



NOTICE OF MEETING

ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that an Ordinary Meeting of the Environmental Management Committee will be held on:-

DATE: **Tuesday, 11 February 2003** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

5 February 2003

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	PA	Hulse (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell
	CA	Stone

Mayor, Bob Harvey, QSO, JP (ex officio)

(Quorum 5 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 11 FEBRUARY 2003,
COMMENCING AT 9.30 AM.**

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AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 11 FEBRUARY 2003, COMMENCING AT 9.30 AM.

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Tuesday, 10 December 2002
Special - Monday, 2 December 2002
Reconvened - Friday, 6 December 2002
Reconvened - Thursday, 12 December 2002
Reconvened - Friday, 20 December 2002
Special - Friday, 20 December 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 December 2002, the Special Meeting of the Environmental Management Committee held on Monday, 2 December 2002 and reconvened on Friday, 6 December 2002, Thursday, 12 December 2002 and Friday, 20 December 2002, and the Special Meeting of the Environmental Management Committee held on Friday, 20 December 2002, as circulated, be taken as read and now be confirmed.



4 **PRESENTATIONS**

A **WATERCARE SERVICES LIMITED**

Owen Cook, from Watercare Services Limited, will make a presentation on the supply of drinking water to the Auckland Region, during 2003. Watercare Services Limited is seeking to renew the resource consents for the five water storage dams in the Waitakere Ranges. These dams hold approximately 30% of the Auckland water supply and therefore are vital to meeting the needs of Aucklanders. Waitakere City currently receives all of its drinking water from this source. Watercare is shortly to commence its public consultation programme as part of the resource consent process. The Environmental Management Committee will preview the public consultation programme at this meeting.

Watercare recognises the importance of the consent process and in preparing its presentation has welcomed the input of Te Kawerau A Maki.

B **RON LAW**

Ron Law, on behalf of the Swanson Resident and Ratepayers, will make a presentation regarding what they understand is Waitakere City Council's intention to change its current position regarding further subdivision in Structure Plan areas.



PART I - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 31 JANUARY 2003)

INTRODUCTION

The following is a list of legal actions in respect of matters within the scope of the Environmental Management Committee, which are currently before the Courts and which are ongoing or have been commenced since the date of the preceding report. The list does not include minor matters such as dog, swimming pools, health and litter prosecutions although advice on any particular such prosecution can be provided to the Committee if it wishes. The dates referred to in the headings are the dates on which appeals, informations or proceedings were first filed in Court.

ENVIRONMENT COURT

APPEALS

Waitakere City Council v Auckland Regional Council (SH16/18) (14 March 2002)

Appeal filed by Waitakere City Council against decision of Auckland Regional Council on earthworks, stormwater and related resource consents sought by Transit for SH16/18.

Several other parties have also filed appeals (namely Transit, John Boyle, Ockleston Family Trust). It now appears that the appeals aside from Waitakere City Council's appeal will soon be settled. Transit has now settled its appeal with Auckland Regional Council, by entering into a consent memorandum that confirms that the total amount to be spent by Transit on mitigatory measures for the entire SH16/18 project is \$768,000. Waitakere City Council is continuing with ongoing settlement negotiations with Transit. Waitakere City Council has recently agreed to resolve that part of its appeal that relates to the Greenhithe side of the motorway project. The basis upon which settlement has been reached is that Transit has agreed to consult with both Waitakere City Council and the North Shore City Council prior to the allocation of the mitigation package of \$768,000. This will ensure that Waitakere City Council has some input into the allocation of the funds. The remainder of Waitakere City Council's appeal remains live.

Selak v Waitakere City Council (7 March 2002)

Collett & Nye v Waitakere City Council (8 March 2002)

Appeals have recently filed by the applicant Messrs Selak and their neighbours, Messrs Collett and Nye. Both appeals relate to the operation of the Selaks' Go-kart track on their property at Kennedy's Road, Whenuapai. The Selaks have appealed a condition disallowing use of the track on Sundays and public holidays. The Colletts and Nyes have appealed Council's decision to allow the Go-Kart activity. The matter is to be set down for a hearing of two days when Court time is available, most likely to be the end of February/ early March.

Mobil Oil New Zealand Limited v Waitakere City Council (Appeal filed late September/early October 2001)

Henderson Valley Developments Limited v Waitakere City Council (12 October 2001)

Both the above appeals relate to the proposed 264 residential unit development intended for 2-6 Henderson Valley Road. There are on-going negotiations with the applicant/developer and valuations are currently under consideration. The parties reported to the Environment Court on 10 September 2002 that negotiations were continuing and requested that the appeals be set down for the next call-over.

Estate Homes Limited v Waitakere City Council (31 August 2001) (Sturges Road)

Estate Homes has appealed the financial reserves contribution assessed as payable for the second stage of its subdivision at 13-15 Sturges Road. A cash bond of the amount of the contribution in dispute has been paid and on that basis Council has consented to an Order allowing the subdivision to proceed. The matter has been set down for a hearing of 1½ days when Court time is available, most likely to be in the first quarter of 2003.

Druker & Michaels v Waitakere City Council & Anor (9 August 2001)

This was an appeal by AS Druker and AC Michaels against a decision by Council to grant an application for resource consent for an auditorium, youth lounge, administration office, Sunday School rooms and additional car parking at Green Bay Community Church in Vardon Road, Green Bay. Mediations took place on 28 January and 18 February 2002 and did not resolve the matter. The church has issued proceedings in the District Court relating to the use of a right of way shared by the church and the Drukers/Michaels. The Church has now requested that the Environment Court proceedings proceed to hearing prior to the District Court proceedings. In response to this the appellants, Drukers and Michaels withdrew their appeal on 31 October 2002. This matter is now concluded as far as Council is concerned.

Coastal Environments Limited v Waitakere City Council - Coastal Subdivision at Piha (5 March 2001)

This is an application for subdivision consent lodged by Coastal Environments Limited, which was declined by the Council. The Waitakere Ranges Protection Society and several residents groups are parties to the appeal. Coastal are presently considering whether to revise their proposal sought an adjournment of this matter.

Spencer v Waitakere City Council - Lone Kauri Road, Karekare (29 August 2000)

This is an appeal by Mr Spencer against a decision of the Council to refuse consent to allow a subdivision of his property located at Lone Kauri Road, Karekare. Both Waitakere Ranges Protection Society and several residents groups are parties to the appeal. An on-site meeting between all parties took place a proposal has been put forward and negotiations are continuing. A mediation meeting has been set down for February 2003.

HIGH COURT APPEALS

Waitakere City Council v Kitewaho Bush Reserve Company Limited & Ors (Filed 22 January 2002)

Kitewaho Bush Reserve Company Limited & Ors v Waitakere City Council (February 2002)

These proceedings involve applications for declarations and enforcement orders by Kitewaho and associated companies relating to eight different subdivision applications and related applications for certificates of compliance. On 18 October 2001 Judge Treadwell released an interim decision rejecting Kitewaho et al's declaration and enforcement applications, and essentially finding in Council's favour.

In December 2001 the Court released its final decision. In that decision the Court found that the proceedings issued by Kitewaho and related companies were an abuse of process and largely misconceived. Costs were reserved. In other words, Council was successful in its defence of all aspects of these proceedings (other than certain findings by the Court in relation to Section 91 and Section 92 RMA).

At a meeting of Council on 19 December 2001, it was resolved that an appeal should be lodged to the High Court to clarify the Court's decision in relation to matters of interpretation of the Resource Management Act. That appeal was filed on 22 January 2002 and has been served on the other parties involved (ie. Kitewaho and related entities and the Auckland Regional Council). Kitewaho and related entities served its own appeal on Council which was voluminous.

Separate to the above High Court appeals, both Waitakere City Council and the Auckland Regional Council have applied to the Environment Court for substantial costs against Kitewaho and related entities. The Court has deferred any decision on the costs application pending the outcome of the above High Court appeals.

The appeals were reviewed in the High Court on 9 September 2002 and the Court Kitewaho has been directed to file an amended appeal. An interlocutory hearing as to the extent of the evidence took place on 6 November 2002 and at the conclusion of this the Court directed that further documents be lodged to limit the scope of the evidence to be produced. On 14 January 2003, outside the time allowed, Kitewaho filed its further amended points on appeal. Again this was too voluminous. Council made an application to strike out the appeal. The matter was called before the Court on 29 January. The Court decided to give Kitewaho further time to narrow the scope of its appeal on the basis that a hearing of the strike out application would occupy a number of days hearing. Kitewaho is required to file amended points on appeal by 7 February 2003 and the matter has been set down with a conference before Justice Patterson on 18 February 2003.

Estate Homes Limited v Waitakere City Council (28 March 2002) (Ranui Station Road)

Appeal against consent conditions imposed for proposed subdivision at Ranui Station Road. The appeal primarily relates to financial contribution conditions imposed, as well as certain conditions relating to the provision of infrastructure (water mains and roading). The parties have been involved in negotiations over the appeal, but have not resolved matters. The matter has recently been set down for hearing in the Environment Court when Court time is available, expected to be in the first quarter of next year.

