

## REPORT TO THE JOINT HEARINGS PANEL

### WAITAKERE CITY DISTRICT PLAN

### PROPOSED PLAN CHANGE 16 (MANAGING CITY GROWTH)

## SWANSON PENIHANA (PENIHANA GROWTH AREA)

File Reference : Report WCC3  
Date : 15 September 2006

---

### 1. OUTLINE

This report considers submissions and further submissions which were received from the public in response to those parts of proposed Plan Change 16 to the Waitakere City District Plan (“the Plan”) relating to the ‘Growth Area’ at Swanson known as ‘Penihana’.

This report has been prepared in accordance with section 42a of the Resource Management Act 1991 to assist the Joint RPS and District Plan Changes Hearings Panel (“the Hearing Panel”) with its consideration of submissions in respect of Plan Change 16 that relate to Penihana.

The report discusses each submission or groups of similar submissions and includes a recommendation on submissions that has been made by staff preparing the report, **but it is not the decision of the Waitakere City Council (“the Council”)**.

Submitters and further submitters are invited to attend the hearing and present evidence in support of their submissions for the Hearings Panel to consider. Alternatively if submitters and further submitters are unable to attend the Hearing they may provide written evidence which will be tabled for the Hearings Panel to consider.

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing to the Hearings Panel, the reporting officer’s report, any associated technical reports and the Waitakere City Council functions under the Act, the Hearings Panel will make recommendations to the Council. The Council will consider those recommendations and then make a decision concerning each submission.

The suggested amendments to the Waitakere City District Plan arising from the staff recommendations discussed throughout this report are listed in full in Appendix 1. The suggested amendments are set out in the same style as the Plan. However it should be noted that a number of submissions, that will be considered separately from this report, have sought broad amendments to the content and direction of other proposed changes and the inclusion of additional matters. This may result in some changes to the wording, structure and format of these provisions, which is not reflected in Appendix 1.

### 2. BACKGROUND

#### Plan Change 16

Plan Change 16 was notified on 31 March 2005 as a requirement of the Local Government (Auckland) Amendment Act 2004 ("the LGAAA"). The LGAAA and the relationship between the LGAAA and the Resource Management Act 1991 ("the RMA") is discussed further in section 3 of this report.

In response to the requirements of the Act, Waitakere City Council publicly notified six Plan Changes (being Plan Changes 13 to 18 inclusive). Plan Change 16 (which includes reference to the Penihana Growth Area) provides for:

- The introduction of a new chapter to the policy section of the District Plan, to provide the strategic basis for the various Plan changes proposed and to include new objectives and policies concerned with the management of growth;
- Setting a platform to introduce future Plan Changes to implement the 'Waitakere City Growth Strategy', which proposes that 78% of the City's growth will be accommodated within the existing urban area, 17% in the NorSGA corridor and 5% in the rural area;
- Outlining key growth issues facing the City, noting in particular that population is expanding faster than estimated rates, that there is limited land area to provide for growth, that there is a potential shortage of employment land, that the City has achieved only sporadic success at urban intensification in town centres, and that there is increasing pressure on the Waitakere Ranges and Foothills;
- Introducing a new objective, being "to manage growth in such a way that will ensure the city develops and redevelops to achieve a compact urban form – well integrated, with high amenity values and providing appropriately for additional population, employment, community and business services, by managing the location, density, scale, form, character, timing and sequencing of urban and rural growth".
- Establishing eleven new policies focusing on the integrated management of urban and rural growth, transport and associated design issues; and
- Creating two new Policy Maps and a schedule outlining location and staging of urban growth in the city (as per the draft Waitakere City Growth Strategy).

Policy Map X to Plan Change 16 identifies Swanson as a 'Neighbourhood' node that includes a 500m radius circle around the existing railway station. This form of 'nodal' hierarchy is a method already used elsewhere in the District Plan. Swanson is currently identified in this way on District Plan Map E6. References to the nodal hierarchy depicted on Policy Map X are made in proposed Policy 0.2 and Policy 0.3 which refer to priority areas for urban intensification.

Proposed Policy 0.9 and Schedule Y identifies the Penihana land, (which is situated immediately south of the railway line at Swanson) as a 'Growth Area' having 'medium' priority for urban development after 2011. Plan Change 16 sets out a timeframe for nodal areas identified for urban development. In order to encourage urban intensification, firstly within regional and sub-regional centres it is necessary to give priority to these areas before developing future urban land on the periphery of the city. The exception is the Babich land which has long been identified as an area for urban expansion and where better road connectivity, promotion of multimodal transport and environmental enhancements can be achieved. The location of the Penihana land at the rural/urban fringe of the city makes it less of a priority as well as the fact that there are significant planning processes to be undertaken prior to the land being able to be developed for urban purposes. These would include a change to the Auckland Regional Policy Statement to include the land within the Metropolitan Urban Limits and the development of a concept plan including rezoning at a District Plan level.

The geographical extent of the 'Penihana' Growth Area is identified on proposed Policy Map Z and includes land north of Blewitt Gully stream but excludes land to the south between the stream and the Swanson Structure Plan boundary. This newly defined geographical area differs from the previous definition that was the subject of a District Plan reference and the 2002-2003 mediation process which also included the land to the south. It is also a lesser geographical area than that identified within the draft Waitakere City Growth Strategy.

The Penihana land both north and south of the Blewitt Gully stream is still the subject of a District Plan reference seeking one hectare minimum lot sizes. It is likely that the reference resolution process or a separate plan change process will determine the future development potential of land south of the Blewitt Gully stream, although it is unlikely that this would alter its current zoning which is 'Foothills Environment'. It is not expected that this land will be intensified to the same extent as land to the north as the stream forms a logical boundary for any proposed realignment of the Metropolitan Urban Limit (MUL). It is also land that falls within the Waitakere Ranges heritage area and forms a transition from the urban metropolitan area into the Waitakere foothills.

A requirement of the District Plan is that for sites over 3 hectares, a concept plan be prepared to determine the details of any future development that might occur on the land. It is likely that such a concept plan would be publicly notified in conjunction with a plan change to rezone the land with the proviso that any required change to the Regional Policy Statement to shift the MUL has been agreed to or at the very least the matter being jointly considered by the ARC and Waitakere City Council.

### Swanson Village and the Penihana land – A Description

Swanson is one of six 'Neighbourhood' nodes along the western rail line between New Lynn Town Centre and Waitakere Village. As described above, these nodes form part of the Council's urban consolidation strategy to focus urban growth within existing town and neighbourhood centres as well some future urban growth areas including the Babich land, Penihana, Redhills, Westgate/Massey North, Hobsonville Peninsula and Hobsonville Corridor.

Swanson Village is situated on Swanson Road at the edge of Waitakere City's metropolitan area. The northern rural parts of the Waitakere Ranges foothills lie to the south and west of Swanson Village. To the east along Swanson Road is a small industrial/commercial area. To the north is the Redwood Park Golfcourse and Swanson stream. Swanson can be described as a gateway to the northern end of the Waitakere Ranges and the City's west coast beaches. It has become popular as a destination due to accessibility provided by the rail link to local attractions such as the Swanson Railway Café and the Signal Art Gallery.

