buildings in the Village being limited to a max of 8 metres (2 stories) only. Oppose the ability to go to 11 metres as a discretionary activity. Buildings over 8 metres be a non complying activity. • Oppose the removal of the phrase "<i>maintains the low rise character of the area</i>" from criterion 7(b) and seek that this is retained. 	<p>Supported by:</p> <p>37/110/2 - in part</p> <p>37/113/5</p>
37/108 (Horring)	<ul style="list-style-type: none"> • Amend 5B.3.3.2(ii) to describe the fact that one and two storey buildings are part of the character of Titirangi Village. • Amend Section 5B.3.3.3.1 (i) by deleting all reference to opportunity for three storey high buildings and ensure that buildings remain significantly lower than Lopdell House. • Amend Rule 7 by deleting rules that provide for buildings of three storey's and reduce the maximum height of buildings to 7 metres from street level of Titirangi Road. • Amend Assessment Criteria 7(b) 	

	by retaining 'maintains the low rise character of the area.'	
37/73 (Rotcol Enterprises Titirangi Ltd)	<ul style="list-style-type: none"> That Objective 5B.3.3.5 is amended to require that future development is of an appropriate scale to integrate with the existing built environment, and in particular with Lopdell House. That the height limits in the rules be amended to 9m as a Limited Discretionary Activity and 12m as a Discretionary Activity. 	<p>Opposed by:</p> <p>37/110/2 FS37/113/5</p> <p>Supported by:</p> <p>37/114/6 - in part</p>
37/86 (Geddes)	<ul style="list-style-type: none"> Reference be made also to the useful interim Guideline Rules for Titirangi Shopping area and to ensure that if undue or excessive height to 3 floors in the recent Rodondo development is allowed this must only be on the basis that ample public access is allowed to upper floors above street level as exists at the entrance to Baileys Realty Offices above Masala Indian Restaurant at 400 Titirangi Road. 	
37/87 (Wilkinson)	<ul style="list-style-type: none"> That the building height in the village be limited to two storeys above street level. 	
37/107 (Mahoney)	<ul style="list-style-type: none"> Opposed to taller buildings on either side of Titirangi Road. Opposed to construction of three storey buildings. 	<p>Supported by:</p> <p>37/110/2 - in part</p>
37/103 (Pilcher)	<ul style="list-style-type: none"> Objects to high rise buildings in Titirangi village or on the south side of Titirangi Road. 	
37/84 (Blakey)	<ul style="list-style-type: none"> Oppose enabling of 3 storey buildings on Titirangi Road in section 5B.3.3.6 Policy Titirangi Village part (vii), rule 4.3(ii) and Rule 7.3(i) Require that buildings exceeding 8 metres in height are a non-complying activity. 	
37/62 (Woods)	<ul style="list-style-type: none"> Oppose elements of 5.3.3.2 (i) [5B.3.3.3] 'Strengthening the Village's Built Environment that suggest buildings will be at least 2 or 3 storeys in height. Amend Section 5B.3.3.2 (i) [5B.3.3.3] (i) to state that "buildings will be a maximum of 2 storeys in height". 	<p>Supported by:</p> <p>37/110/2 - in part</p>

37/75, 37/76, 37/82, 37/85	<ul style="list-style-type: none"> Support the Statement of Future Character and Amenity in Section 5B.3.3.3 but oppose elements of part (i) 5.3.3.3 Strengthening the Village's Built Environment that suggest buildings will be at least 2 or 3 storeys in height. 	<p>Supported by: FS37/110/2 -in part</p>
37/14 (Deeth)	<ul style="list-style-type: none"> Refuse to allow multi storey buildings of any kind to be built there. 	
37/15 (Hagen)	<ul style="list-style-type: none"> Oppose part (i) Strengthening the Village's Built Environment that suggests buildings will be at least 2 or 3 storeys in height. Amend Section 5B.3.3.3 (i) to state that <u>"buildings will be a maximum of 2 storeys in height"</u>. Oppose enabling of 3 storey buildings on Titirangi Road in section 5B.3.3.6 Policy Titirangi Village part (vii), Rule 4.3(ii) and Rule 7.3(i). Require amendments to rules which make buildings exceeding 8 metres in height a non-complying activity. 	<p>Supported by: 37/110/2 - in part</p>
37/6 (Burrows)	<ul style="list-style-type: none"> No 3 storey buildings in Titirangi. 	
37/75, 37/76, 37/77, 37/82, 37/85	<ul style="list-style-type: none"> Oppose enabling of 3 storey buildings on Titirangi Road in section 5B.3.3.6 Policy Titirangi Village part (vii), rule 4.3(ii) and Rule 7.3(i) and seek amendments that buildings exceeding 8 metres in height are a non-complying activity. Retain the statement in assessment criteria 7(b) that <i>"maintains the low rise character of the area"</i>. 	<p>Supported by: 37/110/2 - in part</p>
37/77 (Titirangi Ratepayers and Residents Association)	<ul style="list-style-type: none"> Oppose elements of part (i) 5.3.3.3 Strengthening the Village's Built Environment that suggest buildings will be at least 2 or 3 storeys in height. 	<p>Supported by: 37/110/2 - in part</p>
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> Only allow buildings up to 2 storeys, designed with quality materials in keeping with the character of the Village. 	

Discussion:

83. A significant number of submissions seek that PPC37 limit building height to between 7 and 8 metres or two storeys, and any additional height be a non-complying activity. Submissions also seek the retention of assessment criteria 7(b) of the Community Environment from the WDP.
84. The issue of building height and certainty of outcomes was important to the Council when it initiated PPC37. Table 1 above illustrates that the WDP currently provides for buildings up to approximately 10 metres in height with a pitched roof and 7 metres in height with the flat roof, which can be constructed as a permitted activity (measured from the centreline of Titirangi Road). Additional height beyond this is a discretionary activity with no additional thresholds. The level of development possible under the WDP is greater than that which is currently present in the village. It is also noted that consent has been granted to the Rotcol Enterprises Titirangi Limited proposal for a three storey building on the corner of Titirangi and South Titirangi Roads.
85. PPC37 is more restrictive than current provisions under the WDP. It proposes that all buildings up to 8 metres in height require limited discretionary activity resource consent. Discretionary consent would be required for buildings less than 11 metres in height (or equivalent of three storeys). Buildings greater than 11 metres in height would be non-complying activities. The comparison in Table 1 illustrates that the proposed rules of PPC37 are more limiting than those that currently exist.
86. The section 32 report outlined the analysis of the issue of building height against the requirements of the RMA, WRHAA, ARPS and WDP. Subsistence of the built environment to the areas landscapes, and the scale and intensity of development are an important issues in the consideration of the WRHAA, in particular sections 7(2)(b), 7(2)(i), 7(2)(l), 8(a), 8(d), 8(f), 8(g), 8(i) of the WRHAA. The Council commissioned landscape architect Stephen Brown of Stephen Brown Environments Ltd to evaluate the opportunities and limits to building development in the Community Environment. Mr Brown's report includes recommendations regarding the management of building height in Titirangi village.
87. Titirangi village sits within a landscape and landform which is of significance, has scenic beauty, and forms part of the dramatic visual backdrop to metropolitan Auckland. The village is dominated, defined and enclosed by the surrounding natural landforms and forested landscapes. The village is located on the sensitive ridgeline (District Plan natural environment maps) which stretches between these landforms. The landscapes and landforms are significant in their scale, are dramatic and memorable. The village is becoming enclosed within an increasingly dominant forest setting, with vegetation regenerating since it was cleared in the 19th and early 20th century. Views of the village are becoming obscured or softened from the wider residential area (Bush Living Environment zone) because of the vegetation.
88. The more intensive built environment of the village (compared with the surrounding suburb) is secondary to the dramatic scale and enveloping strength of the forest setting and surrounding landforms. The village, including the community facilities on South Titirangi Road, has a distinctly urban density of buildings and the design, bulk and height of development is particularly important to the identity of the village. There is a strong element of contrast between the built intensity of the village and the surrounding forested residential areas (the Bush Living Environment zone).

89. Two storey buildings are considered appropriate in the village. Mr Brown recommended that three storey buildings up to 11 metres in height may be appropriate in the context of the village, provided that the design addresses certain matters. As three storey buildings could be designed within the context of the village it is not appropriate for these to be identified as non-complying activities. Well designed buildings of a scale recommended by Mr Brown would not undermine the overall subservience of the village's built environment to the natural environment and landforms, and can enhance the amenity and form of the village and the provision of activities to support community wellbeing.
90. To reflect Mr Brown's caution regarding discretionary activity resource consent applications for three storey buildings, and to respond to matters raised by submissions, amendments are recommended to Rule 7. It is recommended that those matters not already included in criteria 7(a) and 7(b) be included as a new assessment criteria (proposed as 7(h)). This would focus the consideration of any proposal on key matters and amendments to the Future Character and Amenity Statement in 5B.3.3.3(i) and policy in 5B.3.3.6(vii). Consequently it is recommended that the submissions be rejected in part to the extent that the assessment criteria are amended rather than the rules.
91. Numerous submissions, listed in the table above, seek the retention of the statement (from the WDP) in assessment criteria 7(e) "maintains the low rise character of the area". This is not considered necessary where specific rules for height are introduced, including thresholds for non-complying activity status and requirements for all new buildings to apply for limited discretionary activity resource consent. In the existing WDP, that assessment criteria only applies to buildings that infringe the maximum building height for permitted activities (i.e. buildings over the height illustrated in diagrams 7A to 7C). The scale of development is now proposed to be managed by more explicit rules. The retention of this assessment criteria would create potential expectations that building height could be further limited. It is therefore recommended that the submissions be rejected, although the submitters may find some relief in the recommendation to include specific assessment criteria for discretionary activity proposals.
92. Submission 37/73 seeks to increase the height of buildings that can be applied for as a limited discretionary activity to 12 metres and that the scale of buildings be integrated with Lopdell House. The relief sought in this submission is not consistent with the assessment undertaken by Mr Brown and the limits established to allow consideration of relevant design, character and amenity matters, along with the heritage features of the area. It would allow significant buildings where these may be inappropriate. It is considered that the Council's proposed approach will better manage the opportunity for development in the village.
93. Submission 37/86 seeks that buildings provide access to the top storey. It is considered that this relief, if granted, would inappropriately affect landowners ability to accommodate activities and tenants on the site.