ENFORCEMENT ORDERS

Waitakere City Council v Borrett – Sunnyvale Road, Red Hills

Application for Enforcement Orders in relation to an alleged illegal landfill site in Sunnyvale Road. A search warrant and an Order to inspect the property were obtained from the Court in September 2001 and Council officers have since inspected the property. As a result of that inspection, amendments to the Enforcement Orders being sought were made. An agreed settlement has now been reached in principle with final details being resolved and final Enforcement Orders ultimately to be issued by the Court that will include cessation of the works and mitigation measures.

PROSECUTIONS

Barry Cargill - 58A Rauhuia Crescent, Huia (17 May 2001)

Informations have been laid against Mr Cargill under CRN Nos.1090017265 & 66 in relation to the clearance of bush in the Coastal Natural Area. The matter was set down for a depositions hearing on 14 June 2002, at which time the defendant conceded that he had a case to answer and he was committed for trial. The defendant's representatives and Council are finalising a replanting plan to remedy the damage caused on the property. Mr Cargill has pleaded guilty. Sentencing submissions have been made and the hearing adjourned to 24 February 2003 for a remediation to be progressed. The remediation package includes the gifting land to the Auckland Regional Council that requires a subdivision consent that is currently being processed by the Waitakere City Council.

J & D Gionis / Jayel Contracting Limited - 69 Trig Road (7 November 2001)

Mr and Mrs Gionis and Jayel Contracting have been charged with permitting and/or undertaking earthworks on the property without consent. Jayel Contracting Limited has pleaded guilty to carrying out those earthworks. The Gionis pleaded not guilty and the matter went to a two-day hearing on 23 and 24 September 2002.

The Gionis were found guilty of permitting earthworks greater than 10,000m³ on the site. Jayel Contracting Limited pleaded guilty but disputed the facts as to the volume they were responsible for bringing onto the site. A hearing of the facts relating to the sentencing of Jayel and the sentencing of the Gionis' was heard on 17 December 2002. The District Court found that Jayel Contracting Limited were responsible for the majority of the earthworks.

The total penalty - fine and costs awarded was approximately \$50,000.00, of which \$27,407.00 were against Jayel Contracting Limited and \$23,536.09 against Mr and Mrs Gionis.

Graham Gordon - 202 Shaw Road, Titirangi (16 November 2001)

A number of informations were served on Mr Gordon in relation to breaches of the Resource Management Act for allowing car bodies to be stored on his property and allowing multiple household units to be established. Council alleges that these activities are contrary to the District Plan and to Enforcement Orders made against Mr Gordon by the Court in 1993. Mr Gordon has intimated a not guilty plea to all charges. The matter was adjourned to depositions hearing on 27 November 2002 for a one-day hearing but this did not proceed as Mr Gordon claimed to be unprepared. The matter has been adjourned to 26 March 2003. The next available date for depositions.

Graham Gordon - 202 Shaw Road, Titirangi (16 November 2001)

Two informations in relation to breaches of the Building Act 1991 were served on Mr Gordon in relation to the alleged construction of a workshop on his property without building consent. The matter was set down for a formal proof hearing on 3 October 2002, however the matter could not proceed on that day because of the amount of other defended fixtures proceeding. The matter was adjourned to 17 December 2002 for hearing. Mr Gordon has removed the building and Council determined, due to the relatively temporary nature of the building to withdraw these charges.

Borrett Prosecution - 49 Sunnyvale Road, Red Hills (3 June 2002)

Breach of alleged vegetation clearance, earthworks and interim enforcement orders. The Borretts have entered a plea of not guilty and requested trial by jury. The matter was been set down for pre-depositions on 14 November 2002. The defendants did not appear and the matter is now set down for depositions on 10 February 2003.

Radford / Tweedie Prosecution - Sunnyvale Road, Red Hills (27 November 2003)

Informations have been laid against Mr Radford and Mr Tweedie in relation to breaches of the Building Act. The Council alleges that unauthorised building work occurred that has substantially altered the existing house. The matter was set down for a first call on 29 November but has been adjourned to allow discussions to continue. The matter was heard on 24 January 2003. The defendants pleaded guilty and were jointly fined \$4,000.00.

Lorenzen Prosecution - 91 Kaurilands Road, Swanson (27 November 2003)

Informations have been laid against Mr Lorenzen in relation to the clearance of bush in the Riparian Margin and General Natural Area. The matter was set down for a first call on 29 November 2002 but has been adjourned to enable Mr Lorenzen to seek legal advice with a further date of 28 March 2003.

HIGH COURT - APPEALS FROM PROSECUTIONS

Aik Law & Kim Lai – 34 Rathgar Road, Henderson (21 August 2001)

These defendants rented an unsanitary building, previously a garage, to a family of six for a period of four years and three months. On 25 May 2001, they were convicted in the Waitakere District Court pursuant to CRN Nos.0090028151 & 52 and sentenced to total fines of \$40,500. The defendants subsequently appealed the conviction and sentence and were granted leave by the High Court to produce a significant amount of new evidence during the course of the appeal. Council also produced evidence in response to this at the hearing, which took place in the Auckland High Court over three days from 24 to 26 July 2002.

On 16 August 2002 Justice Harrison gave a decision in Council's favour, and he dismissed the appeal both in relation to conviction and sentence. The High Court found that the new evidence did not affect the fact that the building was unsanitary for the time that it was occupied, and that those conditions must have been obvious to the owners of the property. Accordingly, the High Court upheld the full level of the sentence that had been imposed in the lower Court, even though it was and remains the highest imposed under the Building Act.

At a hearing in the Auckland High Court on 20 September 2002, before Justice Harrison, the defendants were refused leave to appeal to the Court of Appeal on sentence. Subsequently three more applications have been made as follow:

- (a) An application to the Court of Appeal for further leave to appeal against the substantive decision of Justice Harrison;
- (b) An application to the High Court for leave to appeal against the order for costs;
- (c) An application to the High Court to suspend the order for costs pending determination of the ongoing appeals.

The applications were heard in the High Court in December 2002. Justice Harrison ordered that memorandums be filed as to means and an amended application for leave to appeal against costs. The matter goes before the High Court on 20 February 2003.

RECOMMENDATION

That the information be received.

Report prepared by: Catherine Knight, Contract Solicitor.



PART II - DISTRICT PLAN / STRUCTURE PLANS

6 DISTRICT PLAN APPEALS UPDATE TABLE

PURPOSE OF THE REPORT

The Acting District Plan Co-ordinator will provide a verbal update to the Environmental Management Committee on progress in dealing with the appeals on the Proposed District Plan.

An up-to-the-minute progress report will be brought to each meeting outlining the status of the appeals.

RECOMMENDATION

That the information be received.

Report prepared by: Owena Schuster, Committee Secretary.



7 DRAFT REVISED OLYMPIC PARK RESERVE MANAGEMENT PLAN

PURPOSE OF THE REPORT

The purpose of this report is to seek input from the Environmental Management Committee on the City wide issues in relation to the Draft Revised Olympic Park Reserve Management Plan proposed to be publicly notified in draft form.

BACKGROUND

A review of the Olympic Park Reserve Management Plan has been prompted by funding becoming available through the Olympic Park Trust for development of the park. Before any further development of the park takes place it was deemed necessary under the Reserves Act 1977 to review the Reserve Management Plan to ensure the park meets the current and future needs of the users and the local community. The review commenced in July 2002 when the intent to review the current Management Plan was publicly notified.

An Advisory Group consisting of members of the New Lynn Community Board, relevant members of Council staff, and users of the park was formed to oversee this review. Following liaison with the Advisory Group a Draft Reserve Management Plan has been produced. Once the plan has been approved by the New Lynn Community Board, it will be publicly notified.

A1-A40

The complete draft Olympic Park Reserve Management Plan is attached at pages A1 to A40.

STRATEGIC CONTEXT

The draft revised Olympic Park Reserve Management Plan has been prepared in the context of the Parks Strategy that provides guidelines on the management of parks within the City. All the policies outlined in the draft plan fall under the objectives of the Parks Strategy which aims to improve the quality of parks and provide parks services in a fair and equitable way for Waitakere people within financial constraints.

Olympic Park is identified as a City wide park and is therefore seen as a key area for meeting the future sporting and recreation needs of Waitakere City residents. The Environmental Management Committee has the responsibility for ensuring consistency of approach for City wide parks.

ISSUES

Olympic Park has a strong sporting history. It is the venue for a number of sports clubs, including Lyndale Athletics, Bay Olympic Soccer, Waitakere Gymnastics, Western Indoor Bowling Association and the Waitakere City Brass Band. Today, the main issue relating to the site is over development in regard to formal and informal recreation while the potential for ecological rehabilitation has not been realised. The reason for this includes low amenity levels in parts of the reserve and personal safety issues.