### Outcomes of Prior Community Consultation

Prior consultation with the local community and other key stakeholders regarding the future of the Penihana land has been extensive. The Waitakere City Council has undertaken consultation with the local community via a number of different planning processes including the development of the Swanson Structure Plan and more latterly a Council and community initiated mediation process in respect of a District Plan reference in 2002-2003. Agreement regarding the future of this land and the extent to which it should be developed for urban purposes was unable to be reached. It was however recognised by all parties to the mediation that some form of development beyond its current rural land use would inevitably occur due to its proximity to the railway line and the existing transport node at Swanson station.

## **3. STATUTORY FRAMEWORK**

### **3.1 Local Government (Auckland) Amendment Act 2004**

The LGAAA requires that all councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy (ARGS), give effect to its growth concept and contribute to the matters specified in Schedule 5.

Part 2 of the LGAAA focuses on "Auckland Region land transport and stormwater" and includes sections 6 to 44. The purpose of Part 2 is set out in section 6:

*The purpose of this Part is to-*

- (a) assign to the Auckland Regional Council principal responsibility for-*
  - i.) setting the strategy for the Auckland regional land transport system; and*
  - ii) integrating the planning, funding and development of the Auckland regional land transport system; and*
  - iii) stormwater funding in the long-term interests of the Auckland Region (to the extent that this function was, before the commencement of this Act, the responsibility of Infrastructure Auckland; and*
- (b) establish the Auckland Regional Transport Authority and Auckland Regional Holdings to assist the Auckland Regional Council to discharge that responsibility; and*
- (c) dissolve Infrastructure Auckland, and transfer its assets and liabilities to Auckland Regional Holdings and other organisations; and*
- (d) require Auckland local authorities to prepare and notify changes to the policy statement and plans under the Resource Management Act 1991 to provide for integrated land transport and land use provisions that are consistent with the Auckland Regional Growth Strategy.*

The subsection of key interest here is section 6 (d). It is important to note that the test in section 6 (d) is one of consistency, a more stringent requirement than that in the RMA where the test at the time of the

notification of Plan Change 16 was for regional and district plans not to be inconsistent with higher statutory documents, such as a regional or national policy statement.

Section 40 on the extent of land transport and land use changes states:

- (1) *A land transport and land use change is a change or variation to an Auckland planning document by including issues, objectives, policies, and descriptions of methods for the purpose of-*
  - (a) *Giving effect, in an integrated manner, to the growth concept in the Auckland Regional Growth Strategy prepared under section 37SE of the Local Government Act 1974; and*
  - (b) *contributing, in an integrated manner, to the matters specified in Schedule 5.*
- (2) *A change for the purposes of subsection (1)(a) and a change for the purposes of subsection (1)(b) must, in relation to each other, be integrated.*

A change for the purposes of subsection (1)(a) and a change for the purposes of subsection (1)(b) must, in relation to each other, be integrated.

Section 40 (1) further underscores the importance of the ARGS by requiring changes or variations to give effect to the ARGS growth concept. The importance of integration is stressed through Section 40 (1) b) and (2).

Schedule 5: Land transport and land use changes, indicates that for section 40 (1) (b) the matters are as follows:

- (a) *providing increased certainty in the assessment of resource consents, designations, and plan changes related to transport and urban form, and ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency, and liveability in the Auckland Region; and*
- (b) *managing transport and transport infrastructure, facilitating a multimodal transport network, and facilitating integrated transport management; and*
- (c) *reducing adverse effects of transport on the environment (including improving air and water quality, reducing noise and stormwater, improving heritage protection and reducing community disruption and transport land use), and reducing the adverse effects and increasing the positive interactions of transport and land use; and*
- (d) *supporting compact sustainable urban form and sustainable urban land use intensification (including location, timing and sequencing issues, and associated quality, character, and values of urban form and design); and*
- (e) *integrating transport and land use policies to reinforce metropolitan urban and rural objectives of the Auckland Regional Policy Statement, the development of a competitive and efficient economy and a high quality of life, underpinned by a quality environment and amenity.*

The matters that the LGAAA requires to be included in changes to statutory documents support the RMA's purpose of promoting sustainable management of natural and physical resources.

### **3.2 The Relationship Between the RMA and the LGAAA**

The matters that the LGAAA requires to be included in changes to statutory documents, that is, changes consistent with the ARGS and to give effect to its growth concept, can be taken as promoting the RMA's purpose of promoting sustainable management of natural and physical resources.

The impetus for the ARGS grew out of the statutory processes surrounding the region's first ARPS, and the region's desire to work together more strategically to enhance the region's future. Environmental protection and sustainable management of the region's natural and physical resources is central to the ARGS.

The Local Government Act (LGA 1974) gave statutory recognition to the Auckland Regional Growth Forum and legitimised work on a growth strategy through a 1998 amendment. Section SE37 stated that:

- (1) The Auckland Regional Council must prepare and adopt a regional growth strategy for its region.
- (2) The objective of the strategy for the Auckland Region will be to ensure growth is accommodated in a way that meets the best interests of the inhabitants of the Auckland Region.
- (3) The regional growth strategy prepared under this section may include (but need not be limited to)
  - (a) Identification of the anticipated and preferred locations of growth within the Auckland Region:
  - (b) A statement of key values for considering growth issues:
  - (c) Information about future growth to assist regional providers of infrastructure to plan to meet future requirements:

(d) Such other matters as are considered appropriate.

Subsection 4 required that an (Auckland) regional growth strategy not be inconsistent with any operative or proposed regional policy statement, while 5 provided for reviews.

## **4 THE AUCKLAND REGIONAL GROWTH STRATEGY: 2050**

### **4.1 An Overview**

The ARGS represents the future vision for the Auckland region by its councils working jointly together in the Auckland Regional Growth Forum. It seeks to promote the sustainable management of the region's resources within a sustainable development framework. It was launched by Auckland councils in late 1999, with the then reviewed Regional Land Transport Strategy (ARLTS).

The strategy provides a vision for what Auckland could look like in 2050 when it may have a population of 2 million. It built on the policy approach in the ARPS. However it contrasts with the ARPS and District Plans that under the RMA are operative for 10 years, and tend to focus on a far shorter time horizon. The ARGS seeks to take an integrated strategic approach to regional growth management into the longer term. Its vision is to sustain:

- strong, supportive communities;
- a high quality living environment;
- a region that is easy to get around; and
- protection of the coast and surrounding natural environment.

The ARGS states that:

Three key themes relating to the major issues and growth pressures facing the Auckland region emerge from these prioritised desired outcomes. They are:

- Desirable communities and diversity and choice optimised
- Accessibility optimised
- Natural and physical environment optimised

When the ARGS was launched Auckland councils signed a Memorandum of Understanding committing themselves to its effective implementation through appropriate resourcing of growth work, through committing to develop sector agreements within two years of the ARGS having been signed, and implementing these.

One crucial aspect of implementation includes ongoing changes to RMA policy statements and plans to incorporate relevant aspects of the ARGS and its sector agreements.

### **4.2 The Growth Concept**

The "Growth Concept" is a snapshot of how the region could look at 2050 if growth is managed according to the vision, outcomes and principles.

Key features of the "Growth Concept" are:

- that growth will be managed by promoting quality, compact urban environments (intensification); this will assist with managing the effects of growth;
- most growth within the existing metropolitan area with development outside current urban limits only where environmental, accessibility and community principles can be met;
- most urban growth focused around town centres and major transport routes to create higher density communities, with a variety of housing, jobs, services, recreational and other activities (mixed use);
- much less emphasis on general infill throughout suburban areas;
- development of the most highly valued and sensitive natural areas are avoided.