Recommendation:

It is recommended that submissions 37/68, 37/3, 37/6, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/14, 37/15, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/62, 37/63, 37/64, 37/65, 37/66, 37/67, 37/77, 37/83, 37/84, 37/75, 37/76, 37/82, 37/85 37/87, 37/4, 37/104, 37/107, 37/108 be **rejected in part**, and submissions 37/73 and 37/86 be **rejected**.

Views to and from Village

94. The assessment below addresses the significant number of submissions relating to views in the village and to the surrounding landscape.

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83	<ul style="list-style-type: none"> Amend 5B.3.3.5 (viii) by adding the text <i>“protects views from the Village to the bush and harbour beyond”</i>. Amend Section 5B.3.3.2 (ii) [5B.3.3.3] Protecting, Restoring and Enhancing the Natural Character to include the statement <i>“protecting views from the Village to the bush and harbour beyond”</i>. 	
37/104 (Donald)	<ul style="list-style-type: none"> Support in part section 5B.3.3.4 Issue subject to the following matters being included: <ul style="list-style-type: none"> (a) Protection of views within and from the village Identify important views and view shafts and amend the objectives, policies, rules and maps to achieve this protection of views within and from the Village. Support the objectives in 5B.3.3.5 with amendments to outline the issue of views and view shafts. Support the policies in 5B.3.3.6 with amendments to outline the issue of views and view shafts. 	Supported by: 37/113/5
37/82 (South Titirangi)	<ul style="list-style-type: none"> Amend Section 5B.3.3.3 part (ii) Protecting, Restoring and 	

<p>Ratepayers and Residents Association)</p>	<p>Enhancing the Natural Character to include the statement <i>“protecting views from the Village to the bush and harbour beyond”</i>.</p> <ul style="list-style-type: none"> • Support Section 5B.3.3.5 Objective Titirangi Village, but seek that part (viii) is amended by adding the text <i>“protects views from the Village to the bush and harbour beyond”</i>. • Amend assessment criteria in Rule 4 as follows: <i>“4(f) The extent to which the height of the building or development will interrupt public views (as listed in Appendix K of the policy section of the plan)”</i>. 	
<p>37/84 (Blakey)</p>	<ul style="list-style-type: none"> • Amend assessment criteria in Rule 4 as follows: <i>“4(f) The extent to which the height of the building or development will interrupt views of the bush or the harbour”</i>. 	
<p>37/62 (Woods)</p>	<ul style="list-style-type: none"> • Amend Section 5B.3.3.2 (ii) [5B.3.3.3] Protecting, Restoring and Enhancing the Natural Character to include the statement <i>“protecting views from the Village to the bush and harbour beyond”</i>. • Amend 5B.3.3.5 (viii) by adding the text <i>“protects views from the Village to the bush and harbour beyond”</i>. 	<p>Supported by: 37/110/2 - in part</p>
<p>37/15 (Hagen)</p>	<ul style="list-style-type: none"> • Amend assessment criteria in Rule 4 as follows: <i>“4(f) The extent to which the height of the building or development will interrupt views of the bush or the harbour”</i>. 	<p>Supported by: 37/110/2 - in part</p>
<p>37/75, 37/76, 37/77</p>	<ul style="list-style-type: none"> • Amend Section 5B.3.3.2 part (ii) Protecting, Restoring and Enhancing the Natural Character to include the statement <i>“protecting views from the Village to the bush and harbour beyond”</i>. • Support Section 5B.3.3.5 Objective Titirangi Village, but seek that part (viii) is amended by adding the text <i>“protects views from the Village to the bush and harbour beyond”</i>. • Amend assessment criteria in Rule 4 as follows: <i>“4(f) The extent to which the height of the building or development will</i> 	<p>Supported by: 37/110/2 - in part</p>

	<i>interrupt views of the bush or the harbour” instead of only referring to ‘identified public views’.</i>	
37/85 (Vertelle)	<ul style="list-style-type: none"> • Amend assessment criteria in Rule 4 as follows: “4(f) <i>The extent to which the height of the building or development will interrupt views of the bush or the harbour</i>”. • Retain the statement in assessment criteria 7(b) that “<i>maintains the low rise character of the area</i>”. 	
37/108 (Horring)	<ul style="list-style-type: none"> • Amend Section 5B.3.3.6 by adding a point that specifically refers to the need to provide and retain views on the ground floor through buildings. 	

Discussion:

95. A significant number of submissions seek amendments to the character and amenity statements, objectives and policies to ‘protect views from the village to bush and harbour’. The submissions do not indicate where these views are to be considered from, or identify any viewshafts.
96. As discussed previously, Council commissioned landscape architect Mr Stephen Brown to undertake a landscape assessment of Titirangi village. Sections 2 and 3 of that assessment, which accompanies the section 32 report, identifies and considers matters relating to views. This includes the views of the landforms, forest and harbours. Many of these views are based on views along road corridors and over sites that are currently undeveloped, or underdeveloped in respect to the potential within the existing WDP. This includes the Rotcol Enterprises Titirangi Ltd site where similar issues about views were raised through the resource consent hearing. With the granting of that resource consent a building is likely to be constructed on that site. This will alter the manner in which a number of areas are viewed.
97. Mr Brown notes that limits on building height can help ensure a visual connection to Mt Atkinson and Rangiwai Hill and the trees around the periphery of the village. These features are identified in 5B.3.3.2 and implied in the first paragraph of 5B.3.3.3. Mr Brown also notes that it is unrealistic to expect that controls might maintain present-day viewshafts or sightlines to the Manukau harbour or elsewhere, as the maturing forest surrounding the village poses the greatest threat to such views. Views of landforms and features can be maintained where roads provide an uninterrupted view shaft, or where topography ensures that views cannot be affected by vegetation growth or buildings that are provided for by the WDP.

98. As discussed in the previous section which discusses matters relating to building height, Mr Brown has recommended that a number of identified views should be maintained and protected. It is appropriate that these are identified in PPC37.
99. This report recommends amendments to 5B.3.3.2 and 5B.3.3.3 to identify those views which Mr Brown has indicated are important for discretionary activity resource consent applications to consider. The inclusion of these would be addressed through Objective 5B.3.3.5(x), the suggested amendment to 5B.3.3.6(vii) and the proposed new assessment criteria 7(h) of the Community Environment. To this extent it is recommended that the submissions be accepted in part. Consequently the amendment to Rule 4 suggested by submission 37/15 is unnecessary and is addressed by the existing Rule 4 assessment criteria.
100. Submission 37/82 seeks to protect Appendix K views through a reference in the assessment criteria. The only relevant view identified in Appendix K of the WDP is view 14, located at the junction of Scenic Drive and Atkinson Road. The view is identified as 'view over bush at South Titirangi to Manukau Harbour and the angle of the view is identified at 195 to 220 degree.' This angle could partly affect the Lopdell House site and is a matter already contained within the existing WDP (also refer Rule 4 of the Community Environment). For this reason, it is appropriate that proposed new assessment criteria 7(h) of the Community Environment refer to Appendix K as a matter against which discretionary applications are assessed.

Recommendation:

It is recommended that submissions 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/104, 37/82, 37/84, 37/85, 37/62, 37/15, 37/75, 37/76, 37/77 and 37/108 be **accepted in part**.

Continuous Building Frontage on the Northern Side of Titirangi Road

Submitter Number	Summary of Relief Sought	Further Submissions
37/107 (Mahoney)	<ul style="list-style-type: none"> Opposed to contiguous building frontage on the northern side of Titirangi Road. 	<p>Supported by:</p> <p>37/110/2 - in part</p>
37/108 (Horring)	<ul style="list-style-type: none"> Amend section 5B.3.3.6 (ix) by replacing the proposed policy with "requiring buildings on the northern side of Titirangi Road to be designed with gaps in between to allow sunlight to enter the street from the northern side." 	

Discussion:

101. Submission 37/107 opposes provisions that require a continuous building frontage along the northern side of Titirangi Road.
102. Building frontages provide opportunities for active street frontages to pedestrian environments, weather protection and the achievement of a form of mainstreet development similar to that located on the southern side of Titirangi Road. The references in objective 5B.3.3.5(vi), policy 5B.3.3.6(vi), (vii) and (ix), along with Rule 7.2 of the Community Environment of PPC37 are appropriate. Policy 5B.3.3.6(ix) includes the term 'generally' and the rule provides for vehicle access. An application to depart from the rule is a discretionary activity resource consent and would provide for alternative proposals to be considered.
103. Submission 37/108 seeks amendments to Policy 5B.3.3.6 (ix) to provide for sunlight access to the street. It is acknowledged that because of the general east west alignment of the village on Titirangi Road, sunlight access to the northern side of Titirangi Road is affected. The height of buildings is an important consideration in respect to shading effects on the southern side of Titirangi Road. Therefore, while the amendment to Policy 5B.3.3.6 (ix) sought in the submission is considered to be inappropriate, the issue of sunlight access is important and should be reflected in the assessment for discretionary resource consent applications, specifically proposed new criterion 7(h) for the Community Environment.

