



Auckland
Regional Council
TE RAUHĪTANGA TAIAO

LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

RESOURCE MANAGEMENT ACT 1991

**DECISION REPORT OF THE
AUCKLAND REGIONAL COUNCIL**

**ARC 4 – SWANSON AND PENIHANA
ISSUES**

Decision Regarding:

- **Proposed Change 6 to the Auckland Regional Policy Statement.**

On 14 June 2007 the Auckland Regional Council adopted the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel in relation to Proposed Change 6 to the Auckland Regional Policy Statement.

The recommendations in this report have been adopted as the decisions of the Auckland Regional Council.

31 July 2007

**Index of submissions and further submissions addressed in Report ARC 4
Swanson and Penihana Issues**

Rec. Rpt s5: sub-section no.	Sub No.	Submitter Name	Supported by	Opposed by	Hearing Report Section No.
5	326/22	Gary Harfield		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 257 Waitakere City Council	5.2
5	327/22	Ken & Francie Stokes		107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 257 Waitakere City Council	5.2
5	338/1	M Mawhinney			5.1
5	324/51	Neil Construction	264 Centre for Urban and Transport Studies <i>257 Waitakere City Council</i>	107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited <i>257 Waitakere City Council</i>	5.2
5	257/59	Waitakere City Council	110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 258 Auckland Regional Transport Authority 109 The Warehouse Ltd	107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited	5.1

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

AUCKLAND REGIONAL POLICY STATEMENT PROPOSED CHANGE 6

ARC 4 – SWANSON / PENIHANA ISSUES

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 rural and infrastructure issues of the Auckland Regional Policy Statement Proposed Change 6 (“RPS Change 6”). Other submissions and further submissions to RPS Change 6 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 Auckland Regional Policy Statement (“RPS”) arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation Version of RPS Change 6, which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to RPS Change 6 resulting from all of the Panel’s recommendations.

2 BACKGROUND

RPS Change 6 was 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). This is, in effect, the purpose of RPS Change 6.

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.

Auckland Regional Policy Statement Proposed Change 6 amends the text of Chapter 1– Introduction, Chapter 2 – Regional Overview and Strategic Direction, and Chapter 4 – Transport and Appendix A and D, to give effect to the LGAAA. RPS Change 6 incorporates the Growth Concept into the RPS and provides a policy framework for the location and density of urban, rural, coastal towns and countryside living growth throughout the region. The Change also introduces a schedule identifying areas suitable for accommodating further urban development, with reference to desired densities of development.

3 THE HEARINGS PANEL

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 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 AND RECOMMENDATIONS

The following is a discussion and analysis of submissions and further submissions received to RPS Change No. 6, specifically as they relate to extending of the Waitakere City MUL at Swanson/Penihana.

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 – RPS / ARPS
 Auckland Regional Growth Strategy – RGS
 Integrated Catchment Management Plan – ICMP
 Local Government (Auckland) Amendment Act 2004 – LGAAA
 Metropolitan Urban Limit – MUL
 Northern and Western Sectors Agreement – NWSA
 Resource Management Act 1991 – RMA
 Territorial Authorities – TA / TAs

Discussion of Submissions & Further Submissions Received

No.	Submitter	Summary of Decision Sought	Further Submitter/s
338/1	M Mawhinney	Support Swanson/Penihana inclusion in the plan change	
257/59	Waitakere City Council	<i>Amend Schedule 1 to include reference to the Great North Road as a High Density Corridor, and Penihana as a Future Urban Area.</i>	Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 258 Auckland Regional Transport Authority 109 The Warehouse Ltd Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
326/22	Gary Harfield	<i>Amend the proposal by extending the MUL at Swanson as show on the map in the submission</i>	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 257 Waitakere City Council
327/22	Ken & Francie Stokes		
324/51	Neil Construction	<i>Amend to insert a map (attached to original submission) showing an extension to the MUL at Swanson in order to make Proposed Change 6 consistent with the RGS.</i>	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited Support and Opposed By: 257 Waitakere City Council

The first part of submission **257/59** above was addressed in *ARC Hearing Report 1: General Growth*. Hence, only the second part of this submission is relevant to this report - where the submitter seeks that Penihana be included within Schedule 1 as a future growth area. **Submitter 257** presented evidence in support of their submission at hearings held on 5 October 2006. A number of points were

made in support of the submitter's view that Penihana be included as a future growth area including:

- the Blewitt Stream provides a defensible and long term MUL boundary
- the unique planning background associated with this area
- the 40 hectares of Penihana land was identified in the Northern and Western Sectors Agreements as potentially catering for medium density dwellings and mixed use development
- it is appropriate to schedule development at Swanson and Penihana at the same time, to allow for an integrated planning approach and economies of scale in use of Council resources.

