

RECOMMENDATION REPORT OF THE JOINT HEARINGS PANEL TO THE PLAN CHANGES NOTIFIED IN ACCORDANCE WITH THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004 AND THE RESOURCE MANAGEMENT ACT 1991

WAITAKERE CITY DISTRICT PLAN

PROPOSED PLAN CHANGE 16 (MANAGING CITY GROWTH – PENIHANA)

File Reference : Report WCC 3

1. OUTLINE

This report is part of a series of reports that contain the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel (“the Panel”) following consideration of submissions and further submissions received in relation to Penihana in Plan Change 16. Other submissions and further submissions to these Plan Changes are dealt with in additional topic based recommendation reports.

The Panel was jointly appointed by the councils of the region under the Local Government (Auckland) Amendment Act 2004 (“the LGAAA”). Following consideration of all the submissions and supporting evidence presented and/or tabled by the submitters and further submitters at the hearings, and the reporting officer’s report, the Panel now makes the recommendations contained in this report to the Auckland Regional Council (“ARC”).

To reiterate, this report contains the **recommendations** to Council of the Panel on submissions that have been made during the course of the hearings. **It is not the decision of the Council.**

The suggested amendments to the Waitakere City District Plan arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation amendments to the Plan Changes, dated 28 May 2007. This forms Appendix 1 to this report.

2. BACKGROUND

Plan Changes 13-18 were notified on 31 March 2005 as a mandatory requirement of the LGAAA.

The LGAAA mandates 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 (“RGS”), give effect to its Growth Concept and contribute to the land transport and land use matters specified in Schedule 5 (s39 & s40 LGAAA).

The matters that the LGAAA requires to be included in changes to statutory documents support the purpose of the Resource Management Act 1991 (“RMA”) in promoting sustainable management of natural and physical resources.

3. THE PANEL AND THE HEARINGS PROCESS

3.1 The Joint Hearings Panel

The Panel was comprised of the following members:

Cr Paul Walbran (Chair)
Cr Wyn Hoadley (Deputy Chair)
Cr Carolynne Stone
Cr Neil Morrison
Cr Bill Smith
Lindsey Rea
David Hill
Alan Watson

The members of the Panel included regional councillors, city and district councillors, a community board chairperson and two independent commissioners.

The councils of the region jointly delegated to the Panel their powers, functions and duties to hear submissions and make recommendations (under s41(1) and (2) LGAAA, and s24A RMA) on the following 15 proposed plan changes:

AUCKLAND REGIONAL POLICY STATEMENT

Proposed Change 6 - Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport.

Proposed Change 7 - Metropolitan Urban Limits

AUCKLAND CITY DISTRICT PLAN - Operative Isthmus Section

Proposed Plan Modification 175 - Giving Effect to the Regional Growth Concept

FRANKLIN DISTRICT PLAN

Proposed Plan Change 20 - Changes Pursuant to Local Government (Auckland) Amendment Act 2004.

MANUKAU CITY DISTRICT PLAN

Proposed Plan Change 12 - Manukau's Growth.

NORTH SHORE CITY DISTRICT PLAN

Proposed Plan Change 12 - Redraft of parts of the North Shore City District Plan - Required by the Local Government (Auckland) Amendment Act 2004.

PAPAKURA DISTRICT PLAN

Proposed Plan Change 10 - ARPS Changes to the Operative District Plan.

RODNEY DISTRICT PLAN

Proposed Variation 22 to the Proposed District Plan 2000
Proposed Plan Change 97 to the Operative Transitional District Plan 1993.

WAITAKERE CITY DISTRICT PLAN

Proposed Plan Change 13 - Hobsonville Airbase;
Proposed Plan Change 14 - Hobsonville Village Centre;
Proposed Plan Change 15 - Massey North;
Proposed Plan Change 16 - Managing City Growth;
Proposed Plan Change 17 - New Lynn;
Proposed Plan Change 18 - City Wide Urban Design Rule

3.2 The Hearings Process

The proposed plan changes were notified by local authorities by 31 March 2005, in accordance with section 39 of the LGAAA. Given the number of proposed plan changes and the predicted volume of submissions to be dealt with, the Panel agreed that submissions were to be separated into categories. The categories used are detailed in the following table:

Category	Topic	Number of Submissions	Number of submitters and further submitters
A	General Growth	1575	266
B	Infrastructure / Natural Resources / Rural / Countryside Living	1098	174
C	Business Issues & Retail Location	290	93
D	Transport	534	115
E	MUL Issues (Not Hobsonville/Massey North)	79	85
F	Housing Lobby Identical Submissions	996	520
G	Swanson / Penihana	251	229
H	MUL Hobsonville and Massey North	1041	197
I	New Lynn	332	48
J	Urban Design WCC 18	281	32
K	Howick	60	29
M	ARC Miscellaneous	8	32
W	WCC 16 & 18 (Miscellaneous)	20	12
TOTAL		6565	1832