Looking out to 2050, some expansion in new greenfield areas was seen as necessary to provide sufficient land and locational choice for dwellings and businesses. If all proposed greenfield development proceeds, the Auckland region's metropolitan area may increase by about 10% or 5000 hectares, over the 50-year timeframe.

By 2050, more than a quarter of the population (more than 500,000 people) could be living in higher density, multi-unit accommodation compared with less than an eighth or 125,000 people in 1996. However, even after 50 years, 70% of people could still live at lower densities in the suburbs and rural areas.

The ARGS is a broad brush strategic document, reliant on technical and consultative work done to underpin it but which is not part of it. The ARGS notes that:

*The Growth Concept is essentially a snapshot that illustrates how the Growth Forum believes the region could look in the year 2050 if growth is managed according to the vision, outcomes and principles contained in the strategy. The Growth Concept provides one possible future scenario for the Auckland region. The use of sector and local area agreements provides flexibility for a number of alternative scenarios to eventuate at a sector level. Therefore sector and local area agreements may result in changes to this Growth Concept as other options are assessed against the vision, priority outcomes and principles and agreed by the Growth Forum and its members at a sector level. (p27)*

In other words, further work may raise issues with the focus of growth in a specific area, and which could compromise the vision, outcomes and principles. Maintaining the commitment to the ARGS may require reconsideration of detailed aspects of sector and other agreements and thus changes to them, and to the growth concept.

In addition, further technical work may well be needed to implement sector agreements and to include relevant aspects in district plans. At times, such work may require details of sector agreements to be reconsidered and may result in changes to them.

The way that the ARGS is set up is important. It outlines a vision, key principles and outcomes with a growth concept; these are to be implemented through Memoranda of Understanding between the councils (and also with others), through the development of sector agreements, and sector agreement implementation of these through various mechanisms including changes to statutory documents. The ARGS broad brush picture is expected to remain largely the same or similar, but the specifics may alter.

Each step in the above process enables further consideration of whether what was envisaged in the higher, more general document actually continues to be a good fit with the ARGS vision, principles and outcomes, or whether further refinement is necessary. The ARGS acknowledges it is a living strategy that reviews are important and implementation needs to reflect emerging issues.

#### **4.2 Northern & Western Sector Agreement (October 2001)**

The Northern & Western Sector Agreement (NAWSA 2001) includes three signatories, North Shore City Council, Rodney District Council and Waitakere City Council. The initiative for this agreement resulted from the Regional Growth Strategy to which eight were signatories. The purpose of the Northern & Western Sector Agreement is to estimate population growth, identify urban growth capacities and provide details of the sequence and timing of urban development as of 2001.

In respect of Penihana, the NAWSA identified it as a future urban growth area of approximately 40 hectares having a development capacity of approximately 576 households and a population capacity of 1600. The sequencing for release of this land was between 1-5 years as of October 2001. Since this document was produced a number of factors have changed. Firstly, greater statutory weight has been given to the Regional Growth Strategy and to integrated land use and transport across the region. Secondly, population and development capacities have been reviewed and reconsidered and this has altered proposed sequencing and timing for the release of greenfield land outside the MUL. Thirdly, the Council, the Swanson community and Neil Construction failed to reach an agreement relating to the future development of the Penihana land through a mediation process. If this had been achieved, it is conceivable that the Council may have been inclined to make an application to the ARC to shift the MUL to accommodate the agreement. As it turned out, in the absence of an agreement and the responsibilities placed on it as a result of the LGAAA, the Council has reviewed matters relating to the timing and sequencing of the Penihana land, largely to tie in with a review of the RPS in 2009 which is the most significant factor presently constraining development. Furthermore, the extent of the Penihana land identified for future urban development has been reduced by approximately half with a new development capacity of 300 households and a population capacity of around 900.

## **5. DISCUSSION OF SUBMISSIONS**

## 5.1 SUBMISSIONS IN SUPPORT OF THOSE PARTS OF PLAN CHANGE 16 THAT RELATE TO PENIHANA

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
338/3	M Mawhinney	Support Swanson/Penihana inclusion in the plan change.	
338/4	M Mawhinney	Support medium-density housing near transport centres.	

### Discussion:

The submitter supports the proposed inclusion of the Penihana land within Plan Change 16 as a 'Growth Area'. This submission is consistent with the objectives of Plan Change 16 and the purposes of the LGAAA. It is noted that while the submitter supports medium-density housing near transport centres, that the appropriateness of this form and density of development will need to be determined during the plan change for rezoning and concept plan development phase.

### Recommendation:

Submission 338/3 and 338/4 are accepted.

## 5.2 SUBMISSIONS SEEKING TO AMEND PARTS OF PLAN CHANGE 16 RELATING TO PENIHANA.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
191/1	Nicholas James Irwin Hunt	Amend so that Penihana land is developed to retain a rural character. No sections should be smaller than 0.5 hectares. If a rest home or school or cluster of houses is allowed, there must be corresponding planted or open areas to retain a similar balance.	

### Discussion:

Submission 191/1 envisages development taking place on the Penihana land but in a form that retains the rural character of the area. The submitter suggests that section sizes be restricted to not less than 0.5 hectares and that a balance of built development versus open space and planted areas be achieved.

Details regarding the form of development that might occur on the Penihana land were extensively debated during the mediation process in 2002-2003. However Plan Change 16 is not concerned with this level of detail. Rather, Plan Change 16 simply identifies, via a policy map, the Penihana land as a future urban growth area. Proposed Policy 0.1 does specify, for new areas of urban land, an expected average household unit density of 40 households/hectare (gross). This policy also includes the Penihana land as it would fall into the category of 'new urban area'. It is considered that site sizes of not less than 0.5 hectares sought by the submitter would be inconsistent with this policy and would not provide for an urban form of development consistent with proposed amendments to the ARPS under the LGAAA. It is noted however that site sizes of 0.5 hectares would still be considered urban (albeit low density) and that this would require a change to the Metropolitan Urban Limit. In order for this form of development to be given effect, it would still need to be included within proposed Policy 0.9.

While it is recognised that a fairly aggressive approach to urban density is required in order to achieve compact urban form, it is noted that proposed Policy 0.1 is a rather general and crudely applied average household unit density that does not reflect other environmental concerns that may arise in areas that abut sensitive rural or heritage areas such as the foothills of the Waitakere Ranges. Policy 0.4 goes somewhat toward addressing a variety of matters when designing new urban development, however issues such as the protection of rural or natural heritage are not mentioned. For this reason, the concerns of the submitter are accepted in part and addressed through proposed amendments to Policy 0.1 to reflect the locality of Swanson as a semi-rural area and its proximity to the Waitakere Ranges. This would be consistent with the WCC submission to ARPS Plan Change 6 which seeks that urban development needs to respect rural character and significant natural areas.

**Recommendation:**

Submission 191/1 is accepted in part to the extent indicated in recommended amendments to Plan Change 16 that are contained in Appendix 1.

