

A Decision on papers of a Private Plan Change under the Resource Management Act 1991 –



Proposed Private Plan Change 97 (PPC 97) 13 Knox Road and Part of 849 Swanson Road, Swanson – to the Auckland Unitary Plan

This decision has been corrected on 16 September 2024. The correction is the amendment of Table 1: Submissions to PPC97 on page 6, to show that the original submission received from Bryan Ruddy- Submitter 13, supported the proposed Plan Change.

Proposal (in summary).

To rezone the land at 13 Knox Road and part of 849 Swanson Road, Swanson known as the Redwood Park Golf Club, from Residential - Large Lot Zone to Open Space – Sport and Active Recreation Zone.

This private plan change is **APPROVED** as notified. The reasons are set out below.

Private Plan Change number:	97 (PPC 97)
Site addresses:	13 Knox Road and part of 849 Swanson Road, Swanson
Applicant:	Redwood Park Golf Club
Hearing	Scheduled 30 August 2024 – Vacated
Hearing panel	Mark Farnsworth MNZM (Chairperson) Cheryl Cleary
Tabled Papers	<u>Applicant:</u> Plan Change Request <u>The Council:</u> Section 42A Report

INTRODUCTION

1. The Private Plan Change 97 (**PPC97**) request by **Redwood Park Golf Club** (“**the Applicant**”) was made under Clause 21 of Schedule 1 to the RMA and was accepted by the Auckland Council (“**the Council**”), under clause 25(2)(b) of Schedule 1 to the Resource Management Act 1991 (“**the RMA**”) for processing on 13 December 2023.

2. PPC97 was limited notified on 22 February 2024 and closed for submissions on 21 March 2024. The summary of submissions was notified on 12 April 2024 and closed for further submissions on 29 April 2024.
3. 17 submissions were received; there were no late submissions received and no further submissions were received on this plan change. Two submissions were subsequently withdrawn following the close of further submissions.
4. A report in accordance with section 32 (in relation to the changes sought) of the RMA was prepared and provided by the Applicant, in support of the proposed plan change for the purpose of considering the appropriateness of the proposal.
5. This decision is made on behalf of the Council by Independent Hearing Commissioners Mark Farnsworth (Chair) and Cheryl Cleary (**"the Hearing Panel"**) appointed and acting under delegated authority under sections 34 and 34A of the RMA.
6. The Hearing Panel has been delegated the authority by the Council to make a decision on PPC97 to the Auckland Council Unitary Plan Operative in Part (**AUP OP**). In making our decision we have considered the PPC97 request, including the Applicant's Assessment of Environmental Effects and Planning Assessment, which includes a section 32 evaluation (**"AEE"**)¹ and all other associated material provided with the application, all of the submissions, and the Section 42A report prepared by Council officer, Ms Jess Romhany².

SUMMARY OF PLAN CHANGE AS NOTIFIED

7. PPC97 was described in detail in the Applicant's AEE and in the Council's section 42A hearing report. The site comprises 39.789 hectares of land owned by the Applicant and 3006m² of the site at 849 Swanson Road owned by Council – Figure 1. All the land included in the plan change is used for or in association with golfing purposes.

¹ Request for private plan change Redwood Golf Club – Assessment of Environmental Effects and Planning Assessment – Tania Richmond, Richmond Planning Limited August 2023.

² Policy Planner, Regional, North, West and Islands Unit – Planning and Resource Consents Department, Auckland Council.