Recommendation:

104. It is recommended that submission 37/108 be **accepted in part** and submission 37/107 be **rejected**.

Titirangi Non-Residential Activity Overlay (TNRAO)

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83	<ul style="list-style-type: none"> Oppose Section 5B.3.3.6 (i) and (iii) which enable non-residential activities in the "Non-Residential Activity Overlay". Delete the "Titirangi Non-Residential Activity Overlay". 	<p>Supported by:</p> <p>37/110/2 - in part</p>
37/85 (Vertelle)	<ul style="list-style-type: none"> Delete the "Titirangi Non-Residential Activity Overlay". 	<p>Supported by:</p> <p>37/110/2 in part</p>
37/104 (Donald)	<ul style="list-style-type: none"> Oppose the enabling of non-residential activities in the 	<p>Supported by:</p>

Submitter Number	Summary of Relief Sought	Further Submissions
	"Titirangi Non-Residential Activity Overlay". Remove this overlay is completely from the map and all references to it in the policies and rules and anywhere else in the plan change.	37/110/2 in part 37/113/5
37/98 (Doering)	<ul style="list-style-type: none"> Provision is given for more diversity of businesses in Titirangi village, including a health shop and beauty therapy products which would not currently be provided for in the rules. 	Opposed by: 37/110/2
37/107 (Mahoney)	<ul style="list-style-type: none"> Opposed to enabling of activities in the Titirangi Non-Residential Activity Overlay (section 5B.3.3.6). 	Supported by: 37/110/2 in part
37/5 (K Burrows)	<ul style="list-style-type: none"> Remove the Titirangi Non-Residential Activity Overlay. 	
37/6 (L Burrows)	<ul style="list-style-type: none"> Delete the Titirangi Non-Residential Activity Overlay. 	
37/75, 37/76, 37/77	<ul style="list-style-type: none"> Oppose the enabling of non-residential activities in the "Non-Residential Activity Overlay" in section 5B.3.3.6 Policy Titirangi Village parts (i) and (iii). 	Supported by: 37/110/2 in part

Discussion:

105. A large number of submissions seek to delete the Titirangi Non-Residential Activity Overlay (TNRAO) provisions from PPC37 (including objectives, policies, methods and Human Environment maps).
106. Areas on the periphery of the village within the Bush Living Environment are occupied by many non-residential activities. These activities include churches, community facilities, medical facilities, offices, café and restaurant (and designations for the fire station and telephone exchange).
107. PPC37 acknowledges that those activities located within the TNRAO are existing resources that should be recognised in the WDP and that their continued use, development and expansion should be managed to support community wellbeing. The Bush Living Environment has a distinctly different level of built scale, intensity and character (including provision of on-site car parking and existing areas of vegetation) than the Community Environment. Proposed provisions provide for limited opportunities for new non-residential activities within the TNRAO and provide for the expansion of existing activities.
108. The TNRAO is a response to known issues with applications for non-residential activities outside Community Environment, the lack of policies and methods to establish a clear edge to the village and the reasonable consideration of those existing lawfully established non-residential activities in the area and the manner in which these provide for community wellbeing.

109. The residential character of the TNRAO has changed through the establishment of non-residential activities in this area. The section 32 report accompanying the plan change identifies that one of the significant issues for the village is the continued creeping of development outside the Community Environment, particularly down South Titirangi Road. It also acknowledges that the expansion of longstanding activities in the TNRAO usually require non-complying activity resource consent.
110. The section 32 analysis concludes that the TNRAO is an appropriate way to achieve the purpose of the RMA, that the supporting policies achieve the objectives and that the methods are the most effective and efficient means to achieve the policies and provide for the sustainable management of natural and physical resources, and the wellbeing of the community.
111. Table 2 below compares the existing WDP provisions with those of PPC37 for the TNRAO. This comparison allows the consideration of whether either PPC37 or the existing WDP would more fully serve the statutory purposes of the RMA and the WRHAA (including its objectives). The existing WDP provisions do not acknowledge the existing activities in the TNRAO, the range of activities appropriate to this area or specific matters that should be considered in managing development. PPC37 proposes that resource consent would be required and the environmental outcomes are still expected to be reflective of the bush-clad residential character of the Bush Living Environment. The intention to be specific about the outcomes that are expected to avoid these being determined by the Environment Court without specific reference to future character and amenity as was the case with the office development on South Titirangi Road.

Table 2 – Comparison of WDP and PPC37 for TNRAO methods

Glossary:

PA = Permitted Activity

LDA = Limited Discretionary Activity

DA = Discretionary Activity

NC = Non Complying Activity

Provision	WDP	PPC37
Bush Living Environment (Titirangi Non-Residential Activity Overlay Area) Rule 8 Non-Residential Activities	DA non-residential activities in an existing building, no retail sales	LDA non-residential activities in an existing building, retail sales limited to arts/crafts, restaurants, beverages
	NC retail sales	DA non-residential activities in a new building, retail sales limited to arts/crafts, restaurants, beverages
		NC other retail sales
Bush Living Environment Rule 9 Traffic Generation	LDA up to 20 trips	LDA any trips (assessed with proposal)
	NC over 20 trips	

112. Deleting the TNROA will not enable the Council and community to appropriately manage this area, and would result in uncertainty about the edge of the village and the management of existing and potential future activities. This lack of certainty can have implications for the inappropriate dispersal of non-residential activities outside the Community Environment and the expansion of these activities outside the village. It is also not appropriate or consistent with Part II of the RMA for existing activities such as the churches to need to apply for non-complying resource consent for additions.
113. Similar to the recommendations of the PPC36 hearings report, it is recommended that the reference to retail sales of beverages is deleted from Rule 8.3 of the Bush Living Environment as this is already included within the definition of restaurant (food) which is consistent with the activities of Tobys and Siren, but would prevent retail sales of beverages as standalone activities which could result in unacceptable effects on character and amenity.
114. It is considered that the suggested deletion of the TNRAO does not meet the tests of section 32 of the RMA or contribute to the achievement of 8(i) of the WRHAA. Heritage features and amenity can be managed through the resource consent requirements. This approach provides for the integrated management of natural and physical resources. Apart from the amendment described above, it is recommended that the submissions be rejected.
115. Submission 37/98 seeks that there be provision for a more diverse range of business in the village, including provision for health shops and the sale of beauty therapy products. It is understood that the submission relates to the TNRAO as these activities are permitted in the Community Environment. The policy approach of PPC37 is to restrict retail activities in the TNROA and create a preference for these to locate within the Community Environment. Currently the TNRAO is used for a range of community activities, services (such as medical) and restaurants/cafes. Enabling retail sales in this area would undermine the consolidation of retail activity in the mainstreet on Titirangi Road. However, it is acknowledged that many medical/health facilities and other services have small ancillary retail activities that serve the needs of customers/patients.
116. For this reason it is recommended that provision is made for retail sales where these are ancillary to a non-residential activity. As resource consent is required for non-residential activities in the TNRAO the type of goods for sale and their clear connection to the primary activity on site can be tested and conditions of consent can be imposed. It is recommended that a floor space limit be imposed to restrict retail activity to an ancillary status and assessment criteria included to ensure restrictions are being complied with.

Recommendation:

It is recommended that submission 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/85, 37/104, 37/107, 37/5, 37/6, 37/75, 37/76, 37/77 be **rejected in part** and submission 37/98 be **accept in part**.

Transport and Car Parking

Submitter Number	Summary of Relief Sought	Further Submissions
37/81 (Osbourne)	<ul style="list-style-type: none"> • Take into account that increasing the number of businesses operating in the village will increase the parking problems along with traffic jams during peak hours in 5B.3.3.3(i). • Car parking needs to be seriously considered in 5B.3.3.5(iii) and 5B.3.3.6(b) & (c) if area is a gateway and is to grow. • Clarify the statements 'inappropriate vehicle access to Titirangi Road and 'flexible approach to the provision of car parking' in 5B.3.3.6(x) and (xi). • Rule 7.2(v) 18 car parks at the corners of Titirangi and South Titirangi Roads will not be enough to cater for increase in business. 	<p>Oppose in part by:</p> <p>37/110/2</p>
37/98 (Doering)	<ul style="list-style-type: none"> • Need to address the issue of car parking. • Slow down traffic speeds and provide pedestrian crossing on South Titirangi Road. 	
37/90 (Vaughan)	<ul style="list-style-type: none"> • Decide against the village becoming a total bottle neck. • Each new business should provide at least six new parking spaces within the zone. 	<p>Oppose in part by:</p> <p>FS37/110/2</p>
37/104 (Donald)	<ul style="list-style-type: none"> • Support in part section 5B.3.3.4 Issue subject to the following matters being included: <ul style="list-style-type: none"> . Traffic matters • Council undertake traffic modelling to determine the implications of increased development and activity within and on the periphery of the village. 	<p>Supported by:</p> <p>FS37/113/5</p>

Discussion:

117. Submissions 37/81, 37/90, 37/98 and 37/104 seek relief in relation to traffic management, congestion and car parking management.