Hearing Reports were generated by each local authority in the region under Schedule 1 of the RMA for each category – 50 reports in total. Public hearings were notified and held for each category, addressing all submissions deemed by the relevant Hearing Reports to fall within that category. In total, there were 46 hearing days, commencing on 27 April 2006. A further 12 days were utilised for site visits and deliberations. The Panel allocated time at the end of each hearing day to conduct preliminary deliberations. Additionally, more in-depth interim deliberations were held at the end of each topic. The last day of deliberations following the hearings was on 21 May 2007.

The Panel obtained legal advice in relation to the scope of the hearings process and other key issues raised prior to and during the hearings.

In forming its recommendations, the Panel focussed on the purpose of the LGAAA – to integrate land use and land transport provisions to ensure consistency with the growth strategy, give effect to its Growth Concept and contribute to the matters specified in Schedule 5 of the LGAAA. Under the legislation, local authorities were mandated to notify changes to the RPS and all District Plans to achieve this purpose – a substantial process.

The LGAAA came into effect on 1 July 2004 and notification of changes was required from all local authorities by 31 March 2005. It is relevant that, while District Plans are required to give effect to the RPS, the proposed changes to the RPS were notified at the same time as the proposed amendments to the District Plans.

Due to the relatively short timeframe and substantial changes envisaged by the LGAAA, there has been a mixed approach from local authorities, with different levels of detail reflected in the various proposed plan changes. This had the potential to frustrate the purpose of the LGAAA in terms of achieving integration across planning documents. Given the ambitious task set by the LGAAA, the Panel has taken the decision to concentrate its efforts on ensuring the RPS gives effect to the Growth Concept and meets the purpose of the LGAAA. The Panel considers that, once the RPS reflects the aims of the LGAAA, the District Plans will be required to give effect to the RPS and consequential amendments to the Plans will follow accordingly.

The Panel noted that many of the submissions focussed only on the plan changes and variations notified under the LGAAA. These changes were in many instances “filling the gaps” that existed in the current planning documents. When considering the Panel’s recommendations it is necessary to take into account the changes notified under the LGAAA, the existing District Plans, and other changes that have been notified both before and during the LGAAA process. The Panel was advised that work that each council currently has in train provides an indication of each council’s longer term plans.

The Panel also noted that many of the submissions lodged under the LGAAA were made in respect of the RPS and simply stated that the District Plans should be amended to reflect any changes to the RPS. The Panel considers that the issues raised in these submissions are best addressed after local authorities release the decision reports and any appeals to RPS Change 6 and RPS Change 7 are concluded. It will then be clear to what the District Plans must give effect.

This approach was not universal across the region or for all issues raised by the submissions. Some proposed District Plan changes were substantial, for example, those put forward by Waitakere City. In such cases, the Panel has dealt with the proposed changes in the same level of detail as the proposed RPS changes.

The Panel considers that the approach outlined above is practical and realistic, and will give local authorities time to prepare the necessary changes and carry out consultation with local communities. Ultimately, the objectives of the LGAAA can best be achieved by allowing the process in respect of the RPS to run its course, with subsequent amendments to District Plans in the context of a clear and robust RPS. Legal advice to the Panel has confirmed this approach.

3.3 Evidence

The Panel has received extensive and detailed evidence from submitters during the hearings process. The Panel has carefully considered this evidence and the substantial number of submission points put before it. This recommendation report does not attempt to comprehensively summarise each submission point and/or piece of evidence as this would result in an unduly lengthy report without substantially adding to the recommendations.

3.4 Integration

A key element of the LGAAA is the requirement for “integration” in a number of aspects. These include “*giving effect, in an integrated manner, to the growth concept*” and “*contributing, in an integrated manner, to the matters specified in schedule 5* “. Changes that seek to achieve these requirements must, in relation to each other, be integrated (s40 LGAAA). Schedule 5 also refers to “*facilitating integrated transport management*”, and “*integrating transport and land use policies*”.

Integration is therefore required within each of the planning instruments, and across all planning instruments in the Auckland Region. The Panel recognises the importance of integration to the LGAAA process and has been very mindful of this in its deliberations.

The Panel has made a number of recommendations on matters which provide integration across the planning documents, for example the recommendations to include material on the following:

- recommendations in relation to corridors
- recognition of regionally significant infrastructure
- integrated transport assessments
- Appendix H on densities required to support public transport

These, and other matters, are discussed further in the Panel Key Issues Recommendation Report.

