

Decision:

215. 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, 37/75, 37/76, 37/77, 37/83, 37/85, 37/82, 37/53, 37/104, are **rejected in part**.

216. Submission 37/73 is **accepted** and Submission 37/108 be **accepted in part**.

**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"> <li>Oppose any new building at the corner of Titirangi Rd &amp; 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.</li> <li>Improve the existing toilet block which is a particular feature of the village in an 'arty way'</li> </ul>	<p><b>Supported by:</b></p> <p>37/114/6 in part Lopdell House Development Trust</p>
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> <li>Oppose development of the toilet block with a three storey building.</li> </ul>	
37/86 (Geddes)	<ul style="list-style-type: none"> <li>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</li> </ul>	
37/90 (Vaughan)	<ul style="list-style-type: none"> <li>Public toilets to be retained.</li> </ul>	

Evidence Presented:

217. The Committee heard evidence from Marty Vink (37/83).

Discussion:

218. 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.

219. The Committee 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. The Committee considers that it is not appropriate for PC 37 to alter elements provided for by this resource consent.

220. The provision of toilets on the site on the corner of Titirangi and South Titirangi Roads is not a matter that PC 37 can address. The provision of these amenities is more appropriately addressed through the Annual Plan or Long Term Council Community Plan processes.

Decision:

221. For the reasons set out above, submissions 37/1, 37/83, 37/86 and 37/90 are **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"> <li>Rezone property at 230 Atkinson Road from Bush Living Environment to the proposed Titirangi Non-Residential Activity Overlay.</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 WRPS</p>
37/106 (Derham)	<ul style="list-style-type: none"> <li>Zone 118 Park Road as Titirangi Non-Residential Activity Overlay.</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 WRPS</p>
37/86 (Geddes)	<ul style="list-style-type: none"> <li>Extend the Titirangi Non-Residential Activity Overlay over the site at 15 Rangiwai Road and amend the yellow boundary of the Titirangi Village Local Area in the Legend to include this property.</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 WRPS</p>
37/87 (Wilkinson)	<ul style="list-style-type: none"> <li>That the Non Residential Activity Overlay be applied to 1 Rangiwai Road</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 WRPS</p>
37/98 (Doering)	<ul style="list-style-type: none"> <li>Apply the Titirangi Non-Residential Activity Overlay to the property at 511 South Titirangi Road.</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 WRPS</p>

Evidence Presented:

222. The Committee heard evidence from Dr. Mels Barton (37/75, 37/77).

Discussion:

223. 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.
224. 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 Committee considers that the extension of the TNRAO to cover this site is not 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 PC 36 which address non-residential activities in the Bush Living Environment, otherwise submission 37/2 is rejected.

225. 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. The submission is accepted.
226. The property at 15 Rangiwai Road is located on the top of Rangiwai Hill. The Committee considers that extension of the TNRAO to cover this site is not 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 submission 37/86 is rejected.
227. The property at 1 Rangiwai Road and 511 South Titirangi Road are identified by PC 37 as being within the TNRAO. Therefore submissions 37/87 and 37/98 are fulfilled by the notified plan change.

Decision:

228. Submissions 37/2 and 37/86 are **rejected**.
229. Submissions 37/87, 37/98 and 37/106 are **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"> <li>That 2 Rangiwai Road is included in the Community Environment zoning.</li> </ul>	<p><b><i>Opposed by:</i></b></p> <p>37/110/2 WRPS</p>

Evidence Presented:

230. The Committee heard evidence from Dr. Mels Barton (37/75, 37/77).

Discussion:

231. Submission 37/88 seeks that the property at 2 Rangiwai Road be identified as Community Environment on the Human Environment maps.

232. 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 Committee 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.

Decision:

233. For the reasons set out above, submission 37/88 is **accepted**.

Lopdell House

Submitter Number	Summary of Relief Sought	Further Submissions
37/4 (Anderson)	<ul style="list-style-type: none"> <li>Additions to Lopdell House should be of a similar height and design, avoiding a modern style.</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 in part WRPS</p> <p>37/114/6 in part Lopdell House Development Trust</p>
37/74 (Lopdell House Development Trust)	<ul style="list-style-type: none"> <li>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 provide for the buildings continued use and development.</li> <li>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.</li> </ul>	<p><b>Supported by:</b></p> <p>37/111/3 Lopdell House Society Inc.</p>
37/99 (Holdsworth)	<ul style="list-style-type: none"> <li>Delete reference in 5B.3.3.6 to Lopdell House marking the 'western edge of the village'.</li> </ul>	<p><b>Opposed by:</b></p> <p>37/114/6 in part Lopdell House Development Trust</p>
37/93 (Lopdell House Society)	<ul style="list-style-type: none"> <li>Amend section 5B.3.3.6 to read: "<i>Recognising the contribution that Lopdell House and the art gallery makes ...</i>"</li> </ul>	<p><b>Opposed by:</b></p> <p>37/110/2 WRPS</p> <p><b>Supported by:</b></p>

		37/114/6 in part Lopdell House Development Trust
37/104 (Donald)	<ul style="list-style-type: none"> <li>• Amend objectives, policies and rules to achieve the protection of these views and to ensure the iconic status of Lopdell House is maintained.</li> <li>• Remove the word '<i>enhancement</i>' from section [5B.3.3.6] 'v' in the policies and replaced with '<i>protection</i>'.</li> </ul>	<p><b>Supported by:</b></p> <p>37/110/2 in part WRPS</p> <p>37/113/5 TR&amp;R Assn</p>

Evidence Presented:

234. The Committee heard evidence from Dr. Mels Barton (37/75, 37/77).

Discussion:

235. Submissions 37/4, 37/74, 37/93, 37/99 and 37/104 raise matters regarding Lopdell House.
236. 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 PC 37 to be a forum for issues regarding that application. PC 37 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. Submission 37/4 is therefore rejected.
237. 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 accepted as it is consistent with the manner in which PC 37 recognises matters of national significance from sections 6 and 7 of the RMA and sections 7 and 8 of the WRHAA.
238. 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, the Committee notes that such specific recognition of the art galley 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 ...*".
239. 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. The submission is therefore accepted.
240. 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). The Committee amends PC 37 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 PC 37 text, that buildings remain lower than Lopdell House. Two storey buildings are considered by PC 37 to be appropriate and are provided for as limited discretionary activities in the Community Environment. The submission is accepted in part to the extent that amendments are made as a consequence of other submissions.

241. 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. The Committee considers it 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.

Decision:

242. Submission 37/4 is **rejected**.
243. Submissions 37/74 and 37/99 are **accepted**.
244. Submissions 37/93 and 37/104 are **accepted in part**.

**Playgrounds**

Submitter Number	Summary of Relief Sought	Further Submissions
37/98 (Doering)	<ul style="list-style-type: none"> <li>That Council build a playground behind the community house.</li> </ul>	
37/55,37/77	<ul style="list-style-type: none"> <li>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.</li> </ul>	

Discussion:

245. 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.
246. These matters cannot be addressed through PC 37. 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.

Decision:

247. Submissions 37/55, 37/77 and 37/98 are **rejected**.

**Reserve Donation**

Submitter Number	Summary of Relief Sought	Further Submissions
37/86 (Geddes)	<ul style="list-style-type: none"> <li>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).</li> </ul>	

Discussion:

248. Submission 37/86 seeks that the Geddes reserve donation be illustrated on the maps. To the best of the Council's knowledge all land identified as reserve is zoned on the Human Environment maps as Open Space Environment.

Decision:

249. Submission 37/86 is **rejected**.

**General Matters**

Submitter Number	Summary of Relief Sought	Further Submissions
37/14 (Deeth)	<ul style="list-style-type: none"> <li>Consider Titirangi's special character.</li> </ul>	
37/101 (Parker)	<ul style="list-style-type: none"> <li>Amend Plan Change 37 in accordance with Heritage Area Act.</li> <li>Implementation of clear character and amenity statements for future.</li> <li>Establishment of clear edge to metropolitan urban limit.</li> </ul>	
37/90 (Vaughan)	<ul style="list-style-type: none"> <li>Sunlight, trees and birds need more allowance.</li> </ul>	
37/77 (Titirangi Ratepayers and Residents Association)	<ul style="list-style-type: none"> <li>Commercial and residential areas should be kept separate so that these activities so no interfere with each other.</li> </ul>	<p><b>Supported by:</b></p> <p>37/110/2 in part WRPS</p>
37/83 (Harvey and Vink)	<ul style="list-style-type: none"> <li>Oppose increased urbanisation of Titirangi Village.</li> </ul>	

37/81, 37/100	<ul style="list-style-type: none"> <li>• Correct inconsistencies in spelling of 'Te Kawerau A Maki' in 5B.3.3.2(iv).</li> </ul>	
37/81 (Osbourne)	<ul style="list-style-type: none"> <li>• Amendments to Rule 8 of the Bush Living Environment are different to Plan Change 36.</li> </ul>	

Evidence Presented:

250. The Committee heard evidence from Dr. Mels Barton (35/77).

251. The Committee heard evidence from Marty Vink (37/83).

Discussion:

252. The matters raised in the above submissions have been addressed to the extent possible through PC 37 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 PC 37. The Committee considers the correction of errors relating to Te Kawerau A Maki to be necessary and appropriate.

253. Submission 37/81 raises issues regarding the Rule 8 of the Bush Living Environment and its consistency with PC36. The amendments to Rule 8 proposed by PPC 36 and 37 are distinct and separate, with PC 37 addressing provisions relating to the TNRAO. Minor consequential amendments to the numbering are undertaken in accordance with clause 16(2) of the first schedule of the RMA.

254. 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 Environment 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).

Decision:

255. For the reasons set out above, submissions 37/14, 37/101, 37/90, 37/77 and 37/83 are **rejected**.

256. Submissions 37/81 and 37/100 are **accepted**.

**6. OTHER ISSUES**

257. The Committee did not identify any other matters arising from the submissions of hearing.

**7. DECISION**

1. That pursuant to Clause 10 and 20A of the First Schedule to the Resource Management Act 1991, Plan Change 37 is adopted with the amendments set out in Appendix A to the Plan Change 37 Decision Notice.

2. That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, the relief sought by submissions are accepted, accepted in part, rejected or rejected in part as indicated in Appendix B to the Plan Change 37 Decision Notice. Further submissions made in support or opposition of primary submissions are accepted or rejected accordingly. The reasons for the Committee's decision in relation to each submission and further submission are set out in Section 5.0 of the Decision Notice on Plan Change 37.
3. That the Council accept late submission 37/104 as this submission was received shortly after the close of submissions and its consideration does not prejudice any party.
4. The Waitakere District Plan is hereby amended in the manner set out in Appendix A to the Plan Change 37 Decision Notice.

**Signed by:**



**Councillor Vanessa Neeson  
Chairman  
Planning and Regulatory Committee  
Waitakere City Council**

**Date:** 15 October 2010