Summary of Revisions to the Reserve Management Plan

The main changes to the policies and implementation actions of the Olympic Park Reserve Management Plan that relate directly to City wide issues are as follows:

- Development and integration of the Wolverton Land with Olympic Park;
- Provision of informal recreation opportunities eg. basketball hoop and half court, play ground adjacent Portage Road and/or Wolverton Road with input from local youth and the Users Advisory Group;
- Provision of a small number of car park spaces adjacent to Wolverton Road in the vicinity of the St John ambulance area;
- Provision of safe pedestrian access via an art bridge across the Avondale Stream, and a non-disruptive wildlife observation deck for observation of stream wildlife;
- Provision of a toilet facility on the Wolverton Land;
- Creation of a strong and attractive gateway to Waitakere City by providing amenity planting along Wolverton Road, and feature planting at the Waitakere City boundary;
- Development of a planting plan that is responsive to the need to provide for spectator viewing of the main sports field, while contributing to the stability of the Velodrome slopes;
- Provision of appropriate graffiti proof fencing along the northern railway boundary of Olympic Park to discourage access into the park via the railway line and to act as a safety barrier from trains for children playing in the area;
- Provision of an area in the vicinity of the Tag Out Trust building, Olympic Place, for conservation gardens displaying local ecosystem plants, and demonstration of storm water treatment techniques for educative purposes.

Other major changes to the policies and implementation actions of the Olympic Park Reserve Management Plan that may indirectly relate to City wide issues are as follows:

- Investigation of the feasibility for installing floodlighting that allows for night play on the main sports field;
- Provision for a wooden railing to be placed on top of the velodrome fence;
- Provision to allow Waitakere City Trust Brass Band to replace their existing building with a larger purpose built building. This could occur on the existing Waitakere Brass Band building site or a Council residential property adjoining Olympic Park. An opportunity exists for the Waitakere Brass Band and Waitakere Gymnastics to jointly use an extended Waitakere Gymnastics building;
- Provision for additional buildings in Olympic Place within the vicinity of the Tag Out Trust building for educational and environmental activities;
- Allowance for investigations in conjunction with EcoWater and the Users Advisory Group to provide additional car parking with solutions for the treatment of stormwater from existing and future car parking areas;
- Establishing a partnership between Council, the Users Advisory Group and UNITEC students and staff, for the provision of a planted riparian strip along side the Avondale Stream for research into riparian re-vegetation methodology;
- Excavating a series of ponds, install associated water control structures, and reinforcing the stream bank alongside the Avondale Stream, subject to resource consent being granted by the Auckland Regional Council. Planting margins with indigenous wetland species;
- Using the control of lease agreements to ensure the most effective and equitable use of Olympic Park;
- Provision for liquor licences for sports clubs subject to the Liquor Licensing Authority policies and procedures under the Sale of Liquor Act 1989 with hours of operation approved by the Parks Manager;
- Ensuring that the use and enhancement of Olympic Park recognises and allows for existing infrastructure and its unique requirements.
- Because the Wolverton Land is an old landfill site, aftercare issues relating to the landfill are been discussed with Auckland City Council as to their timing of remedial works prior to any development of the land.
- Increasing the ecological value of the reserve;
- Strengthening Olympic Park's role as the gateway to the city, as it is located on the boundary of Waitakere and Auckland City.

Timeline

The Olympic Park Advisory Group has provided comment on the draft plan, which has been incorporated. Input and approval is required from the New Lynn Community Board Community before the draft revised Reserve Management Plan can be publicly notified.

CONCLUSION

A revision of the Olympic Park Reserve Management Plan has been carried out to ensure that any future development of the park meets the current and future needs of the users and the community. The key City wide issues relating to the development of Olympic Park have been included in this draft as input is sought from the Environmental Management Committee on these. The recommendations from this report will be forwarded to the New Lynn Community Board in order for them to be taken into account when the Community Board makes decisions on submissions.

RESOURCES

Council staff time has been included in the 2002 - 2003 Annual Plan.

Funding for the development of the park is to be sourced through the Olympic Park Trust.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee recommend to the New Lynn Community Board that the draft revised Olympic Park Reserve Management Plan include the Citywide Issues outlined in this report.

Report prepared by: Alan Duxfield, Parks Project Manager: Environmental.



8 WAIAROHIA STRUCTURE PLAN - REFUND OF LANDOWNER CONTRIBUTION TO TECHNICAL STUDIES

PURPOSE OF THE REPORT

The purpose of this report is to seek approval from the Environmental Management Committee to refund the financial contribution the Waiarohia Landowner Group has made to the technical studies that form the basis of the proposed Waiarohia Structure Plan.

BACKGROUND

In 1999, the Council initiated a structure plan for the Waiarohia catchment in the northern part of Waitakere City. The decision to prepare a structure plan for this catchment arose out of an appeal on a subdivision consent for a site within the catchment. The technical studies that form the basis of the structure plan including an Archaeological Study, a Landscape and Ecological Study and a Stormwater & Wastewater Study were completed in 2000 and 2001. The consultants who carried out the technical studies, were contracted and paid by the Council. The invoiced amounts were then recovered from landowners within the Waiarohia Structure Plan area represented by the Waiarohia Landowners Group to the value of **\$30,701.00**.

In December 2001, the Environmental Management Committee resolved to publicly notify the Waiarohia Structure Plan as Variation 90 to the Proposed Plan. Variation 90 was notified in February 2002. Submissions and further submissions were received, however due to the increasing strategic importance of this area, in particular opportunities arising from the impending vacation of New Zealand Defence from the Whenuapai airbase, the Committee resolved in October 2002 to place Variation 90 on hold for 18 months. This was to enable further strategic studies to be completed for the wider Northern Strategic Growth Area. It is noted that the technical studies completed for the structure plan will provide useful information to support the strategic studies the Council is proposing to undertake.

STRATEGIC CONTEXT

The Waiarohia Structure Plan area is situated within the Northern Strategic Growth Area north of proposed SH18. The northern part of the structure plan area includes a large part of the Whenuapai airbase. The catchment drains to the Upper Waitemata Harbour. The land between SH18 and Hobsonville Road has been identified as a key future growth area for the city. This land forms part of the wider Northern Strategic Growth Area for which the Council is currently considering future land use scenarios. In addition, New Zealand Defence has announced its intention to vacate the Whenuapai airbase, which creates potential opportunities to consider its future as a commercial airport.

ISSUES

In October 2002, the Environmental Management Committee Chair, Cr Nash and staff met with the Waiarohia Structure Plan Group to discuss the Council's decision to place the Waiarohia Structure Plan on hold. At the meeting, it was agreed that it would be appropriate to refund the money the Waiarohia landowners contributed to the structure plan technical studies as the Council wished to revisit its position and explore other development scenarios for the area that may not necessarily include rural residential development as proposed under the structure plan. Refund of this money would be subject to approval by the Environmental Management Committee.

RESOURCES

There is currently no allocated budget to refund the \$30,701.00 contributed by the Waiarohia Landowner Group. It is suggested that the refund be included within the Council's 2003/04 budget and refunded to the landowners in July 2003. This timeframe has been discussed with a representative of the Waiarohia Landowner Group.

CONCLUSION

Due to the uncertainty around the future of the Whenuapai airbase and the Council's desire to explore development scenarios other than rural residential for the Waiarohia Structure Plan area, the Council has decided to place the structure plan on hold for the next 18 months. For this reason, it is considered appropriate that the Waiarohia landowners are refunded the money they contributed to the technical studies forming the basis of the structure plan, and that this be provided for in the Council's 2003/2004 Annual Plan.

RECOMMENDATIONS

1. That the information be received.
2. That \$30,701.00 to refund the money contributed by landowners in the Waiarohia Structure Plan area to the technical studies that form the basis of the structure plan, be considered for inclusion in the draft 2003/2004 Annual Plan.

Report prepared by: Deanne Rogers, Locality Planner.



PART III - ENVIRONMENTAL MANAGEMENT

9 VARIATIONS 2-6, PROPOSED AUCKLAND REGIONAL PLAN - COASTAL

PURPOSE OF THE REPORT

The purpose of this report is to bring to the attention of Council the Proposed Variations to the Regional Plan: Coastal regarding Aquaculture.

BACKGROUND

Council supported the introduction of the Resource Management (Aquaculture Moratorium) Amendment Act 2002 that imposed a two-year moratorium on new aquaculture in the coastal marine area (2600/2001). The purpose of the moratorium is to allow regional councils, whose plans do not provide strong policies and defined areas for aquaculture, to begin developing these without the risk of there being a significant number of applications that would pre-empt and complicate that process. The Act also empowers regional councils to create Aquaculture Management Areas where aquaculture can be undertaken with a coastal permit. Outside these areas, aquaculture activities are prohibited.

The Auckland Regional Council has now notified its Variations to the Proposed Auckland Regional Plan: Coastal to introduce the Aquaculture Management Areas for the region and the Objectives, Policies and Rules that regulate the consenting of applications for coastal permits relating to aquaculture activities.