4 PANEL KEY ISSUES RECOMMENDATION REPORT

In response to the extensive detail and evidence presented, the Panel has produced a Panel Key Issues Recommendation Report (the “Key Issues Report”) setting out its direction on the issues it considers to be key to the LGAAA process. This report is overarching of issues and is not separated into different categories, as with the recommendation reports. The recommendation reports for each proposed plan change and category refer back to the Key Issues Report where it assists in providing the context for specific recommendations.

The Key Issues Report is attached to and forms part of this recommendation report, and should be taken to comprise Section 4 of this report. It should be read in conjunction with Section 5 – Discussion and Recommendations.

5. DISCUSSION OF SUBMISSIONS

The following discussion is the Panel's recommendation, having considered all the submissions and further submissions, both within the reporting officer's report and presented and/or tabled at the hearings.

Abbreviations Used In This Report

Auckland Regional Policy Statement – ARPS / RPS

Auckland Regional Growth Strategy – RGS

Integrated Catchment Management Plan – ICMP

Local Government (Auckland) Amendment Act 2004 – LGAAA

Metropolitan Urban Limit – MUL

Regional Land Transport Strategy - RLTS

Regional Open Space Strategy – ROSS

Resource Management Act 1991 – RMA

Territorial Authorities – TA / TAs

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.	

Evidence Presented:

The Panel did not receive evidence from the submitter in support of this submission at the hearing of this report.

Discussion:

The submitter supports the proposed inclusion of the Penihana land within Plan Change 16 as a 'Growth Area'. The Panel accepts this submission for the reasons set out in the planners report.

The Panel acknowledges that the Penihana land forms part of Waitakere City Council's strategy to accommodate the City's estimated future population increase. The Panel notes that at Swanson this is likely to include some form of higher density housing in close proximity to the Swanson railway station and rail corridor with a gradual increase to more standard residential site sizes closer to Blewitt Stream.

Panel Recommendation 5.1.1:

Submission 338/3 and 338/4 be 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.	

Evidence Presented:

The Panel did not receive evidence from the submitter in support of this submission at the hearing of this report.

Discussion:

This submission supports a form of development that retains the rural character of the Penihana land.

While the Panel accepts it is desirable the Penihana land retain some elements of rural character and the ‘village nature’ of Swanson, it is inappropriate to expect such character to include what can only be termed low density, large-lot residential development. Restricting site sizes to a minimum of 5000m² would be an inefficient use of land located so close to an urban transport node and would only amount to 2 dwellings per hectare. Furthermore, such densities (which still necessitate an MUL shift) would be inconsistent with proposed regional policy directives (see RPS Policy Change 6 – Appendix H) that seek to intensify development along and around transport corridors and nodes as well as the Council’s own proposed Plan Change 16, (Policy 0.1). Counsel for Waitakere City Council (WCC) submitted that this submission should not be accepted as it would ‘lock in a specific density of development into the planning instruments....’ The Panel agrees that even as an interim measure, such densities should not be considered as it would likely preclude future opportunities for a more intensive form of urban development sought under the growth strategy.

The Panel acknowledges that the Penihana land is located at the urban edge, adjacent to the Waitakere Ranges which is proposed to become a ‘Heritage Area’ under the Waitakere Ranges Heritage Bill. While the Panel accepts that this Bill is yet to be enacted, the associated landscape studies accompanying the Bill and the wider Swanson Structure Plan area indicate that land south of Blewitt Stream which rises up to form part of the foothills of the Waitakere Ranges has greater landscape value than the flatter land to the north. For this reason the Panel supports the inclusion of policy amendments that seek to manage the urban-rural interface as a transition to a wider natural heritage area as per the recommended changes to proposed Policy 0.1 set out in Appendix 1 of the planners report.

Given the location of Swanson at the urban edge, the Panel also recommends that Policy 0.1 be amended to reflect recent recommended changes to the RPS – Appendix H. Recommended changes to Appendix H now refer to ‘preferred’ rather than ‘required’ densities. Amendments to Policy 0.1 that reflect the recommended changes to Appendix H will enable some flexibility on density so that a gradation of site sizes (households per hectare) out from the railway station toward the Blewitt Stream can be achieved. However amendments to Policy 0.1 should ensure that the development outcome does not lead to further debate regarding the merits of urbanising the Penihana land or densities that are inconsistent with the intensification objectives for town centres set out in the RPS (refer Strategic Policies Urban Structure 2.6.5 and Urban Design 2.6.8) and the District Plan. The extent to which this recommended policy change potentially impacts other parts of the city should also be considered.