### 5.3 SUBMISSIONS SEEKING TO REJECT / DELETE THOSE PARTS OF PLAN CHANGE 16 THAT RELATE TO PENIHANA.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
36/1	Swanson Residents & Ratepayers Association	Delete Penihana from being included in Proposed Plan Change 16 and oppose mass subdivision.	<b>Opposed By:</b> 324 Neil Construction
82/1	Preserve the Swanson Foothills Society Inc	Seeks that Penihana (Swanson) is removed from inclusion under the growth management strategy plan and is deleted from being included in Proposed Plan Change 16.	<b>Opposed By:</b> 324 Neil Construction
341/1	Trevor Haskell		
342/1	Robin Taylor		
343/1	Michael Baker		
344/1	Hilary Ruth Wallace & Family		
345/1	Jennifer Wyatt Sargent		
346/1	Geoffrey Nelson & Victoria Louise Binning		
347/1	Rodney Dawson		
348/1	Rob & Rhonda McCrae		
349/1	Douglas & Johanne Johns		
350/1	Rosalie Yozin		
351/1	James Anthony Carole		
352/1	Thomas & Helen White		
353/1	George & Jennifer Drew		
354/1	Hans & Daphne Schramm		
355/1	Jean Margaret & Ronald William Brown		
356/1	L A C Tucker		
357/1	Rachel Bishop		
358/1	Peter Stubbs		
359/1	Christopher Eric Johnstone		
360/1	Lois & Ian Wyatt		
361/1	D P & G Crockett		
362/1	Kathleen Anne Hoskins		
363/1	Gregory Mark Hoskins		
364/1	Frank & Ann Huysdens		
365/1	Grant & Carol Scott		
366/1	Jim Adams		
367/1	Kathleen & Jim Whyte		
368/1	Rex CR Gilbert		
369/1	Nora Was		
370/1	Jan Was		

371/1	Chris & Arthur Berman		
372/1	Cary Arnold Middeldorf		
373/1	John Arthur Ross		
374/1	Ron & Anna LeSueur		
375/1	Kerryn & Peter Beck		
376/1	Golda Kunin		
377/1	Tim O'Shea		
378/1	Alan & Elaine Bainbridge		
379/1	Fiona Hill		
380/1	J B Delfos		
381/1	Matthew Rice		
382/1	Colleen Pilcher		
383/1	Neil & Tilly Rutherford		
384/1	Shannon Pearce		
385/1	Sandra Denny		
386/1	Jenny Both		
387/1	Yvonne Thelma & Glenn R Mattson		
388/1	Bevan Corfield		
389/1	Robert H P Petise		
390/1	Stephanie Stephen		
391/1	Brenda & Bern Green		
392/1	Claudia Page		
393/1	Kenny Therese Page		
394/1	Lauenna Page		
395/1	Lance Page		
396/1	Helen Menzies		
397/1	R C & D M Wilson		
398/1	Hayley & Gordon Tamihere		
399/1	Bruce William Thomson		
400/1	Kay Pamela Thomson		
401/1	Murielle Thomson		
402/1	Graeme & Patricia Rule		
403/1	Simon & Julie Hoskin		
404/1	Johannes & Maria Thomassen		
405/1	J R Wise		
406/1	Amanda Jayne Carter		
407/1	Mishelle Cawley		
408/1	Joanne Christine Rennie		
409/1	Graham Fenton Moore		
410/1	Thomas Walsh George		
411/1	Anne Kathryn & Ronald Lander		
412/1	Maureen & Robert Brandford		
413/1	John & Eunice Defries		
414/1	Sue Mattson		

415/1	Ian & Jeannie McLeod		
416/1	Peter Edward Chainey		
417/1	Claire Green		
418/1	Virginia & Martin Mitchell		
419/1	Simon Carter		
420/1	Noel Sanders		
421/1	Aaron James Lovell		
422/1	James Richard Shields		
423/1	Julia & Terry Smith		
424/1	Sharon & Ian Goodwin		
425/1	Bernice & Ron Teague		
426/1	Ken Hollman & Colleen Pratt		
427/1	Leslie William Miller		
428/1	Irene Miller		
429/1	Graeme & Rose Bensemman		
430/1	Shelley Parker		
431/1	Charles Alexander Hems		
432/1	Yozin Vineyard		
433/1	Zorka Yozin		
434/1	Rita Berthelsen		
435/1	Michele Sutherland		
436/1	Craig Thompson & Cassandra MacClure		
437/1	Don Ske		
438/1	Zoe Robertson		
439/1	B Hughes		
440/1	Betty Sweetman		
441/1	James West		
442/1	Shannon & Annette Kelly		
443/1	Jennifer Birch		
444/1	Daniel Wieczorek		
445/1	Patricia Hepi & Dick Rudolph		
446/1	Roland & Margaret Thomas		
447/1	Spencer Wickman		
448/1	Christine Hart		
449/1	Dorothy Tohu		
450/1	Sharon & Todd Pearce		
451/1	Ian Johnson		
452/1	Anthony Ernest Finnerty		
453/1	Simon & Irene Whitlow		
454/1	Marjan Geervliet		
455/1	Brian Jack Mackinder		
456/1	Christine Mackinder		
457/1	David Cooper		
458/1	Craiger Harquesheimer		
459/1	Mark & Sandra Hart		

460/1	Elizabeth Coles		
461/1	EJ Lee		
462/1	Eric Rumsey		
463/1	Victor & Kerry Boulton		
464/1	Ren & Roly Ridgway		
465/1	Matthew & Julie Rice		
466/1	Beverly & Wayne Blake		
467/1	Ross & Vanessa Allan		
468/1	Leanne Paula Smith		
469/1	Christian & Elizabeth Bester		
470/1	Margaret, Ross & Jardine Jamieson		
471/1	Keith Tantau		
472/1	I D Konie		
473/1	Gerard & Anja Plaisier		
474/1	L Lardenoye		
475/1	Matthew & Kathy Matterson		
476/1	Bruce Robertson & Jeanette Morgan		
477/1	George & Karen Janiszewski		
478/1	David Underwood		
479/1	Peter Zellman		
480/1	Sidney Lovell		
481/1	Jane Lovell		
482/1	Jane & Brian Roby		
483/1	Scott & Wendy Read		
484/1	Norma Delgarno		
485/1	William James Mennie		
486/1	Rosina Simes		
487/1	Margaret & Desmond Grigg		
488/1	Gilbert Brick		
489/1	Henry Stephen Backhouse- Smith		
490/1	Thomas Michael Jenkin		
491/1	Jennifer Catherine Jenkin		
492/1	Ian Smillie		
493/1	Beatrix & Gerd Loos		
494/1	Amanda & Michael Maitland		
495/1	Michael & Wendy Giddins		
496/1	Maurice Yozin		
497/1	Robin & Brad Kunin		
498/1	Anne Yozin		
499/1	Rosamund Yozin		
500/1	Keren Elisabeth Schade		
501/1	Stephen Schade		
502/1	Julie Maree Ash		
503/1	Marjorie Merle Moore		