118. In the Community Environment, non-residential activities are a permitted activity. This is consistent with the consolidation of retail, commercial and service activities within this Environment and the environmental outcomes anticipated in the WDP. PPC37 proposes that resource consents are required for all new buildings, and that issues of design are considered. PPC37 does not alter the existing WDP Community Environment rules that manage activities and car parking.
119. The management of non-residential activities through PPC37's amendments to Rule 7 of the Community Environment does not increase the level of development anticipated in the Community Environment. It alters the activity status of development from a permitted activity to limited discretionary activity (as outlined in Table 1 within the report). Further, any assessment of environmental effects accompanying an application under Rule 7.3 of the Community Environment would need to consider all of the relevant effects and this could include traffic, access and car parking.
120. The provisions of the TNRAO requires that resource consent is sought for all new activities and as part of this application matters of traffic generation and car parking are to be considered. This allows a case by case assessment of these activities and their effects on the road network and the availability of car parking on site.
121. While traffic congestion is acknowledged, this is a consequence of a busy community and a road network which concentrates access points to and from the WRHA in the vicinity of Titirangi. PPC37 is not considered to have significant effect on traffic generation in the village and no traffic modelling is considered necessary in achieving the purpose of the RMA and the WRHAA.
122. Policies 5B.3.3.6(x) and (xi) clarify that traffic infrastructure such as car parking and vehicle access, if poorly developed, can have significant effects on pedestrian amenity and the built form of the village. Where there are a number of competing requirements for land in the village, car parking should not be implemented in a manner that destroys the forest backdrop or undermines the mainstreet form and pedestrian amenity and safety.
123. With regard to submission 37/81, Rule 7.2(v) of the Community Environment relates to the site subject to the Rotcol Enterprises Titirangi Ltd resource consent. This rule specifically provides for additional car parking spaces over and above that required in the car parking rules. Rule 7.2(v), while renumbered, is part of the existing WDP. All resource consent applications under the provisions of PPC37 would still need to establish their compliance with Rule 14 Car Parking of the Community Environment.
124. It is recommended that these submissions be rejected.

Recommendation:

It is recommended that submissions 37/81, 37/90, 37/98 and 37/104 be **rejected**.

Adjoining Residential

Submitter Number	Summary of Relief Sought	Further Submissions
37/96 (Thomas)	<ul style="list-style-type: none"> • Amend section 5B.3.3.2 ‘Built Environment’ to include the text <i>“A number of high quality homes – several dating back to the 1920s – sit atop the ridgeline between South Titirangi Rd and Atkinson Rd”</i>. • In the section headed ‘Community Focal Point’, amend the second to last sentence to read: <i>“These community facilities and nearby residential homes are an essential part of the village”</i>. • Amend 5B.3.3.4 Issues to add <i>“Disruptions to the lifestyle of local residents”</i> • Amend 5B.3.3.5 Objectives to add <i>“Protects and/or enhances the lifestyle of those living in or within close proximity to the Village”</i>. Or alternatively add this to the policy section. • On page 6(vi) add the words <i>“noise and traffic impacts”</i> after <i>“layout”</i>. 	

Discussion:

125. Submission 37/96 seeks recognition of the character and amenity elements relating to the residential dwellings on the ridgeline on the northern side of Titirangi Road, opposite Lopdell House.
126. The elevated area the submission seeks to be addressed is a heritage feature of the village. It is noted for its contribution to the significance of the area because of its landform and indigenous vegetation, and built elements such as the stone retaining wall on the northern side of Titirangi Road. The low density nature of this area is also recognised as important to its character and amenity. The amendments proposed to PPC37 in response to the submissions on height and views recognise the importance of this elevated area. However it is not considered appropriate to identify the quality of individual dwellings unless these were being scheduled as heritage buildings in their own right.

127. Issues about the interface between the Bush Living Environment and Community Environment are already addressed through the objectives and policies of Section 5 of the existing WDP, and the methods of the Human Environment rules which control building location, height and nuisances such as inappropriate noise. It is not necessary or appropriate to elevate these issues in PPC37 by adding a new objective when the interface between these zones and the management of activities and effects is already addressed in the existing WDP (notably in the Community Environment rules and section 5 policies).
128. It is recommended that this submission be rejected.

Recommendation:

It is recommended that submission 37/96 be **rejected**.

Signs

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/82	<ul style="list-style-type: none"> Amend Policy 5B.3.3.6 (xiii) to include "including the proliferation of sandwich boards". 	<p>Supported by:</p> <p>37/110/2 in part</p>
37/4 (Anderson)	<ul style="list-style-type: none"> Restrict signs including free standing signs on the footpath and signs attached to or on the roundabout at Scenic Drive/Huia Road/Atkinson Road. Restrict temporary signs on Titirangi Road. 	<p>Opposed by:</p> <p>37/110/2 in part</p>
37/104 (Donald)	<ul style="list-style-type: none"> Strictly control signs in the village to avoid adverse effects on the visual and physical amenity of the village, sandwich boards should not be permitted. Policies are amended accordingly to address these matters. Support the rules for signs however make sandwich boards a non complying activity. 	<p>Supported by:</p> <p>37/110/2 in part</p> <p>37/113/5</p>
37/38 (WCC)	<ul style="list-style-type: none"> Amend Rule 12.0 relating to signage in Titirangi Village to 	

	properly reflect the outcomes sought in Policy 5B.3.3.6.	
37/98 (Doering)	<ul style="list-style-type: none"> A business should be able to have a sign to advertise their business. 	
37/75, 37/76, 37/77	<ul style="list-style-type: none"> Amend Section 5B.3.3.6 Policy Titirangi Village part (xiii) to include <i>"including the proliferation of sandwich boards"</i>. 	Supported by: FS37/110/2 in part

Discussion:

129. A significant number of submissions seek amendments to the policies and rules to prevent sandwich boards and the proliferation of signage in the village. Submission 37/38 also seeks amendments to the rules to reflect the outcomes sought by the policy.
130. PPC37 introduces amendments to the existing sign rules of the Community Environment to restrict the provision of signs on buildings. Signs on the footpaths and within the road reserve are managed by the Transport Environment rules. PPC37 does not propose to amend these rules. Transport Environment Rule 4.1 provides for sandwich boards as permitted activities subject to specific controls. Policy 11.11 of the WDP addresses issues of size, scale, clutter and amenity. No amendments are considered necessary to PPC37.
131. With regard to sandwich boards, the WDP has a consistent set of city-wide rules to manage signs on footpaths and within the road reserve within centres. There is no reason why activities in this Community Environment should be dealt with differently from other locations. The limited provision of sandwich boards is appropriate and consistent with the function of a town centre. The policy guidance provided in 5B.3.3.5(xiii) is considered sufficient. If Titirangi is experiencing problems with excessive signs and clutter, this is a compliance issue which the Council is responsible for.
132. With regard to submission 37/4 relating to temporary signs on Titirangi Road, other signs in the Transport Environment are managed by the sign rules of the WDP and no amendments to these rules are considered necessary.
133. In respect to submission 37/98, it is acknowledged that businesses need signs to advertise their location and activity. PPC37 seeks to balance this requirement with the overall amenity of the village.

Recommendation:

134. It is recommended that submissions 37/3, 37/4, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/82, 37/83, 37/104, 37/38, 37/98, 37/75, 37/76, 37/77 be **rejected**.

Definitions

Submitter Number	Summary of Relief Sought	Further Submissions
37/108 (Horring)	<ul style="list-style-type: none"> Amend proposed rules throughout by deleting reference to 'Titirangi Town Centre' and replacing with 'Titirangi Village' 	
37/104 (Donald)	<ul style="list-style-type: none"> Rules: Oppose the use of the words "Titirangi Town Centre". All references in the plan change to 'Titirangi Town Centre' are deleted and replaced with 'Titirangi Village'. 	<p>Supported by: 37/113/5</p>

Discussion:

135. Submissions 37/104 and 37/108 oppose the definition of 'Titirangi Town Centre' and seek that it be replaced with the term 'Titirangi Village'.
136. Town Centre is a definition from the existing WDP used to describe the Community Environment (including Titirangi). The WDP differentiates between 'Major Town Centres' of Henderson, New Lynn and Westgate/Massey North and other centres which includes places such as Titirangi, Green Bay, Glen Eden etc. It is used in certain Community Environment performance standards to identify the centre to which provisions apply. It is not appropriate to introduce a new definition that would be inconsistent with the city-wide administration of the WDP, however the use of the existing definition 'Titirangi Community Environment' would provide the equivalent direction sought by the use of the definition. It is therefore recommended that the submissions be accepted in part.

Recommendation:

137. It is recommended that submissions 37/104 and 37/108 be **accepted in part**.

Maps and Introductory Section

Submitter Number	Summary of Relief Sought	Further Submissions
37/104 (Donald)	<ul style="list-style-type: none"> Delete the local area map from the plan. Support 5B.3.3.1 Introduction and seek that this be retained except for the use of the words 'local area' and the map. 	<p>Supported by: 37/113/5</p>

Discussion:

138. Submission 37/104 seeks the deletion of the local area map. The identification of the Titirangi area on the map defines the extent of Titirangi village and the location to which the objectives and policies apply. It is not appropriate to delete the map.

Recommendation:

139. It is recommended that submissions 37/104 be **rejected**.

Statement of Existing Character and Amenity

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/15, 37/17, 37/62, 37/75, 37/76, 37/77, 37/82, 37/85	<ul style="list-style-type: none"> • Support the Statement of Existing Character and Amenity in Section 5B.3.3.2. 	FS37/110/2 support in part (37/15; 37/76; 37/77; 37/82)
37/104 (Donald)	<ul style="list-style-type: none"> • Support the Statement of Existing Character and Amenity of Titirangi Village (Section 5B.3.3.2) and seek that this be retained with amendments as follows: <ul style="list-style-type: none"> - In (i) its <i>international significance</i> in the first paragraph, and its <i>topography</i> (it falls steeply away on both sides of the ridge) in the second paragraph. Add '<i>rare and unique</i>' in the last paragraph. - In (ii) add that <i>Lopdell House dominates the village and is also iconic</i> (Lopdell House is like a logo recognised internationally by people 	Supported by: 37/114/6 in part 37/113/5

	<p>and associated with Titirangi). Include and acknowledge that the development in the village is <i>low rise and low intensity</i> in character.</p> <ul style="list-style-type: none"> - In (iii) the concept that the community catchment is wide and far flung (we generally have to travel by car to get there, as do visitors). - In (iv) add the meaning of the word "Titirangi." 	
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Discussion:

140. A significant number of submissions support the statement of existing character and amenity for Titirangi village. It is recommended that the submissions be accepted to the extent that some amendments are proposed to section 5B.3.3.2.
141. Submission 37/104 seeks amendments to section 5B.3.3.2 to recognise its international significance, the area's topography, its rare and unique flora and fauna, the role of Lopdell House, the low rise character of the village, the necessity of travel by car and add the meaning of the word Titirangi.
142. It is considered inappropriate to refer to Titirangi as internationally significant as this has not been formally established by legislation, however it is appropriate to identify the landscape and landforms as part of the nationally significant WRHA. The references to topography are considered to be adequately addressed through the references to landforms in the statement. The qualifiers of 'rare and unique' indigenous fauna and flora are not considered to be necessary as this flora and fauna is recognised as being a heritage feature.
143. The amendments proposed to describe Lopdell House are generally considered appropriate. The amendments in respect to 'low rise and low intensity' are not appropriate and the preferred text is that in 5B.3.3.2(ii) which explains that buildings in the village are subservient to the surrounding vegetation and landform. Section 7(2)(i) of the WRHAA utilises the term 'subservience' to describe the relation of buildings to an area's character and amenity. Low rise would not provide an accurate description of the scale of buildings in the village including Lopdell House, the building on the corner of Rangiwai Road and Titirangi Road, the consented Rotcol Enterprises Titirangi Ltd building (which forms part of the environmental baseline) and the War Memorial Hall.
144. It is not considered necessary to describe the wider community catchment that the village serves. This does not assist in understanding the character and amenity of the village itself. The importance of the village as a focal point and meeting place for residents is already described.

145. According to Alexander Wyclif Reed (1975) *Place names of New Zealand*, the name "Titirangi" literally means "long streaks of cloud in the sky" in Te Reo, but this is often given as "fringe of heaven". It is considered appropriate to provide the meaning of Titirangi in 5B.3.3.2(iv).

Recommendation:

It is recommended that submissions 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/15, 37/17, 37/62, 37/75, 37/76, 37/77, 37/82, 37/85 **be accepted** and submission 37/104 **be accepted in part**.

Statement of Future Character and Amenity

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/85, 37/62, 37/15, 37/75, 37/76, 37/77, 37/85	<ul style="list-style-type: none"> • Support the Statement of Future Character and Amenity in Section 5B.3.3.2 [correct reference is 5B.3.3.3]. • Oppose references in Section 5B.3.3.2 [5B.3.3.3] to allowing additional non-residential activities (other than home occupations) in the Village Periphery and South Titirangi Rd. 	FS37/110/2 support in part
37/104 (Donald)	<ul style="list-style-type: none"> • Support 5B.3.3.3 Statement of Future Character and Amenity of Titirangi Village and seek that this be retained with amendments. <ul style="list-style-type: none"> ○ Delete the third paragraph entirely and replace with the following or similar: <p style="margin-left: 40px;"><i>“A limited range of non residential activities, generally as home occupations, may be able to be accommodated around the periphery of the Village provided their effects do not undermine the proper functioning of the commercial area contained along the ridgeline and they can fit within the limited carrying-</i></p> 	FS37/114/6 support in part FS37/113/5 support

	<p><i>capacity of the local environment and the Village. This will complement the Village and accommodate activities that support the well being of the community. Community facilities including churches located on the periphery will also continue to provide for the well being of the community."</i></p> <ul style="list-style-type: none"> o Include the following sentence (or similar wording) in paragraph 5 (or 6) to ensure that Lopdell House retains its iconic status in the Village and remains the dominant building in the Village. Also include the need to protect the views to and from Lopdell House from within the Village. <p><i>"Lopdell House will remain the dominant building in the Village. Views to and from it from within the Village will be identified, protected and retained for present and future generations to enjoy. This will ensure that the building remains an icon always associated with Titirangi and the Waitakere Ranges."</i></p>	
<p>37/81 (Osbourne)</p>	<ul style="list-style-type: none"> • Consider what is a 'pest' in the statement in 5B.3.3.3(ii). 	
<p>37/73 (Rotcol Enterprises Titirangi Ltd)</p>	<ul style="list-style-type: none"> • That the Plan Change include a statement of future character and amenity for Titirangi village. • That Section 5B.3.3.3 is amended to delete the following statement: <i>"buildings, access and car parking will avoid intrusion into the existing forested slopes below the Titirangi Ridgeline"</i>. • That the Plan Change include objectives and policies and methods to specify how future development will occur to achieve the Future Character and Amenity of Titirangi Village. 	<p>Opposed by:</p> <p>37/110/2</p> <p>37/113/5</p>

Discussion:

146. A significant number of submissions support section 5B.3.3.3 in part but oppose references to the provision of non-residential activities on the periphery of the village and down South Titirangi Road. The matter of the TNRAO has been addressed previously in this report and that assessment indicated there was appropriate justification for the proposed provisions. The same assessment applies in respect to the amendments sought to 5B.3.3.3.
147. Submission 37/104 seeks amendments to the third paragraph of 5B.3.3.3(i) identified above. The amendment is not appropriate as it would effectively limit activities in the periphery to home occupations. The churches, cafe, restaurant and some medical services do not operate as home occupations. The text of PPC37 describes the periphery as complementary to the village (Community Environment) and it is considered appropriate to reinforce that this should not undermine the Community Environment's function.
148. Amendments are recommended to the second paragraph of 5B.3.3.3(i) to address the issues of building height raised by submitters (Amendments reflect Mr Brown's recommended limitations). This includes the visual integrity of Lopdell House, and as already described by the PPC37 text that buildings remain lower than Lopdell House. The views of Lopdell House are protected by viewshafts along the road corridors. This is generally how the public view Lopdell House. The status of Lopdell House is recognised in 5B.3.3.2 and the objectives and policies seek the protection, restoration and enhancement of heritage features. It is recommended that the submission be accepted in part to the extent that the submission is partly meet through amendments in response to other submissions.
149. Submission 37/81 seeks consideration of what is a 'pest' in the statement in 5B.3.3.3(ii). Pest species are identified by the Council and the Auckland Regional Council.
150. Submission 37/73 seeks that PPC37 provides a statement of the future character and amenity for Titirangi. The plan change proposes such a statement in 5B.3.3.3 and this statement, subject to the recommended amendments is considered appropriate. The submission also seeks deletion of the statement "*buildings, access and car parking will avoid intrusion into the existing forested slopes below the Titirangi Ridgeline.*" The forested backdrop is considered to be an important heritage feature of the village. The development of buildings, car parking and vehicle access would necessitate the removal of vegetation which is not considered to be appropriate or consistent with the requirements of the WRHAA. The submission also seeks the inclusion of objectives, policies and methods to achieve the future character and amenity statement. These are proposed in PPC37 and have been considered through the section 32 assessment. Therefore it is recommended that the submission be rejected.

Recommendation:

It is recommended that submissions 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/85, 37/62, 37/15, 37/75, 37/76, 37/77, 37/85, 37/81, 37/73 be **rejected** and submission 37/104 be **accepted in part**.

Issues Section 5B.3.3.4

Submitter Number	Summary of Relief Sought	Further Submissions
37/104 (Donald)	<ul style="list-style-type: none"> • Support in part section 5B.3.3.4 Issue subject to the following matters being included: <ul style="list-style-type: none"> ○ creeping urbanisation ○ traffic matters ○ protection of views within and from the village • Add in the first sentence “A failure to actively manage...” 	<p>Supported by:</p> <p>37/113/5</p>

Discussion:

151. Submission 37/104 seeks amendments to the issues identified in 5B.3.3.4. The matters of creeping urbanism and views within the village are considered to be adequately addressed through the references to character and amenity, dispersal of activities throughout the adjacent community and loss of existing distinctive boundaries. Traffic congestion exists in the area. This is generally as a result of the convergence of a number of roads and the traffic is most evident during morning and afternoon peaks. The management of the scale and form of the village, within the carrying capacity of the landscape is considered to be a more significant limiting factor than any restriction within the road network. The consideration of submissions on the transport and parking topic have addressed how traffic and car parking is to be managed in the village.
152. The additional qualifier ‘actively’ in respect to ‘manage’ is considered unnecessary.

Recommendation:

153. It is recommended that submission 37/104 be **rejected**.

Objectives Section 5B.3.3.5

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59,	<ul style="list-style-type: none"> • Support Section 5B.3.3.5 Objective Titirangi Village. 	

37/60, 37/61, 37/62, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83		
37/73 (Rotcol Enterprises Titirangi Ltd)	<ul style="list-style-type: none"> That Objective 5B.3.3.5 is amended to include provision for residential activities within the Community Environment Zone within Titirangi 	<p>Opposed by:</p> <p>37/110/2</p> <p>37/113/5</p>

Discussion:

154. A significant number of submissions support the objectives of section 5B.3.3.5. These submissions are acknowledged and recommended to be accepted.
155. Submission 37/73 seeks amendments to the objectives of 5B.3.3.5 to include provision for residential activities. Residential activities are provided for within the rules of the Community Environment and it is not considered necessary or appropriate to single out one activity over other activities in this manner.

Recommendation:

156. It is recommended that submissions 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/62, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83 be **accepted** and submission 37/73 be **rejected**.