The Panel anticipates that further consequential changes to relevant subdivision assessment criteria will also be required. Such criteria might include the way in which the interface between the urban and rural edge is managed, the extent to which the existing landscape character can be retained in particular features such as existing planting, as well as the design and layout of roading. The Panel recommends that the addition of such criteria be included in the Waitakere City District Plan as part of a future plan change to amend the zoning of the land and to introduce an urban concept plan for the Penihana land.

Panel Recommendation 5.2.1:

Submission 191/1 be 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.	Opposed By: 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.	Opposed By: 324 Neil Construction
341/1	Trevor Haskell		
342/1	Robin Taylor		
	Sargent		
343/1	Michael Baker		
344/1	Hilary Ruth		
	Wallace & Family		
345/1	Jennifer Wyatt		
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 Carnle		
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 White		
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		

384/1	Rutherford Shannon Pearce		
385/1	Sandra Denny		
386/1	Jenny Booth		
387/1	Yvonne Thelma Mattson & Gln Mattson		
388/1	Beaven Corfield		
389/1	Robert H P Petrie		
390/1	Stephanie Stephen		
391/1	Brenda & Bern Green		
392/1	Claudia Page		
393/1	Kerry T 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 Jane Carter		
407/1	Mishelle Cawley		
408/1	Joanne Christine Rennie		
409/1	Graham Fenton Moore		
410/1	Thomas George Walsh		
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 Bensemann		
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 Skellan		
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 Hargesheimer		
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		

471/1	Jamieson		
472/1	Keith Tantau		
473/1	I D Konie		
	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		

516/1	Tallett Matthew Alan		
517/1	Edward Tallett		
518/1	Beverley Gail Corbett		
519/1	David Nairn Corbett		
520/1	Michael & Mary Alford		
521/1	Diana & Ian McDiarmid		
522/1	Paul & Allison Ingram		
523/1	AM & PM Concepts Ltd		
524/1	Leanne & Reginald Reilly		
525/1	Alanjoy Brown		
526/1	Kevin & Catherine Hart		
527/1	Wilma Andrew		
528/1	Lee Shayne		
529/1	Comport		
530/1	Cyril Rodgers		
531/1	Gary L Holder		
532/1	Annette Kay		
533/1	Rice		
534/1	Philip Rice		
535/1	Audrey Lopez		
536/1	Mirka & Chris		
537/1	Gloyn		
538/1	Bruce Williams		
539/1	Alan Wagstaff		
5401/	Ruth Wagstaff		
541/1	Cerian Wagstaff		
542/1	Ivan Wagstaff		
1118/1	Amy Wagstaff		
1119/1	Leonard & Jasmin Duck		
1120/1	Glen & Gail Young		
1121/1	David Spriggs		
1122/1	Mr R M & Mrs S A Hollands		
1123/1	G G Boyle and N S Brabant		
1124/1	Paul and Vicki Hooton		
1125/1	Sheryl Anne Hawkes		
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.	Opposed By: 324 Neil Construction

Evidence Presented:

The Panel heard evidence from 'Preserve the Swanson Foothills Society Inc' and the 'Swanson Residents & Ratepayers' (represented by Ms Jean Berry), as well as Ms Rosalie Yozin and Ms Helen Menzies regarding future urbanisation of the Penihana land. All of these submitters are opposed to future development of this land for urban purposes and seek that Swanson (Penihana) be deleted from the Waitakere City Growth Strategy and Plan Change 16. Of most concern to the submitters is the potential for medium density housing (described as 'mass subdivision') similar to that found a short distance away in Ranui along Pooks Road.

Ms Yozin presented an extensive account of Council, community and landowner attempts to reach an agreement regarding the future of the Penihana land. She was unconvinced that the inclusion of the Penihana land within the MUL is necessary to accommodate future city growth. Ms Yozin expressed concern that urbanisation of the Penihana land would destroy the local community and increase traffic congestion with very little benefit to the current infrastructure investment to provide double tracking of the western rail line to Swanson. Similarly Ms Berry expressed concern about high density urban development in close proximity to the foothills of the Waitakere Ranges (proposed to be a heritage area under the Waitakere Ranges Heritage Bill) and how it would impact on the rural village of Swanson. Ms Menzies described her fondness for Swanson as a place to visit and a concern that urbanisation of the Penihana land would adversely affect the existing character of Swanson.