Submission **338/1** (M Mawhinney) supports the inclusion of Swanson/Penihana in the plan change and did not present any further evidence at the hearing in support of this particular submission.

Submitters **324, 326 and 327** also presented evidence in support of their submissions at the hearing. The presentations suggested a number of reasons why Penihana should be given higher priority as an area for future urban growth than provided for by RPS Change 6. Those reasons included:

- the strategic location of the land adjacent to the Swanson Centre and Swanson Railway Station and the future use of this station as part of the Rapid Transit system
- the land is suitable for development in terms of contour, drainage and availability of services and a number of studies with respect to this land have already been undertaken by WCC
- the previous urban zoning history of this area
- that it would not be ultra vires for the Hearings Panel to grant the relief sought by these submitters.

These submissions and evidence have been considered in the context of the following discussion.

Extension of the MUL at Penihana

Location of Proposed MUL Extension

'Penihana' is not a geographical location, but the name given to a 40 hectares land-holding adjoining the Swanson town centre. It is located to the south of the Swanson town centre, as indicated on the Waitakere City Council Map which forms Appendix 2. Over half of the Penihana land, and most of the portion identified within WCC Proposed Plan Change 16 as Penihana, lies within the 500m walkable area of the Swanson town centre (as indicated by the circle shown on the map in Appendix 2). The balance of the Penihana land is located north of Blewitt Gully Stream (running east to west).

Having considered the submissions from submitters 324 (Neil Construction), 326 (G Harfield) and 327 (K & F Stokes), the Panel are of the view that the Penihana (as detailed in Schedule Y of WCC Plan Change No. 16) land's contiguity with the Swanson town centre and railway station, appropriately satisfies the purpose of the LGAAA – that is, to accommodate growth in the region in accordance with the growth concept of the RGS, such that land use and transport are integrated. Additionally, with the Blewitt Gully Stream confirmed as the southern MUL boundary line, the Panel considers this will provide a defensible long-term limit against further urban expansion pressure, while also providing a clear differentiation between the urban area of the Swanson town centre and the rural/landscape heritages areas of the Waitakere Ranges Heritage Area to the south.

For these reasons, it is appropriate for the Panel to recommend limiting the location of the proposed Penihana MUL extension to that area already specifically detailed in Schedule Y of WCC Plan Change No. 16.

Changes to the RPS – Schedule 1

RPS Change 6 only makes reference to the Swanson town centre as a high-density centre/corridor within Schedule 1A and 1B - no specific reference is made to the Penihana area of land.

The High Density Centres and Future Urban areas identified in Schedule 1A and 1B to the RPS, are based on the RGS growth concept and the Sector Agreements signed by all Auckland local authorities, including WCC. Swanson is identified within the RPS as a town centre (RT), while the Northern and Western Sectors Agreement (NWSA) additionally identifies the 40 hectares area of land referred to as Penihana. Hence, while the NWSA is a non-statutory document providing more flexibility in determining future growth scenarios at the local level, it is considered appropriate that the

RPS be amended to reflect the inclusion of the Penihana land as an integral and contiguous part of the Swanson town centre.

Panel Considerations

Having considered the submissions within the officer's Hearings Report, and subsequently heard the evidence presented to it on the matter; the Panel is of the view that urbanisation of the Penihana land, limited by the Blewitt Gully Stream, does appropriately satisfy the land use and transport integration purpose and principles of the LGAAA, does contribute to the matters specified in Schedule 5 of that Act, and subsequently is not likely to conflict with the purpose and principles of the RMA.

However, the Panel considers that only part of the process to extend the MUL at Penihana has been satisfied in the context of the LGAAA process, and sufficiently detailed supporting information and analysis has not yet been presented, as required by the RPS (i.e. structure plan, integrated catchments management plan, integrated transport assessment or district plan change as affecting the subject area).

Having therefore considered the submissions before it under the provisions of the LGAAA, the Panel makes the recommendation that the MUL not be extended to include the Penihana land at this time but that the area be included in RPS Schedule 1B – Future Urban Areas.

Recommendations of the Hearings Panel

- 5.1 The Panel recommends:
 - 5.1.1 Submissions **326/22**, **327/22**, **324/51**, **338/1** and **257/59** are accepted in part.
- 5.2 That the further submissions made in support of or in opposition to the submissions noted in 5.1.1 above, are accepted or rejected (in whole or in part) accordingly.
- 5.3 That the Auckland Regional Policy Statement be amended in the manner indicated in Appendix 1 of this Recommendation Report, in satisfaction of recommendations 5.1 and 5.3 above. That is, *Schedule 1B – Future Urban Areas*.

APPENDIX 1

Recommended amendments to RPS Change 6

See the attached Panel Recommendation Version of RPS Change 6, which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to RPS Change 6 resulting from all Panel recommendations.

APPENDIX 2

Map of Swanson and Penihana Area (Waitakere City Council Map)