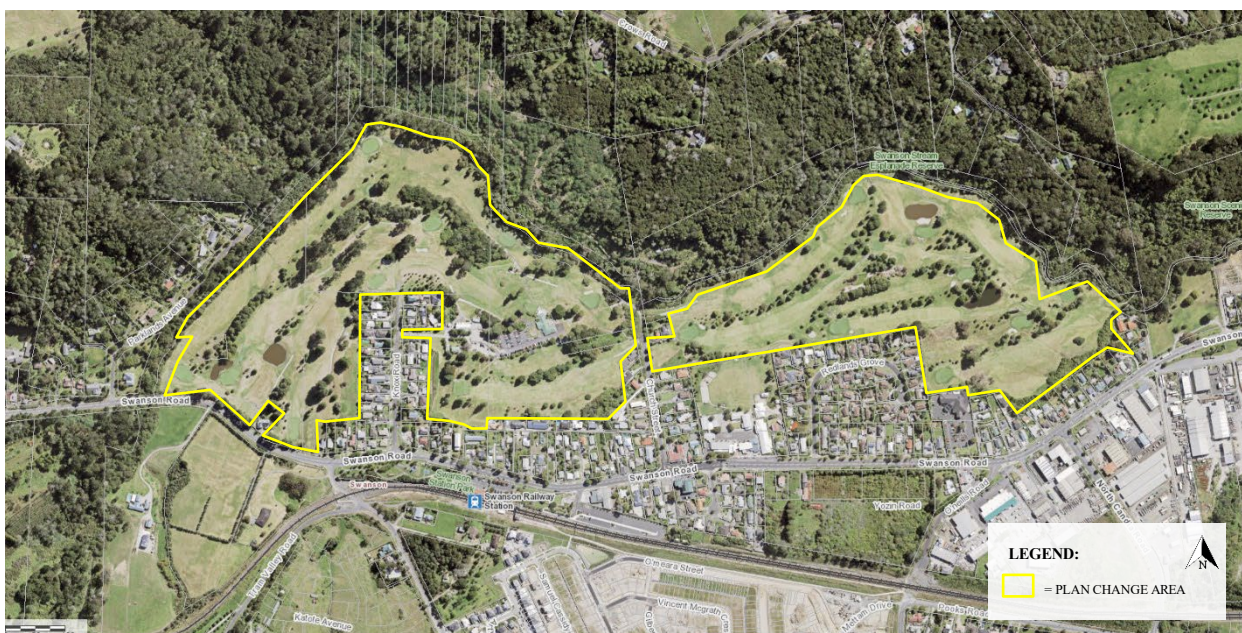


Figure 1: Land Subject to plan change

8. The AEE³ sets out the objectives/purpose of the plan change noting:

“The plan change request by RPGC is to rezone land from Residential – Large Lot to Open Space – Sport and Active Recreation. This plan change applies to the AUP Planning Maps. The land to be rezoned is:

- *Pt Allot 117 SO 2914 Waipareira, Lot 1 DP 68064, Lot 4 DP 137782, Allot 120 SO 2914 Waipareira, Lot 4 DP 135381, Lot 1 DP 31833, Pt Allot 119 SO 2914 Waipareira, Pt Allot 118 SO 2914 Waipareira, being all land within 13 Knox Road, Swanson; and*
- *Allot 618 SO 50169 Waipareira being the western part of 849 Swanson Road, Swanson.*

No changes are proposed to other AUP provisions including overlays and controls applying to the land.

The objectives or purpose of the proposal change is to apply a zone that is used where the land use activity is recreational, and involves an organised sport. The rezoning will also align the land zoning with that applies to almost all Auckland golf courses within the RUB”.

³ Ibid at Section 7

THE SITE AND SURROUNDING ENVIRONMENT

9. The Applicant's AEE⁴ provides detailed description of the PPC97 area and the surrounding environment (see Figure 1 above):

“Over the last 50 years, modification of the natural landform has been undertaken to accommodate the golf course design. The general contour, including gullies and watercourses which falls north towards Swanson Stream, has been retained. Constructed components are greens, bunkers, tees, fairways and three ponds.

The Swanson Stream is a catchment for stormwater outfalls and piped stormwater from both sides of the valley including public stormwater lines that traverse the club's land. Parts of this stream and its catchment is within a Natural Stream Management Areas Overlay. This overlay extends over a small part of the club's land. The stream is recognised as a Freshwater Ecosystem of New Zealand (FENZ).