504/1	Jean Berry		
505/1	Ron, Marlene & Paul Reid		
506/1	Sally Sherratt		
507/1	David & Lillian Watts		
508/1	Heather Money		
509/1	Paul Heimer		
510/1	Elly De Lange		
511/1	Peter & Karen Sherman		
512/1	Jodie Smith-Loretz & Noel Brooks		
513/1	Len & Pam Byles		
514/1	Geoffrey Ronald Tallett		
515/1	Lois Margaret Tallett		
516/1	Matthew Alan Edward Tallett		
517/1	Beverley Gail Corbett		
518/1	David Nairn Corbett		
519/1	Michael & Mary Alford		
520/1	Diana & Ian McDiarmid		
521/1	Paul & Allison Ingram		
522/1	AM & PM Concepts Ltd		
523/1	Leanne & Reginald Reilly		
524/1	Alanjoy Brown		
525/1	Kevin & Catherine Hart		
526/1	Wilma Andrew		
527/1	Lee Shayne Comport		
528/1	Cyril Rodgers		
529/1	Gary L Holder		
530/1	Annette Kay Rice		
531/1	Philip Rice		
532/1	Audrey Lopez		
533/1	Mirka & Chris Gloyn		
534/1	Bruce Williams		
535/1	Alan Wagstaff		
536/1	Ruth Wagstaff		
537/1	Cerian Wagstaff		
538/1	Ivan Wagstaff		
539/1	Amy Wagstaff		
540/1	Leonard & Jasmin Duck		
541/1	Glen & Gail Young		
542/1	David Spriggs		
1118/1	Mr R M & Mrs S A Hollands		
1119/1	G G Boyle and N S Brabant		
1120/1	Paul and Vicki Hooton		
1121/1	Sheryl Anne Hawkes		
1122/1	Brendon & Lichen Hoard		
1123/1	Beverly Bayne		

1124/1 1125/1	Peter Simons Linda Hamilton		
332/1	Paul & Jean Robinson	Reject all references to Penihana and Swanson in 5.0 Issue – Managing City Growth and from the Growth Management Strategy.	
137/3	Ian Hutchinson	That the Council remove Penihana from its plans for intensive or medium density urban development.  Remove all reference to the number of potential sections as outlined in the 'old' Sector Agreement with WCC.	
333/1	Chris & Shirley Furneaux	Reject all references to Penihana and Swanson in 5.0 Issue - Managing City Growth and from the Growth Management Strategy	
590/1	Stanley Clive: of the family Lake	Reject Plan Change 16 due to existing Native Claim Wai 121.	<b>Opposed By:</b> 324 Neil Construction
324/52	Neil Construction	Amend by way of revising the Proposal in its entirety, to provide for the integrated growth management of the natural and physical resources of the district, in a manner consistent with the RGS, the LGAAA and the RMA.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies  <b>Opposed By:</b> 108 Progressive Enterprises Limited
327/1	Ken & Francie Stokes	Amend the whole plan change to provide for the integrated growth management of the natural and physical resources of the district, in a manner consistent with the RGS, the LGAAA and the RMA	<b>Opposed By:</b> 108 Progressive Enterprises Limited
326/1	Gary Harfield		

### Discussion:

A total of 211 submitters seek that Penihana (Swanson) be removed from inclusion under the growth strategy plan and deleted from being included in Proposed Plan Change 16. The draft 'Growth Strategy for Waitakere City' (August 2006) is a non-statutory document that has been prepared to give some direction to city wide growth including residential, employment and infrastructure over the next 50 years. The draft strategy deals with three distinct areas 'Urban Intensification', 'Future Urban Growth Areas' and 'Rural Areas'. The draft strategy includes 'Growth Area Profiles' one of which applies to Swanson (p87-90) and more specifically Penihana (p106). In regards to growth, the draft Strategy states that development of Swanson will focus on residential intensification within walking distance of the Swanson train station. The Penihana land is specifically addressed in the draft Strategy although the geographical areas include land both north and south of Blewitt Gully stream. The draft Strategy states that a range of rural and residential development will take place on the land.

The draft Growth Strategy forms part of the Council's Section 32 analysis in respect of Plan Change 16 and has been amended to address Council's submissions on employment and population density. While the draft Strategy is part of a suite of documents including regional documents that underpin urban intensification of the city, it is not within the jurisdiction of the hearings panel to make changes to the Strategy. The Strategy is however draft and recommendations by the panel to Waitakere City Council in relation to Plan Change 16 can be considered prior to its finalisation. With respect to the Northern & Western Sector Agreement referred to by Submitter 137 changes to this document are beyond the scope of Plan Change 16.

Parts of the submissions seeking that Penihana be deleted from Plan Change 16 are broad and general in nature. However specific concerns set out in reasons for the submissions include objections to 'mass subdivision' and a desire to retain the 'rural character'. Neither of these terms is defined by the submitters.

Specific references to Penihana are made throughout Plan Change 16 including:

- Objective O – Explanation
- Policy 0.9
- Policy Map X (Swanson as a 'Neighbourhood Node')
- Schedule Y (Penihana as a 'Growth Area')

- Policy Map X

Non-specific references that impact Penihana include:

- Policy 0.1 (reference to new areas for urban development introduced by a plan change and to Policy Map X and Schedule Y within the Explanation)
- Policy 0.4 (reference to design criteria for new urban development)
- Policy 0.7 (reference to infrastructure within new developments)
- Policy 0.8 (reference to sustainable and energy-efficient building design within new developments)

The effect of deleting all references to Penihana from the proposed Plan Change would be to remove it from consideration for future urban development as Plan Change 16 gives statutory effect to the draft Growth Strategy for Waitakere City, the NAWSA and the ARGS. This would also include development of the land for a low density form of urban development as suggested by submitter 191 discussed above.

The Penihana land has long been considered suitable for urban development due to its gentle terrain, its close proximity to a transport node (the Swanson railway station) and its location within the Inner Drainage Area. The 1972 Waitemata District Scheme identified the land as Industrial C1. This zoning remained on the land until the proposed 1984 Waitemata District Scheme was notified. The proposed zoning of the land at that time was for residential purposes. This zoning was opposed by the then owners who sought to retain the existing Industrial zoning and the Waitakere Ranges Protection Society which submitted that the land should be zoned Rural 3.

The Rural 3 zoning contained within the Waitemata District Scheme (1984) predominantly applied to the eastern foothills of the Waitakere Ranges and was intended to protect existing horticultural production. The Penihana land at that time was being used productively for growing kiwifruit. The zoning of the land in 1984 was decided upon appeal to be Rural 3. The argument at that time was, to some extent, based on the evidence of then ARA planner Mr Geoff Winn (who was subpoenaed by WRPS). He argued that the land was not yet serviced (despite being within the Metropolitan Drainage Area) and that it was not required for urban development over the period of the proposed District Scheme (10-15 years) given that it was currently being used productively. After that time however it could be reconsidered for urban development.

Since Neil Construction acquired the land, greater momentum has been given to seeing the land rezoned for an urban residential form of development. The key driver for this has been a Proposed District Plan reference in respect of the Penihana land (lodged by the then owners 'Penihana Nominees') seeking that the land be rezoned 'Living Environment'. This reference was withdrawn in 2005. However it is still the intention of the current owners to develop the land for residential purposes.

While no agreement regarding the reference was able to be reached by parties to the mediation in 2003-2004, it was generally acknowledged that some form of development other than a rural land use was inevitable for the Penihana land. At the same time, it was also acknowledged that Swanson has a special neighbourhood character being situated on the rural-urban fringe at the base of the foothills of the Waitakere Ranges which is an important heritage area. For these reasons it was agreed that a sensitive approach to development be taken having regard to the existing characteristics of the area. It is noted that the boundary of the Waitakere Ranges heritage area as defined by the Waitakere Ranges Heritage Bill bisects the Penihana land through Blewitt Gully.

The Penihana land is strategically located to take advantage of existing transport infrastructure and is an opportunity for the Council to showcase examples of sustainable development. Plans to improve the efficiency and capacity of the local rail infrastructure will only increase the importance of this land in assisting to accommodate urban growth across Waitakere City. Environmental studies including geotechnical, landscape, ecological, archaeological and stormwater have shown that the land is suitable for urban residential development. Due to its location within the Inner Drainage Area, the area can also be adequately serviced by wastewater infrastructure.