The Auckland Regional Council has determined that provision should be made for aquaculture in the Auckland Region but in an appropriate manner that will not undermine the sustainable management of fisheries, undermine Treaty settlements, or allow adverse effects on the environment including restricting the public's use and enjoyment of the coastal environment. In particular, in the Auckland Region there are approximately 100,000 recreational vessels and significant commercial fishing and transport demands, and as a result the Regional Council is eager to take the opportunity to put in place a management framework for aquaculture activities that can cope with such competing interests of the coastal marine area. Therefore, the Regional Council has proposed to provide for aquaculture within Aquaculture Management Areas that have been defined by way of appropriate size, location and management to avoid, remedy or mitigate the adverse effects of aquaculture.

A41-A48

The Regional Council has identified areas within the Kaipara Harbour, Mahurangi Harbour, Matakana River, Kawau Island, Great Barrier Island, Waiheke Island and Wairoa Bay. These areas are shown as attached at pages A41 to A48. Aquaculture outside these defined areas is prohibited.

Aquaculture Management Areas that are not subject to existing consent applications will be allocated by tendering, and all consents will be limited to a maximum of ten years to protect the interests of iwi in Treaty and common law claims to ownership of the foreshore and seabed. The Rules relate to the tendering process, reapplications for consent for aquaculture activities, erection and placement of structures, occupation of space and access.

There is also provision for new aquaculture management areas and for new species and methods to be provided for in the future.

STRATEGIC CONTEXT

Although Council is not directly affected by the Proposed Variations it does retain an interest as a constituent party to the Hauraki Gulf Forum on which basis Council originally supported the Aquaculture Moratorium.

ISSUES

There are no regulatory or administrative implications for this Council as there are no Aquaculture Management Areas adjacent to the Waitakere City coastline. However, the approach has been to accommodate existing aquaculture activities with some flexibility for expansion and could be supported for being a precautionary approach in the light of the limited information available on the cumulative effects of aquaculture on marine ecosystems.

Although submissions on the Proposed Variations initially closed on Friday, 13 December 2002, the submission period has been extended to Friday 31 January 2003. An officer's submission of support for the Variations has been forwarded and could be endorsed by Council if the Committee agrees.

RESOURCES

There are no resource implications for this Council.

CONCLUSION

The report is for Council's information and endorsement of the submission.

RECOMMENDATIONS

1. That the information be received.
2. That the Committee supports the submission on Variations 2-6 of the Proposed Auckland Regional Plan: Coastal as attached at pages A41 to A48.

A41-A48

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



10 AUCKLAND WILD WEST COAST WORKING GROUP'S DISCUSSION DOCUMENT

PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of the discussion document released for consultation on a proposal for greater marine protection for Auckland's West Coast being promoted by a working group co-ordinated by Waitakere Branch of Forest and Bird. Copies of the discussion document have been circulated to Councillors. The Wild West Coast Working Group's Conservation Officer, Jaci Fowler, is available to give a presentation on the project.

BACKGROUND

The Waitakere Branch of the Royal Forest and Bird Protection Society have taken a lead role in co-ordinating the Working Group and preparing background information in order to pursue some form of protective legislation for the West Coast of Rodney District, Waitakere City and Franklin. The Working Group has now reached the stage where they have distributed a discussion document on the proposal and are seeking the community's feedback before determining the details of how protection could be applied.

STRATEGIC CONTEXT

Waitakere's West Coast has been identified as a Coastal Area of Outstanding Natural Character (Map 3.5C) and Outstanding Landscape (Map 3.6B) in the Proposed District Plan. It is identified as a heritage area for Te Kawerau A Maki and has significance also for Ngati Whatua (Maps 4.1 and 4.2).

There are many Outstanding Vegetation Sites, Outstanding Natural Features, Outstanding and Significant Fauna Habitats, Heritage Items and Wahi tapu associated with the coastline and scheduled in the Proposed District Plan. The objectives, policies and rules in the Proposed District Plan support the protection of these natural resources.

A West Coast Marine Park is anticipated in the West Coast Plan and such protection for the coast would be complementary to any proposal for further protection for the rest of the Waitakere Ranges.

ISSUES

The document has been circulated to gauge community opinions on the concept of protection for the West Coast and its ecosystems. The Working Group is also keeping in close liaison with representatives of regional and territorial authorities and iwi.

Matters that the Working Group particularly seeks feedback on are whether or not the values of the West Coast have been fully identified, whether some areas have greater value needing a higher level of protection, and whether the threats to those values and options for managing the threats have been fully explored. Finally the document proposes alternative models for achieving protection for the values of the West Coast.

The Working Group wishes to give a presentation on the project to the Committee, and further, would welcome a Councillor representative to participate on the Working Group.

RESOURCES

There are no additional resource implications for the Council at this stage.

CONCLUSION

The Committee may wish to comment on the discussion document, and may wish to have further involvement in the project.

RECOMMENDATIONS

1. That the information be received.
2. That the Committee nominate a representative to the Wild West Coast Working Group on a voluntary basis.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



11 **PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY**

PURPOSE OF THE REPORT

A49-A50

The purpose of this report is to present the thirteenth of the monthly Painted Apple Moth update reports from the Ministry of Agriculture and Forestry, as requested by the full Council meeting 17 August 2001. The Ministry of Agriculture and Forestry report is attached at pages A49 to A50 in the Attachments supplement. Additional information on the painted apple moth eradication programme is also presented here.

BACKGROUND

Nine targeted aerial sprays against painted apple moth were completed over the period from January to September 2002. A combination of a fixed wing aircraft and a helicopter sprayed up to 900ha.

Six expanded aerial spray rounds have been completed from 23 October, 13-15 November, 2-3 December, 20-21 December 2002, 7 Jan + 15-16 January and 30-31 January 2003. Three aircraft - a Fokker Friendship, a small, fixed wing aircraft and a helicopter - have been used to spray up to 10,300 hectares. Aircraft have suspended spraying at 8.00 am - 9.00 am, 12.15 pm - 1.00 pm and 3.00 pm - 4.00 pm when children are walking to and from school and eating lunch. Excellent feedback has been received from the public and school staff over these changes to the spray regime.

STRATEGIC CONTEXT

The Ministry of Agriculture and Forestry has an obligation to do all that is required in terms of its legal responsibilities under the Biosecurity Act 1993. Council has encouraged and facilitated this where possible.

Council has an obligation to protect native ecosystems, native flora and fauna habitat and the ecological processes associated with these systems both under the Resource Management Act 1991 and under the District Plan issues 5.2 and 5.5. Equally, Council has an obligation to protect and represent the residents of Waitakere City.

ISSUES

Current Aerial Spray Programme

The seventh expanded aerial spray round is scheduled for 16 February 2003.

Several areas have been identified as hotspots (areas where there are repeated finds of caterpillars and moth trap catches) to receive aerial spraying every 7-10 days, weather dependent. There is no direct spraying of residents in these areas. Three hotspot sprays have been conducted to date; Meola Creek on the 21 November and 17 December 2002 plus Hobsonville on 28 December 2002.

Health Issues

A health programme is currently being developed that would allow painted apple moth health services to be delivered via the people's own chosen health professional (GP, naturopath, practice nurse, etc.). Cr Hulse continues to facilitate this process. The Ministry of Agriculture and Forestry will meet with Mayor Bob Harvey early February to discuss the progress of the health package.

Approximately 80 people are moved out of the area for each spray round and 120 people are moved away for the day. These are all people who have been clinically assessed as needing to be away from the spray area. In addition the Ministry of Agriculture and Forestry also moves the 235 accompanying family members.

Moth Trap Catches

Moth trap catches have significantly declined compared to the previous year's data. In December 2001 between 400 and 500 moths were caught each week. This compares to 4-12 moths caught each week for December 2002. The moths caught in December 2002 were primarily in the hotspot areas. The final figures for January 2003 were not available at the time this report was prepared.

Legal Issues

Council has certain statutory duties under the Health Act 1956 to protect the public health of the people in its district. Council is currently investigating and gathering evidence to determine whether there are sufficient grounds to take regulatory action under the Health Act.

Sterile Insect Technique

The Ministry of Agriculture and Forestry is preparing to trial an eradication tool using irradiated male moths. Male moths reared in captivity are irradiated, damaging their reproductive capabilities in such a way as they are still able to fly and mate. The irradiated male moths will be marked with fluorescent powder and released in Waikumete Cemetery. These irradiated moths will flood the area and mate with wild females. Approximately 80% of the offspring of the first generation will die. The 20% that survive will mate, although their reproductive capabilities are so damaged that 100% of their offspring will die.

Sterile insect technique has reportedly been used in over 30 countries for eradication of moth species and other insects. It works best at low population densities and hence is used for small outbreak populations, recent incursions or for 'mopping up' at the end of an eradication programme. If the trial is successful in Waikumete Cemetery this technique will be a valuable tool in the mopping up process for the eradication of painted apple moth.