The stream and adjacent land are also recorded in Council Geomaps as a floodplain. Various overland flow paths discharge from surrounding land to the stream. During the February 2023 floods, a significant overflow of the stream occurred onto the club's land, exacerbated by fallen trees within the esplanade reserve blocking the passage of the flow of the stream. Some of these trees still remain within the stream”.

PLAN MAKING PROVISIONS

10. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them (see Applicant's AEE⁵).
11. The Applicant also provided in their AEE⁶, dated August 2023, an evaluation pursuant to section 32 RMA.
12. We do not need to repeat contents of the Applicant's AEE⁷ in any detail, as we accept the appropriate requirements for the formulation of a private plan change has been comprehensively addressed in the material before us.
13. We also note that the Applicant's section 32 evaluation clarifies that the analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having considered the application, the submissions and the section 42A report we are satisfied that PPC97 has been developed in accordance with the relevant statutory requirements.

⁴ Ibid at Section 5

⁵ Ibid at Section 8

⁶ Ibid at Section 9

⁷ Ibid at section 9

14. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions, while clause 29 (4) requires us to consider the plan change and to give reasons for (in this case) approving it. This decision gives effect to those clauses of the RMA. The decision must also include a further evaluation, in accordance with section 32AA of the RMA, of any proposed changes to the Plan Change since the section 32 evaluation for the proposal was completed. We are not recommending any changes to PPC97, so there has been no need to undertake a further section 32AA evaluation.

EXISTING PLAN PROVISIONS

15. The subject site is zoned Residential – Large Lot Zone (**'RLLZ'**) in the Auckland Unitary Plan (operative in part) (**'AUP(OP)'**) – Figure 2. The Section 42A Report provides a useful summary of the RLLZ provisions⁸:
- *“up to one dwelling per site in compliance with the relevant standards – provided for as a Permitted activity (Rule H1.4.1(A3))*
 - *home occupations in compliance with the relevant standards – provided for as a Permitted activity (Rule H1.4.1(A6)).*
 - *Care centres accommodating up to 10 people per site excluding staff in compliance with the relevant standards – provided for as a Permitted activity (Rule H1.4.1(A18)).*
 - *Grazing of livestock on sites greater than 2,000m² net site area – provided for as a Permitted activity (Rule H1.4.1(A26)).*
16. The plan change site is also subject to the following controls:
- Controls: Macroinvertebrate Community Index – Exotic (not applicable to 849 Swanson Road).
 - Controls: Macroinvertebrate Community Index – Native (not applicable to 849 Swanson Road).
 - Controls: Macroinvertebrate Community Index – Rural.
 - Controls: Macroinvertebrate Community Index – Urban.
 - Controls: Stormwater Management Area Control - SWANSON 4, Flow 1.
17. The Section 42A Report records⁹ the site is also subject to Proposed Plan Change 78 (**'PC78'**). PC78 responds to the government's National Policy Statement on Urban Development (**'NPS-UD'**) and requirements of the Resource Management Act 1991. PC78 was notified on the 18 August 2022 and submissions closed on the 29 September 2022. PC78 proposed to rezone the western part of 13 Knox Road (and part of 849 Swanson Road) from RLLZ to Residential – Terraced Housing and

⁸ Section 42A Report at [18]

⁹ Section 42A Report at [20]

Apartment Building zone ('**THAB**'), as it was identified as being within the walkable catchment of the Swanson Train Station.

PROPOSED PLAN CHANGE PROVISIONS

18. As noted above PPC97, as notified, seeks to change the zoning of 13 Knox Road, and part of 849 Swanson Road, Swanson, from RLLZ to Open Space – Sport and Active Recreation Zone ('**OS-SAR**'). The plan change does not seek to alter any of the existing zone provisions or introduce any new zone provisions.

