



**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, 8 JUNE 2004,  
COMMENCING AT 9.30 AM.**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFIRMATION OF MINUTES	1
	<b><u>PART I - REGULATORY / ENFORCEMENT</u></b>	<b>2</b>
4	LEGAL UPDATE (AS AT 28 MAY 2004)	2
	<b><u>PART II - DISTRICT PLAN / STRUCTURE PLANS</u></b>	<b>8</b>
5	DISTRICT PLAN APPEALS UPDATE TABLE	8
6	CITY-WIDE ALCOHOL STRATEGY - PROJECT PLAN	8
7	CAR PARKING RULES - DISTRICT PLAN - MAJOR TOWN CENTRES	14
	<b><u>PART III - ENVIRONMENTAL MANAGEMENT</u></b>	<b>16</b>
8	WAITAKERE RANGES PROJECT PHASE II CONSULTATION ANALYSIS PROGRESS REPORT	16
9	CLASSIFICATION OF HENDERSON CREEK CORRIDOR RESERVES	23
10	ECOTOURISM POSITIONING OF WAITAKERE	32
11	PAINTED APPLE MOTH UPDATE REPORT	37

**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, 8 JUNE 2004,  
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, 11 May 2004  
Reconvened - Thursday, 27 May 2004  
Ordinary - Thursday, 27 May 2004

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 11 May 2004 and Reconvened on Thursday, 27 May 2004 and the Ordinary Meeting held on Thursday, 27 May 2004, as circulated, be taken as read and now be confirmed.



## **PART I - REGULATORY / ENFORCEMENT**

### **4 LEGAL UPDATE (AS AT 28 MAY 2004)**

#### **INTRODUCTION**

The following is a list of legal actions in respect of matters within the scope of the 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 references to Council's District Plan, minor prosecutions for dogs, swimming pools, health and litter 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**

##### **Kitewaho Bush Reserve, Peter Mawhinney and Others v Waitakere City Council**

Following the Council's success in the High Court (where it won its appeal, and successfully defended the cross-appeal - see later agenda item below, for more information), the Council has reignited its costs application against Mr Mawhinney et al in the Environment Court. Council is seeking approximately \$140,000. A hearing date is expected for July/August 2004.

##### **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. Matters settled by agreement with Transit.

##### **Selak v Waitakere City Council (7 March 2002)**

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

Appeals filed by the applicant Messrs Selak and their neighbours, Messrs Collett & 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 & Nyes have appealed Council's decision to allow the Go-Kart activity. Mr Selak has put forward a new proposal, involving additional mitigation of the noise impacts of the Go-Kart track, which is to be considered by all parties and may result in settlement of these appeals. Mr Collett has accepted in principle the efficacy and design of the Proposed Noise Mitigation Fence. A site visit was held in June and Mr Selak and Mr Collett are in discussions.

##### **Abacus Developments Limited & Ors v Waitakere City Council (February 2000)**

This was an appeal by Abacus, Kitewaho and related entities (associated with Mr Mawhinney) against subdivision consent conditions imposed for a subdivision at Bethells/Waitakere. The appeal was to be heard in February 2003 but has been adjourned pending the outcome of the High Court appeal referred to below in this report. It is expected to proceed to a hearing in 2004. Some discussions with Mr Mawhinney have taken place as to whether it is possible to narrow the scope of the appeal.

### **Peat v Waitakere City Council (10 April 2002)**

An appeal by Mr and Mrs Peat against Council decision to decline subdivision consent application seeking a non-complying 3 lot subdivision in 26 Awhiorangi Road. The subdivision would, if granted, 'jump the gun' by proceeding prior to resolution of both the Swanson Structure Plan references and the current global review by Council of structure planning, and Council's evidence is being prepared on this basis. The matter was part heard in the Environment Court on Friday, 17 October 2003. The hearing recommenced in the week of 16 February and was completed during that week. The Court has reserved its decision.

### **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 adjourned at the request of Estate Homes Ltd. Estate Homes Ltd has issued High Court proceedings relating to a contested reserves contribution assessment in respect of the first stage of its Sturges Road subdivision. Council and Estate were in the process of negotiating resolution of this matter through arbitration but were not able to conclude these discussions prior to the Court requiring that the matter be set down for hearing. It is still anticipated that agreement will be able to be reached to pursue the matter by way of arbitration, which would most likely be completed in September.

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

An appeal against consent conditions imposed for a proposed subdivision at Ranui Station Road. The matter was argued in the Environment Court on 25-27 August 2003. The appeal in respect of the reserve fund contribution was abandoned leaving Council's contribution to the road as the only matter in dispute. The Court's decision was issued on 17 September, upholding the aspect of the appeal regarding road widening. All other contribution issues had been resolved by agreement. This matter has now been appealed by the Council to the High Court. Hearing preparation is scheduled for fixture on 29/30 June.

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

Appeal by Mr Spencer against Council's decision declining consent for subdivision of a property located at Lone Kauri Road, Karekare. Both the Waitakere Ranges Protection Society and several residents' groups are parties to the appeal. An on-site meeting between all parties took place along with mediation, resulting in an agreement in principle being reached, with the details still to be finalised. Consent documentation for the Environment Court now being finalised and circulated to the parties. The appellant has not responded to documentation. At the Judicial Conference on 26 April 2004, Mr Barker (the Appellant/Applicant's Counsel) failed to appear. The Court has now directed that this matter is to settle by 24 May 2004 with the Appellant/Application to advise the Court of progress. In the event that the Appellant/Applicant has not completed and responded to the required documentation and the matter not settled, the matter is to proceed to hearing. An evidence exchange timetable has been set down in the event that the matter does not settle (which will only be because of the Appellant/Applicants failure to assist in finalisation of the documentation), with the Appellant/Applicant providing their evidence first. Documentation for settlement is almost complete.