Discussion:

Based on the number of submissions received on the Penihana aspect of Plan Change 16, it is clear to the Panel that there is significant opposition from the local community. Specifically the above submitters' are opposed to 'mass subdivision' which Ms Yozin helpfully defined as '*Medium Density zoning and/or intensification as described in Plan Change 16, compact mix of 2-3 storey or higher medium density or apartment developments.*' Such a definition appears to have transpired into an underlying fear that the existing character of Swanson will be consumed by mass urbanisation attracting 'social disasters' such as those found in nearby Ranui full of 'troublesome children' and a 'predominantly apathetic community'.

There is little doubt that the strategy for accommodating growth across the Auckland region as expressed in the RGS will result in significant changes to the size and character of many existing urban and rural communities, particularly where they are situated along transport corridors and nodes. Such a strategy is deliberate as there is strong belief both locally and regionally that the social, economic and environmental costs of the alternative, being urban sprawl, are too high. Reactions to such change have been seen from existing urban and rural communities across the region. For this reason, opposition from a significant portion of the Swanson community is not unexpected by the Panel.

While the Panel is sympathetic to those submitters opposing the change, the reality is that Swanson is located close to the western rail line which forms a significant part of Auckland's transport infrastructure. The western line has a direct link to both the Waitakere and Auckland CBD's and has the potential (with the addition of a second track) to shift a large number of people travelling both within and outside the city, out of their cars and into an efficient form of public transport. The Panel has heard evidence describing improvements to the regions' public transport infrastructure and why this should be supported by a complementary land use strategy that encourages intensification of development close to transport nodes, preferably within walking distance.

Based on the planners report, and the evidence presented by WCC and the landowners, the Panel accepts that the land is suitable for urban development and that there are few, if any environmental constraints. The Panel noted that this fact was unopposed by submitters from the community. Further, the suitability of the land for urban development has been demonstrated historically through a series of land use zoning changes and the fact that the land is included within the Metropolitan Urban Drainage Area. With respect to its location, the Panel notes that the Penihana land is strategically placed to take advantage of existing transport infrastructure and is an opportunity for WCC, in conjunction with the developer, to enable sustainable urban development. Plans to improve the efficiency and capacity of the western rail line to Swanson will only increase the importance of this land to assist with the accommodation of urban growth in Waitakere City.

With respect to the WCC 'Growth Strategy' the Panel has no jurisdiction to remove the Penihana land from this non-statutory document, nor can it amend the existing Northern & Western Sector Agreement (NAWSA) which was signed in 2001. The objective of this plan change process is to ensure effective implementation of the 'Growth Concept' as set out in the regional 'growth strategy' through the integration of land use and transport policies. Evidence from WCC shows that the addition of the Penihana land to the urban area is necessary to accommodate city-wide growth and that it is especially well located close to an existing

transport node. In this regard, the Panel is not convinced that the Penihana land or the surrounding Swanson area is unique or different from any other suburban community situated at the urban edge nor should it be exempt from the development of greenfield land strategically located adjacent to an existing transport node. The Panel does however accept that Swanson has an important role as a gateway to the northern end of the Waitakere Ranges and that the interface with their rural foothills should be carefully managed both in terms of density and the existing amenity.

With respect to submission 590, the Panel rejects the relief sought. While significant in another context, the Panel does not consider this rationale to be relevant under RMA which is not concerned with matters of ownership in respect of District Plan land use policies and rules.

Panel Recommendation 5.3.1:

Submissions 36/1, 82/1, 137/3, 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 be rejected.

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

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
324/55	Neil Construction	That Policy Map X retains Swanson, including the Penihana land, as a local and neighbourhood centre for urban development.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 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.	Opposed By: 350 Rosalie Yozin
327/5	Ken & Francie Stokes	That Policy Map X retains Swanson, including the Penihana land, as a local and neighbourhood centre for urban development.	Opposed By: 350 Rosalie Yozin
332/3	Paul & Jean Robinson	Reject all references to Penihana and Swanson in Policy Map X	Opposed By: 324 Neil Construction

Evidence Presented:

The Panel heard legal submissions and evidence from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes. The overall theme of the evidence presented by these submitters supports the retention of Swanson/Penihana as a local and neighbourhood centre for urban development although this submission item was not specifically addressed.

The Panel did not hear evidence from Paul & Jean Robinson who are opposed to the Swanson reference shown on Policy Map X.

Discussion:

It is clear from the evidence presented at the hearing that the landowners of the Penihana land north of Blewitt Stream and the adjacent landowners immediately to the south support the urbanisation of their land.

Of paramount importance to them are changes to the planning instruments that will enable development of their land to proceed within a shorter timeframe than that proposed by Plan Change 16 and that it include the land defined as 'Penihana' in the NAWSA 2001. The Panel considers there is value in identifying Swanson (Penihana) as a Neighbourhood Centre on Policy Map X as it gives greater recognition to a hierarchy of town and neighbourhood centres within Waitakere City by depicting them on a single map. The map also serves to support existing policies and rules contained in the District Plan such as the 500m, 700m and 1000m radius circles around neighbourhood and town centres which identify areas intended for medium density housing.