Vegetation Control Zone

A51

On the 9 December 2002 the Ministry of Agriculture and Forestry implemented a vegetation control zone, making it illegal, and a finable offence, to move vegetation outside this area, as attached at page A51. Residents have been provided with information packs and a letter entitling them to free vegetation disposal at the Concourse. Any vegetation within the control zone must be disposed of either on site, at the Concourse or somewhere within the vegetation control zone.

The Ministry of Agriculture and Forestry is yet to erect signs at the major entrances and exits to the vegetation control zone.

Caterpillar Finds

Since December 2002 only two sites have had larval finds - Hobsonville and Waikumete Cemetery.

On 17 December a new infestation of painted apple moth caterpillars were found outside the expanded spray zone on wattles just below the Greenhithe Bridge, Hobsonville. The Ministry of Agriculture and Forestry were quick to act with immediate ground spraying and a targeted aerial spray occurred within 56 hours of the discovery of the caterpillars. Host removal work was also undertaken prior to Christmas.

Waikumete Cemetery is historically a known hotspot and has been a difficult area to eradicate painted apple moth. The dense vegetation and topography of the cemetery have hampered the effectiveness of ground based searches for caterpillars and both ground and aerial spraying operations. In addition there is a large quantity of host material available for caterpillars to feed on in the wilderness parts of the cemetery, mainly wattle species (brush wattle and *Acacia* sp.) but also Spanish heath.

In December 2002 and January 2003 the Ministry of Agriculture and Forestry completed the first stage of host removal work at Waikumete Cemetery. Brush wattle, *Acacia* and lone pine trees were felled in the scrubland area in the northern part of the Cemetery from Sunhill and Awaroa Roads down to the North Lawn. The Ministry of Agriculture and Forestry is currently investigating options for stage two of the host removal work. The target area is the south western scrubland of the Cemetery, bordered by the railway line and Waitakere View Road within the Cemetery.

Reinstatement Issues for Council

Estimated costs and areas for reinstatement were outlined in the September 2002 report to the Environmental Management Committee. Discussions have been delayed between Council and the Ministry of Agriculture and Forestry as other issues have taken priority.

RESOURCES

An earlier report detailed the resourcing levels required for this project. With the issue continuing into the 2002/2003 financial year, the impact on current and proposed work programmes is significant. It is not expected that Council will put any additional financial resources into the eradication operation as it is a matter of national biosecurity and is under the jurisdiction of the Ministry of Agriculture and Forestry through the Biosecurity Act 1993.

However, as stated in a previous report, funding may be required for revegetation of Council land where host removal work has been undertaken by the Ministry of Agriculture and Forestry. The current Annual Plan expenditure does not allow for plantings and maintenance that Council may be required to undertake as a result of host removal by the Ministry of Agriculture and Forestry.

CONCLUSION

Nine rounds of targeted aerial spraying to eradicate the painted apple moth have been completed along with six expanded aerial sprays. The date for the seventh round of expanded aerial spraying is 16 February 2003. Hotspot spraying over unoccupied areas is scheduled for every 7-10 days, weather dependent.

Moth trap catches are significantly reduced with 400-500 caught per week in December 2001 compared to 4-12 per week in December 2002.

Council is currently investigating whether regulatory actions need to be taken under the Health Act.

Host removal work has taken place where there have been caterpillar finds; Hobsonville and Waikumete Cemetery. The Ministry of Agriculture and Forestry is also investigating the use of sterile insect technique as another eradication tool.

Discussions continue with the Ministry of Agriculture and Forestry to resolve the issues around health and host removal/reinstatement.

RECOMMENDATION

That the information be received.

Report prepared by: Kerry Bodmin, Landscape Planning Co-ordinator.



12 FOOTHILLS ENVIRONMENT SUBDIVISION

PURPOSE OF THE REPORT

The purpose of this report is to establish the Council's position in respect of the activity status that should be assigned to rules relating to subdivision in the Foothills Environments (other than the Oratia Structure Plan area). The status of subdivision in this Environment is the subject of references (appeals) in respect of the Proposed Plan including Variation 87 (Birdwood Structure Plan).

BACKGROUND

The Foothills Environment subdivision rules are the subject of outstanding references from Peter Mawhinney and Waitakere Ranges Protection Society. The reference from Peter Mawhinney relates to the Proposed Plan as notified. It seeks that structure plans be extended to all parts of Waitakere City and that the Council adopt a "controlled activity" status for subdivision in structure plans areas. In addition, Mr Mawhinney has a reference to Proposed Variation 87 relating to Foothills Subdivision Rule 7.2 (a) that seeks a variety of relief including:

- Subdivision as a permitted activity in an expanded Birdwood Structure Plan area; and
- Deletion of the existing Foothills subdivision rules and substitution of the Countryside Environment rules; and
- Reversal of the Council's decision to retain Non-Complying activity status; rather than
- 'Discretionary' for subdivision beyond the number of sites identified on a structure plan map.

In respect of Mr Mawhinney's reference on Variation 87, the Council has lodged a strikeout application with the Environment Court as much of the relief sought is beyond the scope of Variation 87. This application is due to be heard by the Court in late February/early March 2003.

Waitakere Ranges Protection Society is a party to Mr Mawhinney's references in respect of the Proposed Plan (excluding Variation 87). In addition, the Society has a reference in respect of Variation 87 that seeks its withdrawal or the inclusion of suitably strict provisions that will avoid the prospect of cumulative effects arising in addition to those anticipated by a structure plan. By way of example only, the Society is seeking that subdivision at a density greater than provided for in a structure plan is a prohibited activity.

In respect of the Waitakere Ranges Protection Society reference, the Council's position to date has been to retain the non-complying activity status for subdivision seeking a greater number of lots than that provided for on a structure plan map but to strengthen the existing policies in the Proposed Plan. The relative merits of this and other options were discussed with some members of the Environmental Management Committee at a workshop in August 2002. This position has formed the basis of a policy and rules package for the entire Waitakere Ranges (including the Waitakere Ranges, Bush Living and Foothills Environments) presented to the Society in November 2002, for which the Council is awaiting a response.

In December 2002, the Environmental Management Committee heard submissions on the Swanson Structure Plan (Variation 88 and 89). The Auckland Regional Council and Waitakere Ranges Protection Society presented submissions seeking, amongst other things, prohibited activity status for subdivision beyond the number of sites on a structure plan. The view adopted by the Committee that heard the Swanson Structure Plan was that prohibited activity status was appropriate given the policy intent of the Proposed Plan that structure plans establish a 'permanent settlement pattern' for the Foothills Environment. Although a decision to adopt the 'prohibited activity' status went beyond the Committee's jurisdiction in respect of Variation 88 and 89, the Committee did indicate that this new position should be proposed to the full Environmental Management Committee and, if adopted, implemented through resolution of the Waitakere Ranges Protection Society reference on Variation 87.

STRATEGIC CONTEXT

The Waitakere Ranges are recognised as a nationally outstanding natural landscape and ecological area. In this regard, the Council has a stewardship role in terms of its regulatory function to manage subdivision and land use activities in such a way as to achieve the purpose of the Resource Management Act, in particular Section 6(b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*"

Council's recent review of its strategic direction gives particular emphasis to long-term protection of the Waitakere Ranges. This is consistent with the policy intent of the Proposed Plan that provides for the establishment of a permanent settlement pattern in the Foothills Environment, which acts as an important buffer area to the Ranges. A Council position that prohibits subdivision beyond that provided for by structure plans in the Foothills Environment would be consistent with, and serve to support, the Council's strategic direction.

ISSUES

In order to confirm the position of the Environmental Management Committee who heard the Swanson Structure Plan on the adoption of a 'prohibited activity' status for subdivision beyond that provided for by a structure plan in the Foothills Environment, a resolution from the Committee is required.

Members of the Committee who attended the workshop in August 2002 will recall discussion about the various options for dealing with subdivision in the Foothills Environment. Section 32 of the Resource Management Act requires that before adopting any objective, policy, rule or other method, the Council must be satisfied that the proposed provision is both necessary and appropriate in terms of its effectiveness and efficiency. The Council must also consider other means of achieving the purpose of the Act and state the reasons for and against adopting the proposed objective, policy, rule or other method. This requirement has been further defined in case law. In *Nugent v Auckland City Council (A033/96)* referred to as the 'Nugent Test', a proposed rule in a district plan must:

- Be necessary in achieving the purpose of the Act;
- Assist the territorial authority to carry out its function of control of actual or potential effects of the use, development or protection of land in order to achieve the purpose of the Act;
- Be the most appropriate means of exercising that function;
- Have a purpose of achieving the objectives and policies of the Plan.

Foothills Subdivision

The activity category options that have been considered for regulating subdivision beyond that provided for on a structure plan in the Foothills Environment include:

- Discretionary
- Non-Complying
- Prohibited

The purpose of these rules would be to give effect to objectives and policies in the Proposed Plan that seek to:

- Avoid adverse effects on water quality and quantity (policy 1.1, 1.4, 1.7, 1.9, 1.17,).
- Avoid adverse effects on native vegetation and fauna habitat (policy 2.1, 2.2).
- Avoid adverse effects on land, in particular land stability (policy 3.4).
- Avoid adverse effects on ecosystem stability (policy 5.5).
- Avoid adverse effects on outstanding landscapes, in particular provide opportunities to protect and enhance the outstanding natural landscape qualities of the Waitakere Ranges and Bush Living Environment (policy 9.2).
- Protects amenity values and neighbourhood character of different parts of the city. Within structure plan areas this includes providing for a permanent pattern of subdivision that does not increase pressure for, or engender expectations of, further subdivision at a later time (policy 11.29).