Policies Section 5B.3.3.6

Submitter Number	Summary of Relief Sought	Further Submissions
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/62, 37/75, 37/76, 37/77	<ul style="list-style-type: none"> Oppose elements of Policy 5B.3.3.6 (i) Titirangi Village that enable development (other than community facilities) in the Open Space Environment. 	FS37/110/2 support in part (37/62; 37/76; 37/77)
37/104 (Donald)	<ul style="list-style-type: none"> Don't want a village full of restaurants, this will not serve the needs of the local community. Policies are amended accordingly to address these matters. 	<p>Supported by:</p> <p>37/110/2 in part</p> <p>37/113/5</p>

Discussion:

157. A significant number of submissions oppose Policy 5B.3.3.6 (i). The policy addresses consolidating non-residential activities within existing Human Environments that apply to the village local area. This is to protect the character and amenity of the surrounding Bush Living Environment and is consistent with Objective 5B.3.3.5(iv).
158. The manner in which development is managed in the Open Space Environment is subject to 5B.3.3.6(iv), the existing policies of Section 5 of the WDP and the rules of the Open Space Environment and the provisions of the Reserves Act. This would prevent development that is not consistent with a reserve function. The policy is considered appropriate in achieving distinguishable boundaries to the village and its activities. The relief sought in this submission is not supported.
159. Submission 37/104 does not want a village full of restaurants. The Community Environment does not differentiate non-residential activities from one another. It is an environment that enables non-residential activities provided they can comply with the relevant performance standards. This is consistent with Part II of the RMA. The market is considered to be an appropriate mechanism to determine the success and viability of activities in the village. It would be not be appropriate to establish policies and rules that restrict restaurant activities in the Community Environment. It would be difficult to determine and/or administer a threshold if one was put in place to limit the number of restaurant activities, and this threshold would be arbitrary and not related to effects or opportunities identified by the market. It is recommended that the submission be rejected.

Recommendation:

It is recommended that submissions 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83 37/62, 37/75, 37/76, 37/77, 37/104 be **rejected**.

Rules and Assessment Criteria – Community Environment

Submitter Number	Summary of Relief Sought	Further Submissions
37/108 (Horring)	<ul style="list-style-type: none"> • Amend Rule 7.2(v) by retaining <i>there is a useable terrace or deck accessible to the public.</i> This was inserted as a result of an Order of the Environment Court and should be retained. • Amend Rule 7.2 by adding a requirement that buildings have an external surface finish of horizontal weather boards or rusticated stonework or brick or smooth plastered finish which provide a view from the 	<p>Supported by: 37/115/7</p>

	road through the building to the bush at the rear.	
37/82	<ul style="list-style-type: none"> Regarding Area 'A' on Survey Plan S067597 alluded to following Rule 7.4 as 7(j) a terrace or deck should be established, accessible to the general public of adequate size and dimension for public viewing incorporating a public convenience. Retain the statement in assessment criteria 7(f) that <i>"the extent to which the external cladding of buildings uses materials that connect the buildings with the bush setting, or the dominant building in the centre, Lopdell House"</i>. Retain the statement in assessment criteria 7(g) that <i>"the extent to which buildings have a visual appearance, including facade and roof form which complements the village atmosphere"</i>. 	<p>Supported by:</p> <p>37/110/2 in part</p>
37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/75, 37/76, 37/77, 37/85, 37/82	<ul style="list-style-type: none"> Retain the following statement in Rule 7.1 Permitted Activities <i>"which have an external surface finish of horizontal weather boards or rusticated stonework or brick or smooth plastered finish"</i> and <i>"and which provide a view from the road through the building to the bush at the rear"</i>. 	<p>Supported by:</p> <p>37/110/2 in part 37/110/2 in part</p>
37/53 (van der Voort)	<ul style="list-style-type: none"> Upgrade Titirangi Design Guidelines. 	<p>Supported by:</p> <p>37/113/5</p>
37/104 (Donald)	<ul style="list-style-type: none"> Oppose Assessment Criteria and these should be accompanied by a design guideline with illustrations. Oppose the removal of the principles embodied in assessment criteria 7(a) to (d) and the standards under rule 7.1. Seek that these urban design principles are retained in the plan and that illustrated design guidelines are prepared to assist designers, developers and decision makers 	<p>Supported by:</p> <p>37/110/2 in part 37/113/5</p>

	<p>understand the outcomes that are required.</p> <ul style="list-style-type: none"> • Oppose the use of the words "<i>the extent to which</i>" in all of the assessment criteria. Remove from all of the assessment criteria and replaced with "whether" (in some criteria the rest of the wording may need to be altered to make clear what is expected as an outcome) or alternatively it would be preferable if the criteria are re-worded using "should" or 'shall" to make very clear what is to be aimed for and the outcome to be achieved. An illustrated guideline would avoid erroneous interpretations. 	
37/73 (Rotcol Enterprises Titirangi Ltd)	<ul style="list-style-type: none"> • That the plan retains rules and assessment criteria as notified, which support good architectural design, as opposed to specifying building design requirements. • That the Plan Change retain assessment criteria which allow assessment of standards of design 	<p>Opposed by:</p> <p>37/110/2</p> <p>37/113/5</p>
37/5, 37/6 (Burrows)	<ul style="list-style-type: none"> • No mitigation of effects in exchange for fees. 	
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> • Only allow buildings up to 2 storeys, designed with quality materials in keeping with the character of the Village. 	

Discussion:

160. Submissions 37/82 and 37/108 seek the retention of Rule 7.2(v) by retaining *'there is a useable terrace or deck accessible to the public'*. This rule was established by a Consent Order of the Environment Court. The rule has been given effect to by the Rotcol Enterprises Titirangi Ltd resource consent which provides for a terrace / deck. However, as noted by Mr Brown in his visual landscape assessment, many views are being threatened by the regenerating forest. This is the case for the site at the corner of Titirangi and South Titirangi Roads. The requirement for a deck is not considered necessary at this time or in these circumstances if views will be obscured. The performance standard is also considered to be difficult to administer as 'useable' is subjective and not measurable, so compliance with the standard is difficult to confirm. It is recommended that the submission be rejected.
161. A significant number of submissions seek the retention of Rule 7.1 of the Community Environment in the WDP which requires *"which have an external surface finish of horizontal weather boards or rusticated stonework or brick or smooth plastered finish"*. Submission 37/53 seeks the upgrading of the Titirangi design guidelines.
162. The performance standards from the existing WDP are based on key requirements of the Titirangi Design Guidelines. These are directly translated into performance standards, diagrams and assessment criteria in existing Rule 7 of the Community Environment. The design guidelines were developed prior to the introduction of the existing WDP, as part of the "Titirangi Village Project". The design guideline and corresponding rule is very prescriptive and advocates that future development in Titirangi be "themed" as a hilltop village in an architectural style popular at the time which could perhaps be defined as "colonial revivalism". An issue with theme based design is that in advocating that the future built form of a place be created in a consistent architectural 'style' considered appropriate at that time, there will eventually and inevitably be conflict as the principles of subsequent architectural design movements are developed and considered more appropriate. This is the case with the Titirangi Design Guidelines and the corresponding rules and has been illustrated by recent resource consent applications. There are aspects of the current documents that are already now considered to be outdated.
163. Current urban design principles and practice place a greater emphasis on the total experience of buildings and the spaces between them. Consequently, the success of a building in a village or urban environment is more about its ability to make a positive contribution to the quality of the public realm – to face the street, to activate it, and make sure that all adjacent public space is positively used. Places that are appreciated and provide the most value to people and their communities do so on the basis of the whole interrelationship between buildings and the open spaces between them (including streets) rather than on building style and materials alone.

164. In assessing any proposed development in relation to the existing design guideline and rules of the WDP, a number of difficulties become apparent especially in the case of the principles listed in the design guideline. The guidelines suggest that Titirangi has the potential to be developed in the form of a "hilltop village" but the document fails to give any indication or examples of what an image of this overall village form might be in the context of typical NZ town and village development. The document also makes no attempt to explain why the highly prescribed architectural forms and detailing recommended as an acceptable design style (and translated to rule 7) would be appropriate for achieving any of the three principles listed in the design guideline.
165. As much of the design guideline is directly translated into the rules of the existing WDP, the issue becomes whether this approach is better in terms of achieving the statutory requirements compared with PPC37.
166. PPC37 proposes to insert a new rule instead of Rule 7.1 of the existing WDP. This requires resource consent for all buildings and provides for the consideration of the merit of its design and architecture. The rules proposed by PPC37 are considered better, and more appropriate and efficient in achieving the objectives in 5B.3.3.5 and Section 5 of the WDP and the requirements of the RMA and WRHAA. Rules specifying that only certain types of building materials are permitted are not considered to be appropriate and relate to a themed design guideline which is considered to be dated. As such these submissions are recommended to be rejected and the submission 37/73 be accepted.
167. A significant number of submissions seek the retention of the assessment criteria stating "which provide a view from the road through the building to the bush at the rear". An equivalent assessment criteria is proposed in 7(a)(v) of the Community Environment by PPC37. This is considered to be an appropriate and more directive assessment criteria. Submission 37/108 seeks that this assessment criteria be a performance standard. This is not considered to be appropriate, as a performance standard needs to have a quantifiable element, which is difficult to achieve as how views through buildings are provided can vary according to each site and proposal.
168. Submission 37/82 seeks the retention of assessment criteria 7(f) and 7(g) of the Community Environment from the existing WDP. Submission 37/104 opposes the deletion of assessment criteria 7(a) to 7(d).
169. 7(f) and 7(g) are proposed to be deleted by PPC37 and replaced with 7(a) which addresses the issues of design in the wider sense and specifically in 7(a)(vi) 'modulation and detailing of the building's form'. There is a wide variety of materials used on buildings in the existing village, many inconsistent with prescriptive list in the existing District Plan. The consideration of materials that connect the buildings with the bush or Lopdell House, and the degree that a building's visual appearance complements the village's atmosphere are highly subjective tests. Buildings in the village, apart from Lopdell House, generally have little architectural merit and many are utilitarian in their appearance and form. The proposed assessment criteria seek to improve the performance of buildings in respect to their urban and architectural design and allow the consideration of the merit of the entire proposal, as opposed to adopting a themed architectural style based on specific materials and roof forms.