The Panel supports the inclusion of Policy Map X within the Waitakere District Plan to clearly identify the city's future growth areas including Swanson/Penihana. The Panel does however note that the term 'Neighbourhood Centre' is not well defined (if at all) by Plan Change 16. This issue was raised by Ms Yozin in her evidence. Policy Map X identifies 'Swanson' as a 'Neighbourhood' Centre but nowhere is this term defined except for a cursory discussion in paragraph 15 of Issue 5.0 'Managing City Growth'. It is uncertain whether Swanson is considered to be already functioning as a 'Neighbourhood' Centre or whether future expansion is anticipated. The Panel expects that with a population increase resulting from urban development on the Penihana land, there will be a need for additional social and retail services such as convenience stores, cafes and medical services, presumably within or near to the existing Swanson commercial centre.

Panel Recommendation 5.4.1:

Submissions 324/55, 326/5, 332/3 be accepted. Submission 332/3 be 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.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 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.	Opposed By: 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.	Opposed By: 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	Opposed By: 324 Neil Construction

Evidence Presented:

The Panel heard legal submissions and evidence on this matter from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes. The Panel also heard legal submissions and evidence from Waitakere City Council (WCC).

The Panel did not hear evidence from Paul & Jean Robinson who oppose the reference to Swanson shown on Policy Map Z.

Counsel for the landowners told the Panel that the issue of 'timing' for urbanisation of the Penihana land was a key point of difference between the landowners and WCC. They expressed concern about potential delays

caused by planning processes and its impact on the release of this land for subdivision and development, particularly given the fact that the NAWSA indicates that this land should have been urbanised already.

The landowners support bringing the timing for concept planning forward to 2008/09 to coincide with Swanson. They also submit there is legal jurisdiction for the Panel to recommend to ARC and WCC that the MUL be shifted and the land use zoning changed prior to the RPS review in 2009. This position was justified on the basis that RPS Policy Change 6 and WCC District Plan Change 16 were notified under the LGAAA and Schedule 1 of RMA and have therefore fulfilled the public participation objectives of both Acts. A shift to the MUL and a change to the land use zoning through this process would enable urbanisation of the Penihana land to proceed in advance of the 'Stage 2' 10-20 year timeframe envisaged by the Council shown on Policy Map Z.

The WCC opposes the legal position presented by the landowners. In its submissions, WCC told the Panel that without ARC support proposed changes to the MUL as suggested by the landowners could not proceed. Counsel also noted that insufficient information has been provided to support such changes required by the RPS in respect of an MUL shift and a land use zoning change. Furthermore Counsel suggested that there was no scope within Plan Change 16 for the landowners to leverage a change to the existing land use zoning as its focus is upon identification of current and future growth areas within the city not an active zoning change. The Council presented planning evidence in support of Plan Change 16 which supported the planners' recommendations.

Submission 137/2 sought to amend Policy Map Z to make it clearer that 'Penihana' refers only to the flat land owned by Neil Construction between the rail corridor and Blewitt Stream. This issue was also of interest to the landowners from whom the Panel heard legal submissions and planning evidence on this matter. The landowners seek that 'Penihana' be defined to include the definition found in the NAWSA 2001 which includes the land both north and south of Blewitt Stream. The definition found in Plan Change 16 only refers to the land north of Blewitt Stream as this is the area the WCC intends to urbanise. The land south of Blewitt Stream is excluded from Plan Change 16 and is the subject of an existing District Plan reference seeking a zoning that will enable minimum site sizes of 1 hectare. The Panel understands that this reference is yet to be resolved.

Discussion:

The Panel has considered the merits of urbanising the Penihana land in accordance with Plan Change 16. The Panel agrees that the land is suitable for urban development and that it is strategically located close to Swanson Railway Station. In respect of submission 324/8, 326/8 and 327/8, the Panel perceives the issues to be firstly one of timing for urbanisation and whether this should occur within the Stage 1: 1-10 year timeframe or the Stage 2: 10-20 year timeframe as shown on Policy Map Z. The second issue relates to legal jurisdiction i.e. does the Panel have the ability to recommend that the MUL is extended to include the Penihana land and its land use zoning changed to enable urban residential development prior to the RPS review in 2009 and a separate District Plan change.