NOTIFICATION PROCESS AND SUBMISSIONS

19. PPC97 was limited notified on 22 February 2024: with submissions closing date of 21 March 2024. Seventeen primary submissions were received¹⁰ and two submissions were subsequently withdrawn; one (#10) after the provision of the Council's section 42A report. A summary of the submissions was publicly notified on 12 April 2024; with further submissions closing on the 29 April 2024. No further submissions were received.
20. The Section 42A Report provided a tabulation of the relief sought by the submitters, as shown in Source - Table 1 below:

Sub no.	Submitter	Summary of the relief sought by the submitter
1.1	Mevin Plaisier	Approve the plan change without amendments
3.1	Daniel Marc Evans	Approve the plan change without amendments
4.1	Brianna Keene	Approve the plan change without amendments
5.1	Frana Patricia Divich	Approve the plan change without amendments
6.1	JR Rankin	Approve the plan change without amendments
7.1	Kate Gatland	Approve the plan change without amendments
8.1	Kelvin Gatland	Approve the plan change without amendments
9.1	Mark C Palmer	Approve the plan change without amendments
10.1	Ijaz Ahmed	Decline the plan Change
10.2	Ijaz Ahmed	Our property boundary not be included in the new zone and change not to effect our property title and not have any new covenant.
11.1	Linda Hamilton	Approve the plan change without amendments
12.1	Kris Hassett	Approve the plan change without amendments
13.1	Bryan Ruddy	Approve the plan change without amendments
14.1	Jenny Knight	Approve the plan change without amendments
15.1	Carol J Dally	Approve the plan change without amendments
16.1	Gulnar Kulbekova	Approve the plan change without amendments

¹⁰ Section 42A Report - Section 7

17.1	Janice Curtis	Approve the plan change without amendments
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Source - **Table 1: Submissions to PPC97**

21. We discuss procedural matters relating to withdrawn submission #10 below.

SECTION 42A REPORT

22. As noted above a Section 42A Report was prepared by Ms Jess Romhany; in her executive summary she records¹¹:

“This report considers the private plan change request and the issues raised by submissions on PPC97. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC97. The recommendations contained within this report are not the decisions of the Hearing Commissioners.

This report also forms part of council’s ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PPC97.

A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the applicant in support of PPC97 (including the s32 report and an Assessment of Environmental Effects) is attached in Appendix 2.

In accordance with the evaluation in this report, I consider that the provisions proposed by PPC97 are the most appropriate way of achieving the objectives of the AUP(OP) and the purpose of the RMA.

It is recommended that PPC97 be approved for the reasons set out in this report.”

23. The Section 42A Report was informed by technical advice provided by the following experts:

- Noise - Andrew Gordon, Senior Specialist Contamination, Air, and Noise Team, Auckland Council; and
- Parks Policy - Ezra Barwell, Senior Policy Advisor Community Investment, Auckland Council.

HEARING

24. In accordance with clause 8C of Schedule 1 RMA, which provides that where submissions are made and no person wishes to be heard or the request to be heard is

¹¹ Section 42A Report page 6

withdrawn, a hearing is not required to be held, the panel determined that no hearing for PPC97 was needed.

25. One submitter (I Ahmed-10.1) had asked to be heard. On 2 August 2024 that submitter advised Council of the withdrawal of their submission and that they no longer wished to be heard.
26. Having read the all the application material and the Section 42A Report; coupled with the sole objector in opposition to the proposal not wanting to heard and all the remaining submitters in total support of the application without alteration, the panel resolved that, in the interests of both time and cost, this application would be determined on the papers. The need for the scheduled hearing on 30 August was vacated.