170. Appropriate urban design elements from assessment criteria 7(a) to 7(d) are included in the performance standards of 7.2(ii) and (iv) and assessment criteria 7(a)(i), (iii), (iv), (v), (vi), (vii). The issue of maintaining gaps between buildings is not considered to be appropriate for those buildings with a height up to two storeys. This can undermine the urban design of the village, particularly the maintenance and enhancement of a mainstreet character. This character is reflected on the southern side of Titirangi Road where there is an area of continuous building frontages, weather protection and a quality pedestrian environment. Where there are gaps these are generally for vehicle access which while necessary in some circumstances can undermine the pedestrian amenity of the mainstreet. The amendments sought by the submitters are either contained within PPC37 or not considered to be appropriate to achieve the objectives.
171. Submissions 37/5 and 37/6 seek no mitigation of effects in exchange for fees. These refer to assessment criteria 7(f) of the Community Environment which is a standard criteria in every rule of the WDP, and is not subject to amendment in its content by PPC37. This relates to financial contributions and is typically used for upgrading public infrastructure such as pipes, drains and roads and avoids these costs being covered by the community.
172. Submission 37/104 also seeks amendments to the assessment criteria to replace the phrase 'extent to which' with 'whether', 'shall' or 'should'. The use of the phrase 'extent to which' is consistent across the assessment criteria of the WDP. This provides for the consideration of the performance and merit of a proposal against the matters of discretion and assessment. Phrases such as 'should' and 'shall' would read as rules or performance standards as opposed to matters of assessment. It is recommended that the submission be rejected as the proposed wording is consistent with that already within the WDP.

Recommendation:

It is recommended that submissions 37/108, 37/3, 37/7, 37/8, 37/9, 37/10, 37/11, 37/12, 37/16, 37/18, 37/19, 37/20, 37/21, 37/23, 37/24, 37/25, 37/26, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 37/36, 37/37, 37/39, 37/40, 37/41, 37/42, 37/43, 37/44, 37/45, 37/46, 37/47, 37/48, 37/49, 37/50, 37/51, 37/52, 37/53, 37/55, 37/56, 37/57, 37/58, 37/59, 37/60, 37/61, 37/63, 37/64, 37/65, 37/66, 37/67, 37/83, 37/75, 37/76, 37/77, 37/83, 37/85, 37/82, 37/53, 37/104, be **rejected** and submission 37/73 be **accepted**.

Building on Corner of Titirangi and South Titirangi Roads

Submitter Number	Summary of Relief Sought	Further Submissions
37/1 (Vartzbed)	<ul style="list-style-type: none"> Oppose any new building at the corner of Titirangi Rd & South Titirangi Rd that would conceal the unique view of the bush/harbour and any significant building in that corner would take the focus point (architecturally) away from Lopdell House. Improve the existing toilet block which is a particular feature of the village in an 'arty way' 	<p>Supported by:</p> <p>37/114/6 in part</p>
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> Oppose development of the toilet block with a three storey 	

	building.	
37/86 (Geddes)	<ul style="list-style-type: none"> Reference be made also to the useful interim Guideline Rules for Titirangi Shopping area and to ensure that if undue or excessive height to 3 floors in the recent Rodondo development is allowed this must only be on the basis that ample public access is allowed to upper floors above street level as exists at the entrance to Baileys Realty Offices above Masala Indian Restaurant at 400 Titirangi Road 	
37/90 (Vaughan)	<ul style="list-style-type: none"> Public toilets to be retained. 	

Discussion:

173. Submissions 37/1, 37/83 and 37/86 oppose provision for a new building on the corner of Titirangi and South Titirangi Roads. Submissions 37/1 and 37/90 seek the retention and improvement of the public toilets on the site on the corner of Titirangi and South Titirangi Roads.
174. It is understood that these submissions relate to the Rotcol Enterprises Titirangi Limited proposal to develop a three storey building on the corner of Titirangi and South Titirangi Roads. This proposal has been granted resource consent by the Council and an appeal to the Environment Court has now been withdrawn. It is not appropriate for PPC37 to alter elements provided for by this resource consent.
175. The provision of toilets on the site on the corner of Titirangi and South Titirangi Roads is not a matter that PPC37 can address. The provision of these amenities is more appropriately addressed through the Annual Plan or Long Term Council Community Plan processes.

Recommendation:

176. It is recommended that submissions 37/1, 37/83, 37/86 and 37/90 be **rejected**.

Identify Properties as Titirangi Non-Residential Activity Overlay

Submitter Number	Summary of Relief Sought	Further Submissions
37/2 (Titirangi Architectural Group)	<ul style="list-style-type: none"> Rezone property at 230 Atkinson Road from Bush Living Environment to the proposed Titirangi Non-Residential Activity Overlay. 	<p>Opposed by: 37/110/2</p>
37/106 (Derham)	<ul style="list-style-type: none"> Zone 118 Park Road as Titirangi Non-Residential Activity Overlay. 	<p>Opposed by: 37/110/2</p>
37/86 (Geddes)	<ul style="list-style-type: none"> Extend the Titirangi Non-Residential Activity Overlay over the site at 15 Rangiwai Road and 	<p>Opposed by: 37/110/2</p>

	amend the yellow boundary of the Titirangi Village Local Area in the Legend to include this property.	
37/87 (Wilkinson)	<ul style="list-style-type: none"> That the Non Residential Activity Overlay be applied to 1 Rangiwai Road 	Opposed by: 37/110/2
37/98 (Doering)	<ul style="list-style-type: none"> Apply the Titirangi Non-Residential Activity Overlay to the property at 511 South Titirangi Road. 	Opposed by: 37/110/2

Discussion:

177. Submissions 37/2, 37/106, 37/86, 37/87 and 37/98 all seek specific properties as identified in the submissions to be TNRAO on the Human Environment Maps.
178. The property at 230 Atkinson Road is utilised by the Titirangi Architectural Group, although the dwelling is understood to be occupied as a residence. The site adjoins the Church at 234 Atkinson Road which is identified as part of the TNRAO. The extension of the TNRAO to cover this site is not considered to be appropriate as it would extend the limits of the village into the wider residential area of the Bush Living Environment. The extent of the TNRAO recognises that community activities such as the Presbyterian Church are part of the focal point of the village, and that this site provides a clear edge of the village. The policy seeks to limit opportunities for the village to extend outside of defined boundaries. The submitter may find some relief in the provisions of PPC 36 which address non-residential activities in the Bush Living Environment, otherwise it is recommended that submission 37/2 be rejected.
179. The property at 118 Park Road is located between Tobys, the office block at 120 Park Road and the Titirangi Soldiers Memorial Hall at 116 Park Road. Being landlocked by these sites (that are identified as TNROA) makes it appropriate and consistent with the intended character of the area that the submitter's site also be identified at TNRAO. It is recommended that the submission be accepted.
180. The property at 15 Rangiwai Road is located on the top of Rangiwai Hill. The extension of the TNRAO to cover this site is not considered to be appropriate as it would extend the limits of the village into the wider residential area of the Bush Living Environment. The extent of the TNRAO recognises that existing community and business activities. The policy seeks to limit opportunities for the village to extend outside of defined boundaries. The submitter may find some relief in the provisions of PPC36 which address non-residential activities in the Bush Living Environment (including home occupations), otherwise it is recommended that submission 37/86 be rejected.

181. The property at 1 Rangiwai Road and 511 South Titirangi Road are identified by PPC37 as being within the TNRAO. Therefore submissions 37/87 and 37/98 are fulfilled by the notified plan change.

Recommendation:

It is recommended that submissions 37/2 and 37/86 be **rejected** and submissions 37/87, 37/98 and 37/106 be **accepted**.

Identify Property at 2 Rangiwai Road as Community Environment

Submitter Number	Summary of Relief Sought	Further Submissions
37/88 (Wilson and others)	<ul style="list-style-type: none"> That 2 Rangiwai Road is included in the Community Environment zoning. 	<p>Opposed by: 37/110/2</p>

Discussion:

182. Submission 37/88 seeks that the property at 2 Rangiwai Road be identified as Community Environment on the Human Environment maps.
183. The submitter has outlined the history of the site and dispensations for operating a medical facility granted under the Town and Country Planning Act. The site has not been used for residential purposes for several decades and forms part of the non-residential activities of the village. The assessment concurs with the submitter that, because of the history of the site and its current uses, it is more appropriate to identify this site as Community Environment. Only that portion of the site which is developed should be identified as Community Environment, with the remainder of the site which is steeper and vegetated remaining as Bush Living Environment. It is acknowledged that other non-residential activities could occupy the site over time, although their effects are considered to be similar to those of the existing activity.