The deletion of Penihana from Plan Change 16 would remove the opportunity to develop this land in accordance with the Council's draft 'Growth Strategy' and the regional directive given by proposed Plan Change 6 to the RPS and the NAWSA. A more rural, less intensive form of development as suggested by Submitter 191 would be an inefficient use of the land and a lost opportunity in terms of accommodating city wide growth in close proximity to existing transport infrastructure. It is considered that the Penihana land is appropriately identified in proposed Plan Change 16 as a future urban area. The inclusion of the Penihana land in Plan Change 16 does not jeopardise opportunities to carefully consider the form of urban development that may take place on the land including the extent to which medium density housing may feature.

Submission 333/1 seeks that all references to Penihana and Swanson in '5.0 Issue – Managing City Growth' and from the Growth Strategy be rejected. Issue 5.0 'Managing City Growth' provides an introduction to Plan Change 16 and sets out issues in respect of city wide growth. No specific reference is made to Penihana or Swanson within the explanation; however an indirect reference is made in paragraphs 12 and 15 where Policy Map X and Schedule Y are referred to. Policy Map X identifies Swanson as a 'Neighbourhood' node. Schedule Y sets out the timeframe for growth throughout the city including Penihana, which is given medium term priority. The references to Policy Map X and Schedule Y are part of an explanation about where urban development is intended to occur throughout the City. Setting out 'Resource Management Issues' in a District Plan is a requirement under the RMA and important for Plan users to understand the objectives and policies that follow. It is considered that the references to Policy Map X and Schedule Y should remain as part of the explanation of the issue.

While the relief sought by submission 590 is not entirely clear, it appears to be similar to other submissions seeking that the Penihana land be deleted from Plan Change 16. The reasons given relate to a Native land claim Wai 121. The submitter appears to be implying that because this particular claim, which includes the Penihana land, has not yet reached a satisfactory resolution, that Plan Change 16 should not proceed. While significant in another context, this rationale is irrelevant under RMA which does not concern itself with matters of ownership in respect of District Plan land use policies and rules.

Submissions 324/52, 326/1 and 327/1 seek that the proposal (Plan Change 16) be amended in its entirety to provide for the integrated growth management of the natural and physical resources of the district, in a manner consistent with the RGS, the LGAAA and the RMA. It is unclear from the submission the manner in which Plan Change 16 should be amended aside from the additional submissions lodged by the same submitter, which is addressed below. The purpose of Plan Change 16 is to provide a policy basis for integrated land use and transport planning in Waitakere City in order to manage city-wide growth. It is consistent with the ARGS and the proposed changes to the RPS required under the LGAAA. For this reason it is not considered necessary to amend Plan Change 16 in its entirety.

**Recommendation:**

Submissions 36/1, 82/1, 137/3, 324/52 332/1 333/1, 341/1, 342/1, 343/1, 344/1, 345/1, 346/1, 347/1, 348/1, 349/1, 350/1, 351/1, 352/1, 353/1, 354/1, 355/1, 356/1, 357/1, 358/1, 359/1, 360/1, 361/1, 362/1, 363/1, 364/1, 365/1, 366/1, 367/1, 368/1, 369/1, 370/1, 371/1, 372/1, 373/1, 374/1, 375/1, 376/1, 377/1, 378/1, 379/1, 380/1, 381/1, 382/1, 383/1, 384/1, 385/1, 386/1, 387/1, 388/1, 389/1, 390/1, 391/1, 392/1, 393/1, 394/1, 395/1, 396/1, 397/1, 398/1, 399/1, 400/1, 401/1, 402/1, 403/1, 404/1, 405/1, 406/1, 407/1, 408/1, 409/1, 410/1, 411/1, 412/1, 413/1, 414/1, 415/1, 416/1, 417/1, 418/1, 419/1, 420/1, 421/1, 422/1, 423/1, 424/1, 425/1, 426/1, 427/1, 428/1, 429/1, 430/1, 431/1, 432/1, 433/1, 434/1, 435/1, 436/1, 437/1, 438/1, 439/1, 440/1, 441/1, 442/1, 443/1, 444/1, 445/1, 446/1, 447/1, 448/1, 449/1, 450/1, 451/1, 452/1, 453/1, 454/1, 455/1, 456/1, 457/1, 458/1, 459/1, 460/1, 461/1, 462/1, 463/1, 464/1, 465/1, 466/1, 467/1, 468/1, 469/1, 470/1, 471/1, 472/1, 473/1, 474/1, 475/1, 476/1, 477/1, 478/1, 479/1, 480/1, 481/1, 482/1, 483/1, 484/1, 485/1, 486/1, 487/1, 488/1, 489/1, 490/1, 491/1, 492/1, 493/1, 494/1, 495/1, 496/1, 497/1, 498/1, 499/1, 500/1, 501/1, 502/1, 503/1, 504/1, 505/1, 506/1, 507/1, 508/1, 509/1, 510/1, 511/1, 512/1, 513/1, 514/1, 515/1, 516/1, 517/1, 518/1, 519/1, 520/1, 521/1, 522/1, 523/1, 524/1, 525/1, 526/1, 527/1, 528/1, 529/1, 530/1, 531/1, 532/1, 533/1, 534/1, 535/1, 536/1, 537/1, 538/1, 539/1, 540/1, 541/1, 542/1, 590/1 1118/1, 1119/1, 1120/1, 1121/1, 1122/1, 1123/1, 1124/1, 1125/1, 326/1 and 327/1 are rejected.

**5.4 SUBMISSIONS SEEKING TO RETAIN OR REJECT PROPOSED POLICY MAP X.**

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
324/55	Neil Construction	That Policy Map X retains Swanson, including the Penihana land, as a local and neighbourhood centre for urban development.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies  <b>Opposed By:</b> 350 Rosalie Yozin
326/5	Gary Harfield	That Policy Map X retains Swanson, including the Penihana land, as a local and neighbourhood centre for urban development.	<b>Opposed By:</b> 350 Rosalie Yozin
327/5	Ken & Francie Stokes	That Policy Map X retains Swanson, including	<b>Opposed By:</b>

		the Penihana land, as a local and neighbourhood centre for urban development.	350 Rosalie Yozin
332/3	Paul & Jean Robinson	Reject all references to Penihana and Swanson in Policy Map X	<b>Opposed By:</b> 324 Neil Construction

#### Discussion:

Submissions 324/55, 326/5 and 327/5 seek to retain Policy Map X depicting Swanson as a local and neighbourhood centre for urban development. All three submissions are consistent with Proposed Plan Change 16. Policy Map X identifies Swanson (including the Penihana land) as a functioning local neighbourhood centre.

Submission 332/3 seeks that all reference to Penihana and Swanson depicted on Policy Map X be rejected. While such a submission, if given effect to, would remove Swanson from Policy Map X, it would not have the effect of changing the fact that Swanson is already functioning as a neighbourhood centre that services the local area. Such services include a transport centre for trains and buses, local convenience shopping and meeting areas such as reserves and the Railway Station Café. The 500m diameter circle shown around Swanson on Policy Map X identifies a walkable area serviced by this neighbourhood centre which also includes the 'Penihana' land. It is considered inappropriate to delete all reference to Penihana or Swanson from Policy Map X which simply identifies an area that is already functioning as a neighbourhood centre. Such identification does not pre-determine what form of development may occur on the Penihana land and is a method that is already used in the District Plan Human Environment Maps.