Discretionary Activity

The Discretionary Activity option is the least restrictive of the three categories. With Discretionary Activities, the Plan specifically provides for, and anticipates, applications for further subdivision. Applications for subdivision are evaluated against a set of assessment criteria that are set out in the District Plan. Whilst the Discretionary Activity category for subdivision beyond that provided for on a structure plan map applies to the Oratia Structure Plan area (resulting from an Environment Court decision), the Council has chosen not to adopt this same activity status for other structure plan areas in the Foothills Environment. It is considered that a Discretionary Activity status would not be effective in achieving the objectives and policies of the Plan that seek to establish a permanent settlement pattern through structure plans and avoid adverse cumulative effects.

Non-complying Activity

The non-complying activity status currently applies to subdivision beyond that provided for in a structure plan other than Oratia. A non-complying activity is an activity that is not specifically provided for in a District Plan or it contravenes a rule in the Plan. Objectives and policies become particularly important when considering non-complying activities. Section 105(2)(A) imposes a threshold test that creates an additional hurdle for non-complying activities to pass before they can be considered on the same terms as discretionary activities. The threshold test requires an application to satisfy one of two limbs, either that the proposal has minor adverse effects on the environment, or the application will not be contrary to the objectives and policies of the Plan.

There is a view amongst some practitioners that recent case law has effectively weakened the non-complying activity status category in that if an application can meet the threshold test, then (subject to Part II) any relevant objectives and policies of a Plan are just one matter the Council must have regard to. Badly worded policies that do not clearly articulate a Council's objective in respect of a particular issue are likely to be overrun by arguments that emphasize the 'minor' nature of the environmental effects of the proposal or the ability to mitigate such effects.

With this in mind, the Council position to date has been to retain the non-complying activity status but to strengthen the wording the Plans policies to clearly signal that subdivision beyond the threshold established by the structure plans is not provided for. Draft policies along these lines have been presented to Waitakere Ranges Protection Society for comment.

The Waitakere Ranges Protection Society position to date has been to support the prohibited activity category for subdivision beyond that shown on the structure plan map. Their reasons include the fact that any lesser category does not provide the kind of certainty a prohibited activity would ensure and that without this category, the Council still runs the risk of being presented with non-complying activity applications that could ultimately be granted consent by the Environment Court, if not by the Council.

Prohibited Activities

To date, Prohibited Activities have been rarely used in District Plans. They are generally reserved for those matters that Councils are convinced will give rise to adverse effects that cannot be mitigated under any circumstances. Examples in the Waitakere City Proposed Plan include use of radioactive materials, mineral extraction in the Green Network and Ferret farming.

Where activities are prohibited, applications for resource consent cannot be made. Proposals could only proceed if provision for them was made through a plan change process. In this regard, the Resource Management Act makes provision for private plan change applications. Private plan changes can only be made in relation to an operative provision of a Plan, and can be rejected by the Council if the issue has been considered within the last two years. The key difference between a non-complying activity subdivision application and a plan change is that a plan change needs to be considered in terms of Section 32 of Resource Management Act and is subject to a further submission process.

To date, Council has been reluctant to use the prohibited activity status due to its obligations to consider its options in terms of Section 32 and the Nugent Test ie. is a prohibited activity category necessary to achieve the purpose of the Resource Management Act and the objectives and policies of the Plan. In addition, case law directs that prohibited activities be used extremely sparingly, and there may be situations where the Council would want the ability to consider non-complying applications for subdivision ie. where there are exceptional circumstances that are worthy of consideration.

In terms of achieving the purpose of the Resource Management Act and the policies of the Proposed Plan, it is clear that prohibited activity status would provide the greatest certainty to the Council and the community about the finite potential for further subdivision and development in the Foothills over the life of the current Proposed Plan. In theory, non-complying activity category should also have the effect of limiting further subdivision and development in the Foothills Environment. However this is reliant on strongly worded policies that may not, at the end of the day, achieve the purpose of preventing all further subdivision.

Given the importance of the Foothills as a permanent buffer to the Waitakere Ranges and the concern about the cumulative effects of future subdivision and development, there is a case for adopting a more stringent activity status for subdivision beyond that provided for by structure plans in the Foothills Environment. A prohibited activity status would meet that part of the relief sought by the Waitakere Ranges Protection Society and provide absolute certainty to the communities residing within the Foothills Environment.

It is not proposed at this time that the Council adopt the prohibited activity status for the Oratia Structure Plan area. In respect of Oratia, the Environment Court has made a decision to adopt "Discretionary Activity" category for subdivision seeking more lots than that shown on the structure plan map. This part of the Proposed Plan is effectively operative.

CONCLUSION

In the Foothills Environment (other than the Oratia Structure Plan area), given that they form an important buffer role to the Waitakere Ranges, and given the detailed level of investigation that has been undertaken to establish a settlement threshold through the structure plan process, there is a case to be made for adopting the more stringent prohibited activity status for subdivision and development beyond that threshold. This report sets out the rationale for that position, which will provide greater certainty regarding long-term protection of the Foothills buffer to the Ranges.

RECOMMENDATIONS

1. That the information be received.
2. That in respect of the Foothills Environment (other than the Oratia Structure Plan area), the Council's position is to adopt a Prohibited Activity status for applications seeking a greater number of sites than that shown on a structure plan map forming part of the Proposed Plan.

Report prepared by: Deanne Rogers, Locality Planner.



13 **DRAFT BIOSECURITY STRATEGY - SUBMISSION**

PURPOSE OF THE REPORT

The purpose of this report is to present a submission on the draft Biosecurity Strategy for endorsement by Council. The draft Biosecurity Strategy was released for comment in December 2002 and copies have been circulated to Councillors.

BACKGROUND

Biosecurity, or biological security, is the system for the prevention, eradication and management of the risks posed by pests and diseases to the economy, the environment, and human health. New Zealand's biosecurity systems are under pressure from increasing travel and trade, and from global warming which could increase risks from sub-tropical pests and diseases. The scope of biosecurity has also expanded from its former traditional focus on protection of primary production (agriculture, horticulture and forestry), to cover public health and indigenous biodiversity.

To highlight the importance of effective biosecurity systems; primary industries - agriculture, horticulture, forestry and fisheries - generate more than 65% of our exports and over 20% of our gross domestic product. Tourism's contribution is another 9% of gross domestic product, largely driven off our biodiversity.

New Zealand's isolation has produced a huge range of endemic flora and fauna - 90% of our insects and marine molluscs, 80% of our vascular plants and 25% of our birds are not found elsewhere in the world. Also New Zealand is almost free of stinging or biting pests that carry diseases and could, if introduced, significantly reduce our quality of life.

Although New Zealand is considered to have world-leading biosecurity systems, a review of the management of biosecurity risks undertaken by the office of the Parliamentary Commissioner for the Environment (in New Zealand under Siege) identified a number of areas where improvements needed to be made. These weaknesses have been addressed in the draft Strategy, and changes expected as a result include:

- **Clearer Accountabilities:** Agencies have clearly defined roles and there is strong alignment between expectations and accountabilities, and delivery to those accountabilities.
- **Strong Integration Across Stakeholders:** Efforts of central and regional government are well co-ordinated and the efforts of industry groups are more evenly integrated.
- **Effective Capability:** Agencies have identified and are developing the necessary capabilities to deliver on their responsibilities.
- **A Clear Risk Profile and Priorities:** There is a much clearer view of New Zealand's risk profile (including areas of outstanding or emerging risk and threats) and decision tools are being used to help identify priorities.
- **An Active Performance Management Framework:** Key performance indicators are in place across the biosecurity system that link with the Government's overarching goals for the economy, environment and health.

STRATEGIC CONTEXT

The statutory framework for the draft Biosecurity Strategy is the Biosecurity Act 1993 which provides tools to manage the risk of pests and unwanted organisms being accidentally or illegally introduced into the country. The Hazardous Substances and New Organisms Act 1996, which covers the intentional introduction of new species and genetically modified organisms.

Four central government agencies (Ministry of Agriculture and Forestry, Department of Conservation, Ministry of Fisheries and Ministry of Health) have operational biosecurity responsibilities. Central and local government agencies, industries and other organisations are involved in pest management under the Biosecurity Act, the main mechanism being through national and regional pest management strategies.

Biosecurity is undoubtedly the most crucial part of efforts to halt the decline in our indigenous biodiversity. The Biosecurity Strategy will complement the Biodiversity Strategy released in February 2000. Of the funding package committed by government to support the implementation of the Biodiversity Strategy 2000, \$2.6m was set aside to “enhance New Zealand’s biosecurity capability through development of a New Zealand Biosecurity Strategy and assessing biosecurity risks to indigenous flora and fauna.”