Statutory and Policy Framework

27. In Section 4 of the Section 42A Report Ms Romhany provides a comprehensive analysis of the applying statutory and policy framework, concluding that PPC97 is in accordance with the framework. This analysis has not been challenged and we have adopted it for the purpose of this decision. We do not intend to provide detailed summary of that analysis, other than to highlight a number of key points made by Ms Romhany:

PC78 Implications¹²

- *The applicant addressed how PPC97 interacts with the Council's three plan changes (PC78, PC79, and PC80) which were introduced to give effect to the NPS-UD and MDRS. This plan change request was lodged following the notification of PC78, PC79 and PC80 to the AUP(OP) by Auckland Council.*
- *Both PPC97 and PC78 are seeking to rezone the land at 13 Knox Road and 849 Swanson Road, Swanson, it is noted that PPC97 seeks different zoning outcomes to PC78.*
- *The applicant has lodged PPC97 with the knowledge that the site is also subject to rezoning under PC78. PPC97, if approved, will not render the proposed zoning in Proposed Plan Change 78 null and void, and there are a substantial number of submissions related to that walkable catchment that have yet to be heard.*

Auckland Plan 2050¹³

- *I acknowledge the applicant's assessment of the plan change against the Auckland Plan and agree that PPC97 is consistent with the above directions and focus areas of the Auckland Plan 2050. The PPC will enable recreational space to be provided for, which supports the health*

¹² Section 42A Report at [64 – 66]

¹³ Ibid at [4.8]

(both physical and mental) of the wider community as well as social cohesion. The Auckland Plan identifies that having an adequate supply of social infrastructure is necessary to support the development of a quality compact urban form

Waitākere Ranges Local Board Plan 2023¹⁴

- *While PPC97 applies to privately owned open space, as opposed to publicly owned and managed open space, in my view the zoning that is proposed will assist with identifying land that is currently used for sport and recreation purposes and is available for use by the wider community*

Environmental Effects of PPC97

28. Section 11 of the AEE addresses the environmental effects under the following headings:

- Character and amenity effects;
- Infrastructure;
- Transport;
- Noise; and
- Loss of residential zoned land.

29. The Applicant's conclusions were not challenged in the s.42A Report. Ms Romhany noted:

- *Given the landowner's intentions to maintain the existing use of the site as a golf course, it is unlikely that there will be any effects on the character and amenity value enjoyed by adjoining landowners and occupiers¹⁵.*
- *While the site is maintained as a golf course, it is unlikely that there will be any adverse effects on the infrastructure network or the ability to provide infrastructure servicing for the site¹⁶.*
- *The plan change is not seeking to change the existing recreational use of the site. Any effects arising from a permitted new activity would be managed by the AUP(OP) provisions, notably Chapter E27 of the AUP¹⁷.*
- *The OS-SAR zone enables a higher level of noise (up to 5dB higher during the day (55dB LAeq) and up to 10dB higher (60dB LAeq) for up to 21 hours per week during the day) than the existing RLLZ, in accordance with Standards E25.6.17 and E25.6.18.¹⁸ Properties adjoining the site on its southern and western boundaries may be subject to noise effects associated with golf activities however, any change in activity which would be likely to generate noise effects can*

¹⁴ Ibid at [4.9.1]

¹⁵ Section 42A Report at [99]

¹⁶ Ibid at [102]

¹⁷ Ibid at [104]

¹⁸ Ibid at [105]

be managed through the provisions of Chapter E25 of the AUP(OP)¹⁹.

- *If, in the future, the owner decides that they would like to develop the land for residential purposes, then this can be revisited through a future plan change to rezone the land to a residential zone²⁰.*

Consultation

Mana Whenua

30. Council notified iwi as part of the limited notification process for PPC97. There were no submissions received from mana whenua on the plan change²¹.