Recommendation:

184. It is recommended that submission 37/88 be **accepted**.

Lopdell House

Submitter Number	Summary of Relief Sought	Further Submissions
37/4 (Anderson)	<ul style="list-style-type: none"> Additions to Lopdell House should be of a similar height and design, avoiding a modern style. 	<p>Opposed by: 37/110/2 in part; 37/114/6 in part</p>
37/74 (Lopdell House Development Trust)	<ul style="list-style-type: none"> Supports the statements and policies in the plan change (5B.3.3.2(ii), 5B.3.3.3(i), 5B.3.3.6(v)) that recognise the contribution Lopdell House makes to the character, amenity, identity and provision of activities in the village, and 	<p>Supported by: 37/111/3</p>

	<p>provide for the buildings continued use and development.</p> <ul style="list-style-type: none"> • Ensure that the plan does not introduce any statements, policies or objectives that would unduly and unnecessarily hinder or constrain the continued use and enhancement of Lopdell House. 	
37/99 (Holdsworth)	<ul style="list-style-type: none"> • Delete reference in 5B.3.3.6 to Lopdell House marking the 'western edge of the village'. 	<p>Opposed by: 37/114/6 in part</p>
37/93 (Lopdell House Society)	<ul style="list-style-type: none"> • Amend section 5B.3.3.6 to read: <i>"Recognising the contribution that Lopdell House and the art gallery makes ..."</i> 	<p>Opposed by: 37/110/2</p> <p>Supported by: 37/114/6 in part</p>
37/104 (Donald)	<ul style="list-style-type: none"> • Amend objectives, policies and rules to achieve the protection of these views and to ensure the iconic status of Lopdell House is maintained. • Remove the word 'enhancement' from section [5B.3.3.6] 'v' in the policies and replaced with 'protection'. 	<p>Supported by: 37/110/2 in part 37/113/5</p>

Discussion:

185. Submissions 37/4, 37/74, 37/93, 37/99 and 37/104 raise matters regarding Lopdell House.
186. Submission 37/4 seeks that additions to Lopdell House should be of a similar height and design, avoiding a modern style. There is a current resource consent application being processed by Council regarding alterations and additions to Lopdell House. It is not appropriate for PPC37 to be a forum for issues regarding that application. PPC37 has proposed to delete the design guidelines which specified materials, colours and finishes for buildings in Titirangi. This guideline was considered to be too inflexible, rather the approach is to require new buildings to apply for a limited discretionary resource consent application and be assessed against the proposed assessment criteria. These are intended to address the merit of a building's design. It is therefore recommended that Submission 37/4 be rejected.

187. Submission 37/74 (Lopdell House Development Trust) supports the provisions that recognise Lopdell House's contribution to the village and that provide for its continued use and development. The submission is recommended to be accepted as it is consistent with the manner in which PPC37 recognises matters of national significance from sections 6 and 7 of the RMA and sections 7 and 8 of the WRHAA.
188. Submission 37/93 (Lopdell House Society) seeks amendment to 5B.3.3.6(v) to recognise Lopdell House 'and the art gallery'. The clarification is that the value of Lopdell House is more than just the building, it is the activities within it that are useful. However, such specific recognition of the art gallery may be at the detriment of other activities contained within (now and in the future), so it is recommended that submission be accepted in part with the text to read "*Recognising the contribution that Lopdell House and its activities make ...*".
189. Submission 37/99 seeks to delete the reference to Lopdell House being the western edge of the village in 5B.3.3.6(v). In respect to built form Lopdell House is both a gateway and an edge to the village. However, the text could result in policy inconsistencies with the manner in which other activities such as the Kindergarten and Presbyterian Church are managed as these are further west than Lopdell House. It is therefore recommended that the submission be accepted.
190. Submission 37/104 seeks amendments to objectives, policies and rules to achieve the protection of views and to ensure the iconic status of Lopdell House is maintained. Lopdell House is a recognised heritage feature and therefore would be addressed through the objectives and policies that establish the requirement to protect, restore and enhance heritage features (consistent with section 8(i) of the WRHAA). Further, amendments are proposed to PPC37 to address the issues of building height and the recommendations of Mr Brown (contained in the section 32 assessment) in respect to the matters to be considered in the assessment of three storey buildings. This includes the visual integrity of Lopdell House, and as already described by the PPC37 text, that buildings remain lower than Lopdell House. Two storey buildings are considered by PPC37 to be appropriate and are provided for as limited discretionary activities in the Community Environment. It is recommended that the submission be accepted in part to the extent that amendments are recommended as a consequence of other submissions.
191. Submission 37/104 also seeks an amendment to Policy 5B.3.3.6(v) to delete the word 'enhancement' and replace with 'protection'. Lopdell House is a scheduled item in the WDP, the Auckland Regional Council's Cultural Heritage Inventory and under the Historical Place Act. Its protection is already provided by statutes and plans. Policy 5B.3.3.6(v) seeks to contribute to the matters identified in Part II of the RMA and section 8(i) of the WRHAA. It is considered to be appropriate to provide for its use and enhancement as this is consistent with the Objectives in 5B.3.3.5 and those of the WDP.

Recommendation:

It is recommended that submission 37/4 be **rejected**, submissions 37/74 and 37/99 be **accepted** and submissions 37/93 and 37/104 be **accepted in part**.

Playgrounds

Submitter Number	Summary of Relief Sought	Further Submissions
37/98 (Doering)	<ul style="list-style-type: none"> That Council build a playground behind the community house. 	
37/55,37/77	<ul style="list-style-type: none"> Support the Statement of Future Character and Amenity for Titirangi Village (Section 5B.3.3.3) with addition of a full commitment on the part of the Council to establish children's play provision in cooperation with Vector on the Vector sub station site at 515 South Titirangi Road. 	

Discussion:

192. Submissions 37/55, 37/77 and 37/98 seek that playgrounds and play areas be established behind the community house and on the Vector site.
193. These matters cannot be addressed through PPC37. The provision of these amenities is more appropriately addressed through the Annual Plan or Long Term Council Community Plan processes. The provision of a playground on the Vector site is not a matter that Council can address as it is a privately owned site with a designation.

Recommendation:

It is recommended that submissions 37/55, 37/77 and 37/98 be **rejected**.

Reserve Donation

Submitter Number	Summary of Relief Sought	Further Submissions
37/86 (Geddes)	<ul style="list-style-type: none"> Amend the proposed Human Environment Maps G9 and 10 to show the additional open space environment section north of the small one given to Council by the Geddes Family (north side of the former community house at the corner of Titirangi and Rangiwai Roads). 	

Discussion:

194. Submission 37/86 seeks that the Geddes reserve donation be illustrated on the maps. To the best of our knowledge all land identified as reserve is zoned on the Human Environment maps as Open Space Environment. If there is an oversight then this can be addressed.

Recommendation:

195. It is recommended that submission 37/86 be **rejected**.

General Matters

Submitter Number	Summary of Relief Sought	Further Submissions
37/14 (Deeth)	<ul style="list-style-type: none"> Consider Titirangi's special character. 	
37/101 (Parker)	<ul style="list-style-type: none"> Amend Plan Change 37 in accordance with Heritage Area Act. Implementation of clear character and amenity statements for future. Establishment of clear edge to metropolitan urban limit. 	
37/90 (Vaughan)	<ul style="list-style-type: none"> Sunlight, trees and birds need more allowance. 	
37/77 (Titirangi Ratepayers and Residents Association)	<ul style="list-style-type: none"> Commercial and residential areas should be kept separate so that these activities so no interfere with each other. 	Supported by: 37/110/2 in part
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> Oppose increased urbanisation of Titirangi Village. 	
37/81, 37/100	<ul style="list-style-type: none"> Correct inconsistencies in spelling of 'Te Kawerau A Maki' in 5B.3.3.2(iv). 	
37/81 (Osbourne)	<ul style="list-style-type: none"> Amendments to Rule 8 of the Bush Living Environment are different to Plan Change 36. 	

Discussion:

196. The matters raised in the above submissions have been addressed to the extent possible through PPC37 in accordance with the requirements of the RMA and WRHAA. Some of the relief is general or is already implicit to the manner in which Titirangi is managed on a regional, district and local level, and addressed in an appropriate manner through PPC37. The correction of errors relating to Te Kawerau A Maki necessary and appropriate.
197. Submission 37/81 raises issues regarding the Rule 8 of the Bush Living Environment and its consistency with PPC36. The amendments to Rule 8 proposed by PPC 36 and 37 are distinct and separate, with PPC37 addressing provisions relating to the TNRAO. No amendments are considered necessary.
198. Submission 37/77 seeks that commercial and residential areas should be kept separate so that these activities do not interfere with each other. The WDP has a series of Human Environments which provides for certain activities in each. The Community Environment is a mixed use environment. To manage a range of activities, including residential in this Human Environment, the Council has previously introduced Plan Change 18 which includes rules to manage reverse sensitivity matters (including requiring acoustic insulation of residential activities in Community Environments).

Recommendation:

It is recommended that submissions 37/14, 37/101, 37/90, 37/77 and 37/83 be **rejected** and submissions 37/81 and 37/100 be **accepted**.

4.0 SUMMARY OF RECOMMENDED CHANGES TO THE PLAN CHANGE

A65-A79

199. It is recommended that a number of amendments be made to PPC37. These are attached at pages A65 to A79 and summarised below:
 - i. Amendments to the Statement of Existing Character and Amenity 5B.3.3.2 to acknowledge the national significance of the WRHA, the importance of the elevated forested area opposite Lopdell House, and the importance of Lopdell House. Amendments are also proposed to correctly identify the Tangata Whenua of the area and to record the meaning of Titirangi in Te Reo.
 - ii. Amendments to the Statement of Future Character and Amenity 5B.3.3.3 to acknowledge opportunities to live above the shop, to identify views of importance, and to acknowledge the Community Environment's primary function of providing retail and commercial activity.
 - iii. Amendments to Issues 5B.3.3.4 to acknowledge the importance of the provision of local retail and services to the community;
 - iv. Amendments to Objective 5B.3.3.5 to acknowledge the views of landforms and heritage features and to qualify community in its wider context;
 - v. Amendments to Policy 5B.3.3.6 to acknowledge matters that must be considered in respect to three storey buildings, to acknowledge that the western edge of the village goes beyond Lopdell House and to qualify community in its wider context;

- vi. Amendments to Rule 7 of the Community Environment to confirm that residential activities at street level are non-complying activities and identify matters that must be considered in assessing discretionary activity resource consent applications;
- vii. Amendments to Rule 8 of the Bush Living Environment to delete beverages and to provide for a limit amount of retail activities where they are ancillary to a non-residential activity such as a service located on site;
- viii. Amendments to the Human Environment maps to identify part of 2 Rangiwai Road as Community Environment and 118 Park Road as Titirangi Non-Residential Activity Overlay; and
- ix. Other amendments include changes to references to the Titirangi Community Environment instead of Titirangi Town Centre.

5.0 AUCKLAND COUNCIL TRANSITION ISSUES

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

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