While the Panel believes there is legal jurisdiction, it is not convinced that urbanisation of the Penihana land should precede in advance of the timeframe set out in proposed Schedule 1 of Policy Change 6 to the RPS or Policy Map Z contained in Plan Change 16 although it does agree there are benefits in aligning the concept planning processes for Swanson and Penihana as recommended in the planners report. The Panel is concerned that insufficient information has been provided in order for it to recommend that the MUL be shifted at Penihana and the land use zoning changed at this time. In particular, the requirements of RPS Policy 2.6.2 and 2.6.3 have not been met. Furthermore, the Panel is concerned that such a decision may set a precedent for other parts of the region seeking MUL changes and where further work is also required to be undertaken.

With respect to the geographical extent of the Penihana land, the Panel believes the future urban boundary should follow the Blewitt Stream. The Panel heard planning evidence from Mr Matt Heale of WCC who stated that Blewitt Stream would provide a defensible and long term MUL. This issue is a critical consideration when addressing criteria for changing the MUL set out in Policy 2.6.2.2 of the RPS. Item 2.6.2.2 (vi) states:

"The new boundary provides a clear differentiation between urban and rural areas including through the use of water catchment boundaries and or visual catchment boundaries in order to reduce pressure for future urban expansion."

Furthermore, Mr Heale noted that:

- The Draft Growth Management Strategy for Waitakere City Council identifies that additional land to the south of Blewitt Gully is not needed to accommodate the City's growth.
- A boundary along the Blewitt Gully closely aligns with the 500m ped shed identified in the District Plan that is considered appropriate for urban intensification to support the rail infrastructure investment;
- The Waitakere Ranges Protection Project identified that the stream is an appropriate boundary for the Waitakere Ranges Heritage Bill area;

Having regard to the average density requirement of Appendix H to the RPS and Policy 0.9, it is likely that the future population estimates for Penihana set out in NAWSA 2001 will be similar to the newly defined Penihana area and will not therefore undermine the WCC Growth Strategy.

The Panel accepts that the landowners would prefer Penihana to include the land south of Blewitt Stream, however the Panel does not consider this to be a appropriate or defensible. The Panel notes that there is an existing District Plan reference relating to this land. Furthermore, the landowners did not present any planning evidence at the hearing to adequately support this aspect of their submission. The Panel agrees with the planners report that the Penihana land could be more clearly defined by amending Schedule Y to include legal descriptions of the properties included.

Panel Recommendation 5.5.1:

Submissions 324/58, 326/8 and 327/8 be rejected. Submission 137/2 be accepted as indicated in the recommended amendments to Plan Change 16 that are contained in Appendix 1. Submission 332/5 be 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> - After 2011 <u>2005 - ongoing</u></i>	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 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> - After 2011 <u>Ongoing</u></i>	Opposed By: 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> - After 2011 <u>2005 Ongoing</u></i>	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
332/4	Paul & Jean Robinson	Reject all references to Penihana and Swanson in Schedule Y	Opposed By: 324 Neil Construction

Evidence Presented:

The Panel heard legal submissions and evidence on this matter from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes. The Panel also heard legal submissions and evidence from Waitakere City Council. In general, the landowners support bringing the timing of concept planning for Swanson/Penihana forward to 2008/2009 as shown in Schedule Y but remain opposed to the timing of the release of urban land shown on Policy Map Z.

The Panel did not hear evidence from Paul & Jean Robinson who oppose the reference to Swanson shown in Schedule Y.

Discussion:

Schedule Y and Policy Map Z are related in that they are both tools that identify the timing of necessary planning processes to enable urbanisation of the Penihana land. Schedule Y as notified assigns medium priority to Penihana with a concept plan to be developed after 2011. In response to landowner submissions, the planners report recommends the timing for concept planning be brought forward to 2008/2009 to align with Swanson. This position is supported by Waitakere City Council. With respect to Policy Map Z, the planners report stated that the land use zoning changes could not be made prior to an MUL change. The planners' recommendation was that it remains within the 10-20 year timeframe as shown on Policy Map Z. This position is supported by the Panel.

In respect of the timing for concept planning, the Panel supports bringing this forward to 2008/2009 to align with Swanson. It is logical that future planning for the Penihana land be included within the wider Swanson area so that all land use, transport and other resource management issues (particularly catchment management planning) are dealt with comprehensively. By undertaking concept planning in 2008/2009, it is possible that all necessary information to support shifting the MUL and changing the land use zoning will be available when the RPS is reviewed in 2009.

Panel Recommendation 5.6.1:

Submission 324/56, 326/6, 327/6 be accepted in part as indicated in the recommended amendments to Schedule Y of Plan Change 16 contained in Appendix 1. Submission 332/4 be 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.	<p>Supported By: 264 Centre for Urban and Transport Studies</p> <p>Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p>

Evidence Presented:

The Panel heard legal submissions and evidence on this matter from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes. The Panel also heard legal submissions and evidence from Waitakere City Council.