Local Board

31. The Waitākere Ranges Local Board (**WRLB**) passed the following resolution in relation to PPC97²²:

- a) *"tuhi ā-taipitopito / note that 15 of 17 submissions are in support of Private Plan Change 97*
- b) *tautoko / support Private Plan Change 97 for Redwood Park Golf Course in Swanson to change the Unitary Plan zoning from 'Residential - large lot' to 'Open space – sport and active recreation' on the basis that it:*
 - i. *reflects the land's current and proposed future use as a golf course*
 - ii. *acts as a green belt for Swanson Village, to preserve its semi-rural character, provide open space and visual amenity*
 - iii. *provides a transition into rural - countryside living zone, being alongside the Rural Urban Boundary*
 - iv. *is an appropriate location for a golf course, being on the outskirts of the city*
 - v. *helps manage flood risk. Part of the golf course land is a flood plain. Retaining the expanse of permeable surface is prudent.*
- c) *tono / request the opportunity for the Waitākere Ranges Local Board chair to speak to the local board views at a hearing on Private Plan Change 97."*

FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE

32. We agree with the assessment of PPC97 provided in the s.42A Report, and the Applicant's assessment of effects, statutory assessment and s.32 evaluation. We

¹⁹ Ibid at [108]

²⁰ Ibid at [110]

²¹ Ibid at [111]

²² Ibid at [6.2]

accept the applicant's rationale for seeking to change the AUP (OP) and rezoning of the site from RLLZ to OS-SAR. This was detailed in the Applicant's AEE.

33. We concur with Ms Romhany recommendation that the PPC97 should be approved and that provisions of PPC97 are both efficient and appropriate in terms of the section 32 RMA; she recorded:

*"In my view, the proposed OS-SAR zone is the most appropriate zone to enable the ongoing use of the land as a golfing facility. This zone better recognises and current and foreseeable use of the land and is better placed, than the operative RLLZ, to manage any effects associated with golf activities."*²³

34. Ms Romhany also noted:

*"Furthermore, it is noted that option has also been the preferred approach for two previous plan changes to the AUP(OP) Plan Change 57 (Royal Auckland and Grange Golf Club) and Plan Change 77 (Pakuranga Golf Club), both of which were approved without amendments. In the case of both plan changes, the option to rezone the land to the OS-SAR zone was found to assist the Council with the effective implementation of the AUP(OP) and in achieving the purpose of the RMA."*²⁴

35. For completeness, we agree with the Section 42A report evaluation that PPC97 satisfies the relevant parts and sections of the RMA, including that it:
- accords with and will assist the Council in carrying out its functions so as to achieve the purpose of the RMA;
 - accords with Part 2 of the RMA;
 - gives effect to, and is consistent with, the AUP regional policy statement;
 - will give effect to the NPS-UD;
 - includes rezoning that has regard to the actual or potential effects on the environment including any adverse effect;
 - includes rezoning that is the most appropriate way to achieve the purpose of the plan change and the objectives of the AUP.
36. In summary, we are satisfied that PPC97 meets the relevant statutory requirements for a plan change and that it should be approved.

SUBMISSIONS

37. The following section specifically addresses the submissions received and sets out our decision on those submissions.

²³ Ibid at [36]

²⁴ Ibid at [37]

Submissions supporting PPC97 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
1.1	Melvin Plaisier	Approve the plan change without any amendments	N/A	Accept
3.1	Daniel Marc Evans	Approve the plan change without any amendments	N/A	Accept
4.1	Brianna Keene	Approve the plan change without any amendments	N/A	Accept
5.1	Frana Patricia Divich	Approve the plan change without any amendments	N/A	Accept
6.1	JR Rankin	Approve the plan change without any amendments	N/A	Accept
7.1	Kate Gatland	Approve the plan change without any amendments	N/A	Accept
8.1	Kelvin Gatland	Approve the plan change without any amendments	N/A	Accept
9.1	Mark Christopher Palmer	Approve the plan change without any amendments	N/A	Accept
11.1	Linda Hamilton	Approve the plan change without any amendments	N/A	Accept
12.1	Kris Hassett	Approve the plan change without any amendments	N/A	Accept
13.1	Bryan Ruddy	Approve the plan change without any amendments	N/A	Accept
14.1	Jenny Knight	Approve the plan change without any amendments	N/A	Accept
15.1	Carol June Dally	Approve the plan change without any amendments	N/A	Accept