#### Recommendation:

Submissions 324/55, 326/5, 327/5 are accepted. Submission 332/3 is rejected.

## 5.5 SUBMISSIONS SEEKING TO AMEND PROPOSED POLICY MAP Z.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
324/58	Neil Construction	Amend Policy Map Z to shade the Penihana area as "Stage 1: Years 1-10" because Penihana land is suitable for urbanisation in the short term.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies <b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
326/8	Gary Harfield	Amend Policy Map Z by shading to indicate Stage 1: Years 1-10 for the Penihana land.	<b>Opposed By:</b> 108 Progressive Enterprises Limited
327/8	Ken & Francie Stokes	Amend Policy Map Z by shading to indicate Stage 1: Years 1-10 for the Penihana land.	<b>Opposed By:</b> 108 Progressive Enterprises Limited
137/2	Ian Hutchinson	Amend Policy Map Z to make it clearer that 'Penihana' refers only to the flat land owned by Neil Holdings Ltd i.e. from the rail corridor to the Southern stream boundary, and not the surrounding sections.	
332/5	Paul & Jean Robinson	Reject all references to Penihana and Swanson in Policy Map Z	<b>Opposed By:</b> 324 Neil Construction

#### Discussion:

Submissions 324/8, 326/8 and 327/8 seek that Policy Map Z be amended to indicate an earlier timeframe for development than the 10-20 years shown on the map. It is noted that the starting point for development timeframes indicated on Policy Map Z is 2001. The Council has indicated in proposed Plan Change 16 that the priority for the development of new urban areas is the Babich land, the Westgate Town Centre and Massey North. The priority given to the Westgate Town Centre and Massey North is consistent with the

Council's desire to consolidate development first within its main town centres and then the more peripheral areas along transport corridors. In terms of sequencing, the Babich land is further advanced than Penihana as changes to the ARPS MUL and District Plan zoning have already occurred. The fact that the Penihana land is currently outside the MUL is significant constraint to development at the present time.

The Penihana land cannot be rezoned for residential urban development until such time as a shift to the MUL has been made and the land rezoned under the District Plan. This involves two statutory planning processes. A change to the MUL may occur via a submission to the ARPS when it is reviewed in 2009 or by application from the Waitakere City Council to the ARC. It is possible that a Concept Plan for the land could be developed in the interim to form the basis of a submission to shift the MUL when the ARPS is reviewed. This would enable an integrated approach to jointly consider the merits of shifting the MUL as well as the details of what might occur on the land as shown on a Concept Plan. It would also enable the Council to conduct a concept planning process in conjunction with the wider Swanson area which is planned for 2008/2009. Should the Penihana land be included within the MUL and the land rezoned for urban residential development, it is not inconceivable that this land would become available for development within a 10 year timeframe as of 2001 i.e. around 2011. Given the statutory constraints, it is not unreasonable that the Penihana land remain within the Stage 2, 10-20 year timeframe as indicated on Policy Map Z.

Submitter 137 seeks that Policy Map Z be made clearer to show that the 'Penihana' land referred to in Plan Change 16 only includes the land north of Blewitt Gully Stream owned by Neil Construction Ltd. It is agreed with the submitter that the scale of Policy Map Z makes it difficult to determine exactly where the boundary of the land referred to in Plan Change 16 lies. It is confirmed in this report that the intended boundary of the 'Penihana' land referred to in Plan Change 16 does include the land owned by Neil Construction Ltd as well as an adjacent property in the northwest corner (1-4 Christian Road). It is recommended that Schedule Y be amended to include a reference to legal descriptions of the land identified as the Penihana land.

Submitter 332/5 seeks that all references to Penihana and Swanson as depicted on Policy Map Z be rejected. The submission is consistent with other similar submissions from this submitter seeking that any references to the future urban development of Penihana or Swanson be deleted. For the reasons set out above, it is considered that the Penihana land is suitable for urban development in the medium term and that this identification should remain on Policy Map Z.

#### Recommendation:

Submissions 324/58, 326/8 and 327/8 are rejected. Submission 137/2 is accepted as indicated in the recommended amendments to Plan Change 16 that are contained in Appendix 1. Submission 332/5 is rejected.

## 5.6 SUBMISSIONS SEEKING TO AMEND PROPOSED SCHEDULE Y.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
324/56	Neil Construction	Amend the Penihana row of Schedule Y table to read (additions underlined, deletions in strike through): <i>Penihana - Concept Plan to be developed - <u>Medium High</u> - <del>After 2011</del> 2005 - ongoing</i>	<b>Supported By:</b> 264 Centre for Urban and Transport Studies <b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
326/6	Gary Harfield	Amend Schedule Y by adding those words in italics and deleting those struck through: <i>Penihana - Concept Plan to be developed - <u>Medium High</u> - <del>After 2011</del> Ongoing</i>	<b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
327/6	Ken & Francie Stokes	Amend Schedule Y by adding those words in italics and deleting those struck through: <i>Penihana - Concept Plan to be Developed - <u>Medium High</u> - <del>After 2011</del> 2005 Ongoing</i>	<b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
332/4	Paul & Jean Robinson	Reject all references to Penihana and Swanson in Schedule Y	<b>Opposed By:</b> 324 Neil Construction

### Discussion:

Submissions 324/56, 326/6 and 327/6 seeks that Schedule Y be amended to give it 'High' priority from 2005. Plan Change 16 gives the development of the Penihana land medium priority after 2011 once the appropriate amendments to the ARPS and the District Plan have been completed. However, given that the Council has indicated on Schedule Y that it is intending to develop a concept plan for 'Swanson in 2008/2009, it is logical to combine the concept planning processes for Penihana and Swanson to ensure an integrated approach to planning for this area. It would also ensure that the Council was in a position to make a well supported submission to the ARPS to change the MUL when it is reviewed in 2009. In this regard it is considered appropriate to amend Schedule Y to indicate a concept planning timeframe of 2008/2009 for Penihana.

Submission 332/4 seeks that all references in Schedule Y to Penihana and Swanson be rejected. The purpose of Schedule Y is to set out a timeframe for urban intensification. As discussed above, it is considered that the Penihana land is suitable for future urban development and that medium priority for concept planning is adopted to coordinate with the wider Swanson Village.

### Recommendation:

Submission 324/56, 326/6, 327/6 are accepted in part as indicated in the recommended amendments to Plan Change 16 that are contained in Appendix 1. Submission 332/4 is rejected.

## 5.7 SUBMISSIONS SEEKING TO AMEND DISTRICT PLAN HUMAN ENVIRONMENT MAP 33.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
324/60	Neil Construction	Amend Map 33, Human Environments, to show an urban zoning for the Penihana land (as per attachment to original submission) in order to make the Map consistent with the RGS and the Sector Agreement and reflect the suitability of this land for urban use.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies <b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

### Discussion:

Submission 324/60 seeks that District Plan (Human Environment) Map 33 be amended to show an urban zoning for the Penihana land in order that it be consistent with the ARGS and the Northern & Western Sector Agreement.

Submission 324/60 may be considered a consequential change to Plan Change 16 should the relief sought by the submitter be granted. However, Plan Change 16 makes changes to the District Plan at a 'policy' level to indicate where in the city that future urban intensification and development will occur. It does not follow that changes to the existing land use zoning identified by District Plan maps should occur in conjunction with these policy amendments. This is because it is not intended that they be given effect to until after 2011.