The draft Biosecurity Strategy is an additional instrument to support Waitakere City’s Eco-city principles of sustainability. In particular, it provides a new strong emphasis on protecting biodiversity from biosecurity risks, endorsing Council’s own strategic platform for protecting the Green Network from weeds and pests.

ISSUES

The case study of the painted apple moth used in the review of the biosecurity system, illustrated issues relevant to the current systems and processes in order to “fix the problems.” The conclusions drawn from the case study include:

- Lack of contingency funding for the eradication response.
- Poor risk analysis for indigenous flora and fauna.
- Poor consultation processes between central government agencies, and between Ministry of Agriculture and Forestry and the technical group.
- Failure to identify and consult with all stakeholders (in particular those with relevant experience).
- The importance of the public’s role in discovering incursions.
- Poor communication processes between Ministry of Agriculture and Forestry and some stakeholders.

The draft Biosecurity Strategy attempts to address some of these issues through recommending:

1. A review of the basis for biosecurity funding to ensure there are adequate resources to deliver the core preventative biosecurity programmes, including one-off incursions as a priority for funding.
2. A review of the capability to prevent, identify and manage biosecurity risk and a programme to address identified gaps, including improved capability for assessing and managing risks to biodiversity.

3. Proposed new organisational arrangements (shown at A1 attached) with Ministry of Agriculture and Forestry and the Ministry of Fisheries as lead agencies for terrestrial and marine biosecurity respectively, with a more intensive and operational exchange through a Biosecurity Manager's Group.
4. The establishment of a Biosecurity Advisory Board, appointed by the Director-General of Ministry of Agriculture and Forestry, to oversee the operations and funding of the lead agencies, with Maori representation on the Board.
5. A Standing Science Committee to enable better integration of science into biosecurity decision-making.
6. Encouraging public awareness of and participation in reducing biosecurity threats.
7. Operational agencies to agree on appropriate analytical tools for assessing economic, societal and environmental impacts to be applied consistently in biosecurity decision-making.

The above are a few key recommendations that, if given effect to, would have avoided many of the problems experienced during the painted apple moth eradication exercise.

RESOURCES

There are no resource implications for responding to the draft strategy. Any funding required as local authority contribution to implementation of the Biosecurity Strategy would be considered through the Annual Plan process for 2003/4 or beyond.

CONCLUSION

The draft Biosecurity Strategy is an important new approach to protecting New Zealand's biodiversity. It is proposed that a submission of support for the recommendations contained in the draft Biosecurity Strategy with specific comments relating to the Waitakere City experience be made. A draft submission is attached to this agenda item for comment and approval.

RECOMMENDATIONS

1. That the information be received.
2. That the submission on the draft Biosecurity Strategy as attached at pages A52 to A54 be approved.

A52-A54

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



14 **CITIES FOR CLIMATE PROTECTION - ENERGY EFFICIENCY - MONTHLY UPDATE**

PURPOSE OF THE REPORT

To provide the Committee with an update of this month's energy efficiency initiatives.

BACKGROUND

Council joined the international Cities for Climate Protection programme in March of this year. Since then staff have compiled a draft greenhouse gas emissions inventory for the city and developed an action plan that was approved by this committee in November.

STRATEGIC CONTEXT

Climate protection and energy efficiency are integral parts of Waitakere City's Eco City philosophy. This is being reaffirmed by the current strategic review.

FEBRUARY UPDATE

Bus Emissions

A55

A letter to the Auckland Regional Council recommending that compulsory emissions testing and maintenance requirements be included in its contracts with bus operators has been sent by the acting chair of this committee, is attached at page A55.

Vehicle Emissions

The Ministry of Transport issued the second draft of a rule for consultation that requires imported vehicles to comply with certain emissions standards at the time of their manufacture. The rule would not require any emissions testing to take place at the time of entry into the country or as part of the Warrant of Fitness process. Staff prepared a submission on the rule reflecting the committee's views:

"That Council strongly supports urgent changes to legislation:

- *For compulsory motor vehicle Warrant of Fitness certificate emission testing;*
- *Compulsory improvements in fuel quality for diesel and petrol to international standards to the timelines the Auckland Regional Council sees as achievable;*
- *That all motor vehicle imports which do not meet full warrant of fitness including emission testing are banned from entering New Zealand."*

2806/2002

A56

The closing date for submissions was 31 January 2003 and Councillor Yates, as the acting chair of the committee, signed the submission, is attached at page A56.

A57

Resolution 2805/2002 asked for staff to facilitate a meeting with local MPs to hear Kevin Mahon's presentation on vehicle emissions (which he presented to this committee last year) and for Council to lobby for urgent government action. After discussions with Kevin Mahon and Councillor Yates, as the acting chair of the committee, it was decided to replace the planned meeting with a letter to the ministers expressing Council's concerns. The main reason was that Kevin Mahon had already presented the same information to MPs on several occasions. A copy of the letter is attached at page A57.

BASIX - A Sustainable Building/Development Assessment Tool

A58-A60

This tool was developed by *Planning New South Wales* in Australia. It lets developers assess the sustainability of their proposed development through an interactive user-friendly website. Bruce Taper, the director of the sustainability unit at Planning New South Wales will visit Waitakere City in the first week of March to discuss the applicability of the tool for New Zealand. At this stage a presentation to the City Development Committee on 6 March is planned. More detailed information about BASIX, as attached at pages A58 to A60.

Eco Day

This event will be held at Corban Estate on 9 March. Energy efficiency will feature strongly during the event and a number of energy related speakers will speak in the seminar tent.

Honda Civic Hybrid

This petrol/electric hybrid vehicle was test driven by the mayor and several staff members in January to assess its potential as a fleet vehicle. All agreed that the vehicle would be suitable for the fleet. The car is not currently available in New Zealand but Honda is assessing market demand. Staff will continue to investigate other alternative and efficient vehicles, such as the Toyota Prius.

Energy Pro

Energy Pro, an energy management software package, has been installed. Gas and water data has been entered but staff are still waiting for Genesis to supply historical electricity use data.

Sustainable Transport Day

Council is holding a Sustainable Transport day on the 21st February to coincide with Bike Wise Week. Staff will be encouraged to travel to work using sustainable means of transport, such as cycling, walking, public transport or car-pooling. Staff will also join the Bike Wise Business Battle in the same week and Councillors are invited to participate.

Details can be viewed on:

http://www.bikewise.co.nz/events/bike_wise_week/battle/default.asp

RESOURCES

Resources for the climate protection programme are available in the current annual budget.

RECOMMENDATION

That the information be received.

Report prepared by: Katja Lietz, Project Manager: Sustainability Projects.



15 **DISTRICT PLAN APPEAL - MINOR HOUSEHOLD UNITS**

PURPOSE OF THE REPORT

One appeal to the Proposed District Plan, from the Waitakere Ranges Protection Society, raises concerns about the Plan's provisions for minor household units in the Waitakere Ranges, Bush Living and Foothills Environments. The concern of that appellant is that the Plan provisions are too liberal, particularly in areas such as the Waitakere Ranges which are sensitive to development.

The purpose of this report is to establish what Council's position will be at a forthcoming Environment Court hearing.

BACKGROUND

The Waitakere Ranges Protection Society has sought the deletion of all provisions for minor household units in the Bush Living, Waitakere Ranges and Foothills Environments.

This matter was considered at Committee meetings in April and September 2000 and November 2001. At the November 2001 meeting the following resolution was passed:

- “1. *That negotiations be held between the appeal parties with a view to achieving a consent order on references which will delete the discretionary activity provision for separate minor household units in the Bush Living and Waitakere Ranges Environments and alter the Foothills Environment provisions for separate minor household units by requiring a discretionary activity consent subject to relevant criteria appearing in Subdivisions Rule 7 (Foothills Environment).*
2. *That final detail of the above be brought back to the Committee prior to submission to the Environment Court.”*

2604/2001

Discussions were subsequently held with the Waitakere Ranges Protection Society, with a general understanding being reached that provisions should be developed which were similar to that indicated above, but with a more conservative approach in rural structure plan areas.

Subsequently, however, further parties entered the process through s274 of the Resource Management Act, who did not support the direction which was being taken. There are currently three Section 274 parties. It appears very likely that this issue will proceed to an Environment Court hearing.

STRATEGIC CONTEXT

It is a prime strategic platform of the Council that care is taken in managing the impact of development on the natural resources of the city. This is most important in those areas of the city, such as the Waitakere Ranges, where natural resources are abundant. Minor household units have the potential to adversely affect natural resources. The social and economic advantages of minor household units therefore need to be assessed within an appropriate framework of avoiding or mitigating effects on the natural and physical environment.

DISTRICT PLAN POSITION

A minor household unit is a self-contained dwelling which is no more than 65m² in gross floor area (excluding garaging) and is associated with an existing dwelling on the same site. Provision is made for minor household units throughout the City.