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
16.1	Gulnar Kulybekova	Approve the plan change without any amendments	N/A	Accept
17.1	Janice Curtis	Approve the plan change without any amendments	N/A	Accept

Table 1 Submissions in Support of PPC97

Discussion

38. Submitters sought that PPC97 be approved without any amendments for the following reasons²⁵:

- The site has historical significance and is valued by the community as open/recreational space.
- The OS-SAR zone better reflects the ecological values of the golf course, and that the golf course provides a green belt on the fringe of Swanson. This land adjoins a Significant Environmental Area (SEA) and Natural Stream Management Area and should remain as open space.
- Retaining the site as open will assist with regulating the effects of flooding in the area. The site provides stormwater detention in extreme rainfall events.
- Open space zoned land has less impervious areas than residential zoned land which results in reductions in overland flow and helps to manage peak flows discharging into streams and connecting ecosystems.
- There has been a loss of open space in the surrounding area and would like existing open space to be retained. Many submitters mentioned that they did not want any further housing intensification in Swanson, which would be enabled by a residential zoning, and;
- Rezoning to OS-SAR would enable the site to be retained as a golf club, with some submitters raising concerns about rates being unaffordable for the golf club if the site retained its residential zoning.

²⁵ Section 42A Report at [124]

Finding

39. We concur with and have adopted Ms Romhany's recommendation that the submission points **1.1, 3.1, 4.1, 5.1, 6.1, 7.1, 8.1, 9.1, 11.1, 12.1, 13.1, 14.1, 15.1, 16.1 and 17.1** be accepted for the following reasons:
- The submissions highlight the positive character and amenity effects associated with the land being retained as open space for persons in the surrounding residential area; and
 - The relief sought by the submitters is not outside the scope of the plan change.

Submission opposing PPC97 in its entirety

Discussion

40. One lodged submission (#10) opposed PPC97 in its entirety. Submitter #10 advised Council in a letter dated 2 August 2024 that their submission was withdrawn and that they no longer wished to be heard. The withdrawal of submission #10 came after the circulation of the Section 42A Report, and for that reason is discussed in that report. For that reason and for sake of completeness, we briefly address submission #10 here.
41. We note that the submitter opposed PPC97 due to the perceived effects of the plan change on the value of their property. The submitter's advice of withdrawal of the submission stated they now consider they are not directly affected by the subject matter.

Finding

42. Submission #10 has been withdrawn by the submitter. Therefore, we do not need to consider the submission and do not need to make a decision to reject or accept that submission.

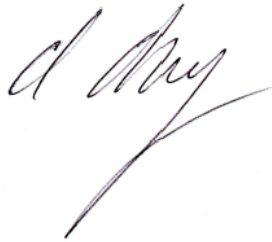
DECISION

43. That pursuant to Schedule 1, Clause 10 and Clause 29(4) of the Resource Management Act 1991, PPC97 to the Auckland Unitary Plan (Operative in Part) be approved.
44. For the reasons set out above, PPC97 is the most appropriate means of achieving the objectives of the Auckland Unitary Plan (Operative in Part) and the purpose of the RMA.
45. Submissions on PPC97 are accepted or rejected in accordance with this decision.
46. The overall reasons for the decision are that PPC97 will:
- accord with and will assist the Council in carrying out its functions so as to achieve the purpose of the Resource Management Act 1991;
 - assist in giving effect to the NPS-UD;

- assist in giving effect to the Auckland Unitary Plan Regional Policy Statement;
- be consistent with the Auckland Unitary Plan (Operative in Part); and
- accord with Part 2 of the RMA.



Mark Farnsworth MNZM
Chairperson



Cheryl Cleary
Commissioner

21 August 2024

Plan Provisions

No changes required to the OS-SAR provisions. The relevant planning maps will have to adjusted.