The landowners seek that the zoning of the Penihana land (including the properties south of Blewitt Stream) be rezoned 'urban' although the specifics of the zoning were not addressed in any detail either in the written submission or the evidence presented. The submission simply requests a change from Foothills Environment to 'Living Environment' and Large Lot Residential.

With respect to legal jurisdiction, Counsel for the landowners is of the view that the Panel has the ability to recommend such a change. Counsel for WCC however did not agree with this view and argued that such a change was beyond the scope of Plan Change 16 as its focus was on future urbanisation of the land not an active zoning change.

Discussion:

The Panel agrees with the planners' report that changes to the land use zoning of the Penihana land (including the land south of Blewitt Stream) are within the jurisdiction of the Panel as a consequential amendment to Plan Change 16. However, the Panel considers that insufficient information has been provided as part of the notification of Plan Change 16 to support such a change. Furthermore, such a change could not be promulgated without first having the agreement of the ARC to shift the MUL to enable an urban zoning. With respect to the geographical extent of the Penihana land, the planning evidence of Mr Matt Heale for Waitakere City Council has convinced the Panel that Blewitt Stream is a logical and defensible boundary for the MUL and that any future urban residential zoning should be limited to the land north of the stream. It is however logical and beneficial that the land south of Blewitt Stream be included

within an overall concept plan in order that issues such as roading and integrated catchment management planning can be addressed comprehensively.

Panel Recommendation 5.7.1:

Submission 324/60 be rejected.

5.8 SUBMISSIONS SEEKING TO AMEND PROPOSED OBJECTIVE 0.

N0.	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.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 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'	

Evidence Presented:

The Panel heard legal submissions and evidence on this matter from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes.

The landowners seek that paragraph 6 of the Explanation to Objective 0 be deleted.

Discussion:

This issue is related to the discussion around the timing of concept planning for the Penihana land and is a consequential change to the Waitakere District Plan. As previously discussed, the Panel is not convinced the Penihana land should be urbanised prior to 2009 at which time a comprehensive application and/or submission (along with all the necessary information) to shift the MUL can be made as part of the RPS review. The ability of Waitakere City Council to then notify a Plan Change to allow an urban zoning will depend on whether the ARC decides at that time to shift the MUL at Penihana.

Panel Recommendation 5.8.1:

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

5.9 SUBMISSIONS SEEKING TO AMEND PROPOSED POLICY 0.9.

N0.	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: 40-20, 1-10 Penihana, and remaining Hobsonville corridor	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 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: “ 10-20 1-10, Penihana, and...	Opposed By: 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: “ 10-20 1-10, Penihana, and...	Opposed By: 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	

Evidence Presented:

The Panel heard legal submissions and evidence on this matter from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes. The Panel also heard legal submissions and evidence from Waitakere City Council.

The Panel did not hear evidence from Paul & Jean Robinson who oppose references to Penihana set out in Policy 0.9.

The landowners seek a further consequential change to Plan Change that removes reference to the sequencing of growth for Penihana within the 10-20 year timeframe (2011-2021) and replaces it with a 1-10 year timeframe.

Discussion:

This submission from the landowners is another consequential change to the policies that would bring the timing for urbanisation of the Penihana land forward into the 1-10 year timeframe. As discussed above, the Panel does not support this submission.

Submission 332/2 seeks that all references to Penihana and Swanson in Policy 0.9 be rejected. In respect of this issue, the Panel has already stated that it considers the Penihana land suitable for urban development and that its development will make an important contribution toward accommodating growth in 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. The Panel therefore rejects submission 332/2.

Panel Recommendation 5.9.1:

Submission 324/54, 326/4, 327/4, and 332/2 be 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 “Up to 2004...” ending “...west of the City.” by deleting the following words in strike through: “ ...and it is envisaged that penihana will be considered for urbanisation between 2010 and 2021. ” as Penihana land is suitable for urbanisation in the short term.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 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.”	

Evidence Presented:

The Panel heard legal submissions and evidence on this matter from representatives of landowners including Neil Construction, Gary Harfield and Ken & Francie Stokes. The Panel also heard legal submissions and evidence from Waitakere City Council.

Discussion:

These requested changes to paragraph 2 of the Explanation of the Strategic Direction: Policies and Methods, 6.2.2 ‘Peripheral Urban Growth’ and its reference to the timing of the urbanisation of the Penihana land between 2010 and 2021 are also consequential changes. The Panel rejects this submission for the reasons discussed above.

Panel Recommendation 5.10.1:

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

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.