Changing the current zoning of the land to Living Environment while it is still located outside the MUL would be inconsistent with the ARPS and Section 75 (2) (c) of the RMA. It is intended that once the subject policy changes have been made, that work be undertaken to consider an appropriate rezoning of the land in conjunction with a change to the ARPS to shift the MUL. It is noted that 'Penihana' as defined by Plan Change 16 only includes land north of Blewitt Gully stream. There is no scope within the Plan Change to affect changes to land south of the stream.

### Recommendation:

Submission 324/60 is rejected.

## 5.8 SUBMISSIONS SEEKING TO AMEND PROPOSED OBJECTIVE 0.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
-----	-----------	----------------------------	---------------------

324/53	Neil Construction	Amend paragraph 6 of the Explanation for Objective 0 by deleting the following sentence:  <i>“...A similar application to urbanise land at Penihana is likely when the ARPS is reviewed in 2009...”</i>  as Penihana land is suitable for urbanisation in the short term.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies  <b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
326/3	Gary Harfield	Reject the second sentence in the last paragraph on the page headed ‘Objective 0’	
327/3	Ken & Francie Stokes	Delete the second sentence in the last paragraph on the page headed ‘Objective 0’	

#### Discussion:

Submissions 326/3, 327/3 and 324/53 seek that the second sentence in paragraph 6 of the Explanation to Objective 0 be deleted. Given that these submitter’s have sought to bring forward the timeframe for development of the Penihana through other submissions, it is understandable that they also seek to remove this sentence from the Explanation to Objective 0. As discussed above, there is some logic to combining the concept planning processes for the wider Swanson Village and the Penihana land in 2008/2009 in order that a well supported submission can be made to the ARC when the ARPS is reviewed in 2009. However given the nature of the statutory processes involved, it is unlikely that the Penihana land will become available for development prior to 2011. It is considered that the subject sentence in Objective 0 should be retained.

#### Recommendation:

Submissions 324/53, 326/3, 327/3, are rejected.

## 5.9 SUBMISSIONS SEEKING TO AMEND PROPOSED POLICY 0.9.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
324/54	Neil Construction	Amend the table under “ <i>The Waitakere City Growth Management Strategy sequences growth as follows:</i> ” to read:  <del>10-20</del> , <b>1-10</b> Penihana, and remaining Hobsonville corridor	<b>Supported By:</b> 264 Centre for Urban and Transport Studies  <b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
326/4	Gary Harfield	Amend the sequencing table in Policy 0.9 by adding those words in italics and deleting those struck through:  <del>“10-20</del> <i>1-10</i> , Penihana, and...	<b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
327/4	Ken & Francie Stokes	Amend the sequencing table in Policy 0.9 by adding those words in italics and deleting those struck through:  <del>“10-20</del> <i>1-10</i> , Penihana, and...	<b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
332/2	Paul & Jean Robinson	Reject all references to Penihana and Swanson in Policy 0.9	

## Discussion:

Submissions 326/4, 327/4 and 324/54 seek that the table in Policy 0.9 be amended to include Penihana, and the remaining Hobsonville corridor in the 1-10 year development timeframe. As discussed above, it is conceivable that a combined concept planning process could be undertaken for Swanson and Penihana in 2008/2009 and that this could lead into statutory processes that result in shifting the MUL and rezoning the land for urban purposes. Should this occur in conjunction with the ARPS review in 2009, the necessary changes may well occur within a 10 year timeframe as suggested in submissions 326/4, 327/4 and 324/54. However it is unlikely that the Penihana land will become available for development prior to 2011 given the nature of the required amendments to the ARPS and the District Plan.

Submission 332/2 seeks that all references to Penihana and Swanson in Policy 0.9 be rejected. As discussed above, it is considered that the Penihana land is suitable for urban development and that its development will make an important contribution toward accommodating growth within Waitakere City. References to Penihana within Policy 0.9 relate to sequencing of growth and are necessary in order to adequately explain the Council's intentions.

## Recommendation:

Submission 324/54, 326/4, 327/4, and 332/2 are rejected.

## 5.10 SUBMISSIONS SEEKING TO AMEND PROPOSED CHANGES TO POLICY EXPLANATION 6.2.2.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
324/57	Neil Construction	Amend the paragraph starting " <i>Up to 2004...</i> " ending " <i>...west of the City.</i> " by deleting the following words in strike through:  <del>"...and it is envisaged that penihana will be considered for urbanisation between 2010 and 2021."</del>  as Penihana land is suitable for urbanisation in the short term.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies  <b>Opposed By:</b> 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
326/7	Gary Harfield	Delete part of the sentence in Policy 6.2.2 as follows:  "An application to urbanise the Babich land was lodged in 2004 and it is envisaged that Penihana will be considered for urbanisation between 2010 and 2021."	
327/7	Ken & Francie Stokes	Delete part of the sentence in Policy 6.2.2 as follows:  "An application to urbanise the Babich land was lodged in 2004 and it is envisaged that Penihana will be considered for urbanisation between 2010 and 2021."	

## Discussion:

Submissions 324/57, 326/7, 327/7 seek that the second part of the sentence in paragraph 2 of policy explanation 6.2.2 be deleted. Again, this sentence includes a reference to the sequencing of development of the Penihana land between 2010 and 2021. This reference is necessary in order for the Council to adequately explain its intentions with respect to the sequencing of growth throughout the city which has a medium term priority for Penihana. It is acknowledged that there is nothing inherent about the Penihana land that makes it unsuitable for urban development. It is simply that the priority focus for urban growth is the existing urban area with new greenfield land outside the MUL coming on-stream once intensification in

the existing urban has been given an opportunity to occur and the existing statutory constraints including required amendments to the ARPS and the District Plan.

**Recommendation:**

Submissions 324/57, 326/7, 327/7 are rejected.

Report prepared by Deanne Rogers, Resource Management Consultant

## APPENDIX 1

### RECOMMENDED AMENDMENTS TO PLAN CHANGE 16

#### 1. Policy 0.1

The further development or re-development of urban areas should be planned to provide the following:

- In the town centre area identified as Community Environment or Special Area provision for mixed use development, including residential activity, above ground floor level;
- In any Living Environment which is within a 10 minute walking distance of the New Lynn Community Environment or the Henderson Community Environment or the Massey North/Westgate Special Area, any new development should achieve a household unit density of at least 40 household units/hectare (gross);
- In any other area identified as Living Environment as at 2004, which is within a 10 minute walking distance of any train station or is on a regional arterial route, development should achieve an average household unit density of 30 households/hectare (gross);
- In any new area introduced by a plan change, which is intended primarily for residential purposes, residential densities should achieve an average household unit density of 40 households/hectare (gross). Where such areas are in close proximity to sensitive rural and/or heritage areas (such as the Waitakere Ranges Heritage Area) consideration should be given to the ways in which adverse effects on the amenity values of these areas can be avoided or mitigated.
- ...

#### Explanation

...

Emphasis is given to achieving higher densities in critical locations such as around town centres and transport nodes as stipulated in Policy Map X and Schedule Y of the District Plan while having regard to the effects of development in close proximity to sensitive rural and/or heritage areas...

#### 2. Schedule Y

Amend Schedule Y, to include legal descriptions of properties included within the Penihana land shown on Policy Map Z.

#### 3. Schedule Y

Amend the timing of concept planning for Penihana referred to in Schedule Y to 2008/2009 to coordinate with the wider Swanson neighbourhood centre.