WHY PROVISION HAS BEEN MADE FOR MINOR HOUSEHOLD UNITS

Minor household units contribute to social and economic well-being. They provide the ability to accommodate extended family in a relatively independent way. Traditionally, this has been in the form of a "granny flat". The most compelling social argument has traditionally been to provide for an elderly or otherwise dependent relative.

In previous district plans this need was responded to by making provision for temporary units which could remain on a site as long as the dependent relative required the accommodation. After that time the unit was required to be removed.

This arrangement had drawbacks - particularly in arranging suitable re-locatable units. There was also a concern that there may be other arguments in providing for separate living accommodation on a site. In particular there were economic advantages in providing a "home and income".

Minor household unit rules were therefore devised which did not require a connection to a dependent relative. Units could be rented out to anyone, with the only stipulation being that the unit was to be of a prescribed size and remain in the ownership (title) of the main dwelling. This is essentially the situation which applies under the Proposed District Plan.

DISTRICT PLAN REQUIREMENTS

The District Plan permits only one dwelling house on each site within the more sensitive environments in the city (including Waitakere Ranges, Bush Living and Foothills). A full second dwelling house (unrestricted in floor space) is a non-complying activity. So if a second dwelling house is desired it may be necessary to subdivide first. However, the Plan does make provision for minor household units (limited in floor space to 65m²). Minor household units are a second unit established on a site already containing a dwelling house.

Previous analysis indicated that there could be very little difference in environmental effects between a minor household unit and a full second dwelling house.

The provisions in the Proposed Plan contain an increasing degree of control over minor household units in the more environmentally sensitive environments. However in the most sensitive environments the degree of control is still significantly less than is the case for a full second dwelling house. For instance, it is possible in the Bush Living and Waitakere Ranges Environments to establish a minor household unit separate from the main unit on a site as small as 1,500m². A discretionary activity consent is required, but there are only four assessment criteria mentioned in the rules. For a full second unit in these Environments, subdivision is necessary. That requires at least 8,000m² (usually substantially more than that) and is subject to a discretionary activity application with at least 29 assessment criteria.

ISSUES

The analysis presented at the November 2001 meeting showed that there is a mismatch between the Plan's approach to minor household units compared with full second dwelling houses. The latter can only be established subsequent to subdivision. The mismatch is most evident in the provision that the Plan makes for minor household units to be separated from the main dwelling on the site. The issue, therefore, is that – while making provision for minor household units is understandable in social and economic terms - the ease by which minor household units may be established can create effects on the natural and physical environment which may well be unacceptable when compared to similar types of development which are very tightly controlled by the district plan.

The current Permitted Activity provision for attached minor household units in the Bush Living and Waitakere Ranges Environments could remain without creating a substantial risk of serious adverse environmental effects. In this way, reasonable provision can still be made for accommodating relatives or providing an income from rentals.

The real concern relates to separate units. The Committee considered a number of options in November 2001, and decided on the option recorded in the resolution above. However discussions with the parties since that time, and Council's own work – particularly in structure plan areas – has resulted in some changes in recommendations.

Bush Living / Waitakere Ranges Environment - Outside the Metropolitan Urban Limits at Titirangi-Laingholm

The Proposed District Plan currently provides that Minor Household Units that are not connected to the main dwelling are discretionary activities in the Bush Living and Waitakere Ranges Environments.

As previously indicated, it is considered that there is a strong argument for making separate minor household units non-complying in the Bush Living and Waitakere Ranges Environments. That would make it clear that in these more sensitive environments it will not generally be appropriate to accept the possibility of the adverse effects that can arise through separate development on the same site. However, an applicant would still have the opportunity for non-complying activity consent for a separate minor household unit in those circumstances where the application would effectively meet the criteria for subdivision, but where subdivision itself may not be desired (it is for this reason that prohibited activity status is not recommended).

The previous Council resolution was that separate minor household units be a non-complying activity in the Bush Living and Waitakere Ranges Environments. It is recommended this position be retained.

Bush Living / Waitakere Ranges Environment - Inside the Metropolitan Urban Limits at Titirangi-Laingholm

Discussions relating to appeals at Titirangi-Laingholm have indicated the possibility that this area could be treated differently from the Bush Living/ Waitakere Ranges Environment outside the Metropolitan Urban Limits. Because of the settlement patterns in this area, the fact that it is more accessible, and that it has services (including wastewater services) that are not available outside the Metropolitan Urban Limits, some flexibility may be appropriate. That flexibility could be provided through retaining, in this area only, the Discretionary Activity provisions that currently apply. However, those provisions should be made subject to the same "tests" as apply to subdivision in the area. Also, no final position should be adopted on the suitability of this area for minor household units until there is further clarity on the issues relating to the form of final subdivision controls in this area. The suggestion here, therefore, is for the minor household unit issue to be considered alongside the Titirangi-Laingholm subdivision appeals.

Foothills and Countryside Living Environments

In the Foothills and Countryside Environments the Proposed Plan currently provides as a Permitted Activity for minor household units within 20 metres of the main house. Beyond 20 metres, Limited Discretionary Activity consent is required.

At its November 2001 meeting the Committee considered revised provisions on the basis that the Foothills Environment was arguably less sensitive than in the Bush Living/ Waitakere Ranges Environments, at least in respect of possible impacts on natural resources. It was therefore not considered necessary to remove the potential for separate minor household units. However, to retain consistency in district plan approach, it was considered that separate minor household units in the Foothills Environment should be subject to the same criteria as would apply to subdivision in that Environment.

Since that time there has been further work carried out in structure plan areas which has raised questions whether, in those areas, it is appropriate to have provision for separate minor household units. As the Committee would be aware, the comprehensive analysis work conducted as part of structure plan processes envisages the possibility of one house only on each new site created. The possibility of adding minor household units has not been contemplated, and retaining that possibility could therefore severely undermine the fundamental basis of structure plans in expecting a given threshold of development, and therefore environmental effect.

It is therefore now proposed that, in structure plan areas, minor household units be made non-complying - much in the same way as is currently proposed in the Bush Living and Waitakere Ranges Environments outside the Metropolitan Urban Limits.

In order to retain some flexibility, it is further suggested that landowners be given the option, within structure plan areas, to build a house in an area contemplated by the structure plan (i.e. rather than subdivide). Outside structure plan areas, provision for minor household units could be retained, but as a Discretionary Activity only, subject to a minimum site size of 3ha, and subject also to assessment against the same criteria as would apply to subdivision. These thresholds would approximate what may be possible following a full structure plan analysis.

Note that the Countryside Environment has many of the same characteristics of the Foothills Environment, but the minor household unit provisions in that Environment are not the subject of any appeal. The Countryside Environment may therefore need to be considered at a future time.

Policies

A61-A62

District Plan policies would need to be revised to provide certainty in relation to the above. Draft policies are attached at pages A61 to A62.

CONCLUSION

In all cases it is considered that the current permitted activity provision for attached minor household units should remain. This would provide an opportunity for social and economic needs without major environmental impact.

It is considered that the discretionary activity provision for separate minor household units in the Bush Living and Waitakere Ranges Environments outside the Metropolitan Urban Limits should be deleted - ie. made non-complying. This is the recommendation made. However the current Proposed Plan provisions could be regarded as appropriate in Titirangi-Laingholm, subject to there being satisfactory subdivision provisions.

For the reasons outlined in this report it is considered that, in the Foothills Environment, separate minor household units should be made a non-complying activity on any new site created under a structure plan, and otherwise a Discretionary Activity where consistent with a structure plan, or outside structure plan areas, on sites with a minimum size of 3ha.

RECOMMENDATIONS

1. That the information be received.
2. That Council's position at any Environment Court hearing relating to minor household units be that:
 - In respect of the Bush Living and Waitakere Ranges Environments outside the Metropolitan Urban Limits, separate minor household units be a non-complying activity.
 - In respect of the Bush Living and Waitakere Ranges Environments inside the Metropolitan Urban Limits at Titirangi-Laingholm, the current proposed Bush Living and Waitakere Ranges Environment minor household unit provisions apply as a maximum, but subject to consideration against relevant subdivision criteria, and subject also to this position being addressed alongside the subdivision appeal issues in that area.
 - In respect of the Foothills Environment, separate minor household units be made a non-complying activity on any new site created under a structure plan, and otherwise a Discretionary Activity where consistent with a structure plan, or outside structure plan areas where sites have a minimum size of 3ha. In any case, minor household units to be subject to consideration against relevant subdivision criteria.

Report prepared by: Peter Reaburn, District Plan Co-ordinator (Acting).



16 PROPOSED NEW ROAD AND DISTRICT PLAN DESIGNATION

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, Proposed New Road and District Plan Designation.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Proposed New Road and District Plan Designation	The withholding of information is necessary in order to: <ul style="list-style-type: none">• Enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- Confidentiality is required as the proposed designation would affect private property and sensitive purchase issues and also a Council reserve. To discuss in public at this stage could be seen to pre-empt the reserve declaration and designation processes.