### **Corner Stone Limited v Waitakere City Council (February 2003)**

Corner Stone Limited has appealed the Council's decision to refuse an application for land use consent to develop 6 office units at 120 South Titirangi Road, Titirangi. As of 29 April 2003 there were 21 parties who had filed Section 271A or Section 274 notices. Corner Stone has provided its initial evidence and Council has filed evidence in reply. A hearing was scheduled for the week of 17 November 2003. However due to the Court's concern as to the validity of a 1971 Planning Consent the matter has been adjourned until the validity of this consent can be resolved. The parties reported back to the Court on 2 December 2003 and requested that more time be granted to consider the complexity of issues revised by the 1971 consent. This preliminary matter was heard during the week of 2 February 2004, with the Court releasing its decision on 16 February. The Court determined that Corner Stone could rely on its original application and did not need to apply for a variation to proceed. The substantive hearing has been scheduled to be heard in the week of 17 May 2004. The Hearing did not proceed due to all parties agreeing to settle the matter. A Consent Order to the satisfaction of all parties was filed with the Environment Court on 21 May 2004.

### **Prema Trust v Waitakere City Council & Auckland Regional Council (July 2003)**

Application for hospital/alternative medical centre and associated school in Grassmere Road. Waitakere City Council, Auckland Regional Council, and the residents involved (mainly Henderson Valley Residents Assoc Inc) have all filed and served evidence. Prema Trust will shortly provide its rebuttal evidence. It is likely to be set down for a two week hearing in the weeks of 23 August and 30 August 2004.

### **Juderon Family Trusts v Waitakere City Council (December 2003)**

An appeal against the Council's decision confirming the consent conditions regarding financial contributions payable in respect of a proposed subdivision. Discussions between the parties continue.

### **Te Atatu Residents' & Ratepayers Association Inc v Waitakere City Council (January 2004)**

A reference against the Council's decision approving Plan Change 2, which re-identifies the Harbourview land on the Te Atatu Peninsula from Living Environment and Harbourview South Special Area to Open Space Environment and Marae Special Area. The Council has filed its notice of reply. The parties now await a mediation date from the Court.

### **I & Z Farac v Waitakere City Council**

A site-specific reference has been filed by Mr and Mrs Farac, relating to their property at 172A Don Buck Road, Massey. It seeks to rezone all (or part) of the property as Living 2 Environment. Discussions will take place on the relief being sought.

### **Save Hobsonville Against the Mismanagement of its Environment Society Inc v Waitakere City Council (February 2004)**

An appeal against the Council's decision granting consent to Vodafone to construct a telecommunications facility including a tower at 11 Scott Road, Hobsonville. An Environment Court-assisted mediation occurred on 18 March 2004, during which the appellant and applicant agreed to investigate the feasibility of reducing the height of the tower. Discussions between the appellant and Vodafone continue as to possible resolution.

## HIGH COURT

### **Waitakere City Council v Kitewaho Bush Reserve Company Limited, Peter Mawhinney & Ors (Appeal filed 22 January 2002)**

As previously reported to the Committee His Honour Justice Randerson released a decision in relation to this matter on 3 March 2004 which upheld Council's decision in relation to the appeal (in respect of Section 91 RMA) and confirmed the dismissal of Kitewaho's substantial cross-appeal. On 31 March 2004 Kitewaho filed a Notice of Application for Leave to Appeal to the Court of Appeal along with draft Points on Appeal. This matter was heard by Justice Randerson on 14 May 2004. After hearing from Mr Mawhinney, the ARC and Council his Honour dismissed Kitewaho's application for leave. Mr Mawhinney now has the opportunity to seek special leave to appeal from the Court of Appeal.

Council has filed a costs application with the High Court seeking a substantial costs award of up to \$180,000. A decision on costs is expected shortly.

### **Kitewaho Bush Reserve Company Limited & Ors v Waitakere City Council (February 2002) (Civil Proceedings)**

This is a claim for damages by Kitewaho et al and is related to the matters addressed in the other High Court proceedings. It has been stayed awaiting determination of the above appeal.

In light of the application for leave for appeal the damages claim has been further adjourned (by consent of the liquidators of the appellant companies) to await the final determination of the Resource Management Act appeal and specifically until after the application for leave to appeal to the Court of Appeal had been dealt with. Council has sought confirmation from Mr Mawhinney of his assertion that he, and not the liquidator, has control of proceedings. The matter was called for reference in the Court on 19 May 2004.

The Court has required Mr Mawhinney to make an application for substitution and file affidavit evidence in support and for the liquidator to notify its position by 31 May and for Council to respond by 7 June. The matter will be called before the Court again after 7 June 2004.

## PROSECUTIONS - DISTRICT COURT

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

A number of charges were brought against Mr Gordon in relation to Resource Management Act breaches 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. The trial took place during the week of 3 November 2003. Mr Gordon was found guilty by the jury in respect of 15 of the 23 charges he faced.

After an adjournment of sentencing to allow Mr Gordon the opportunity to remove the offending items from his property, sentencing took place on 22 March 2004. He did not remove all the cars.

Mr Gordon was sentenced to 320 hours community work and ordered to pay \$5,000 towards the cost of prosecution. The Court also made new enforcement orders prohibiting the presence of additional household units and car wrecks on the property during the week of 17 May.

The issue of unauthorised household units remains outstanding. Council understands that the various tenants residing in unauthorised dwellings (and vehicles) are aware of their obligation to leave the property by 25 June. If unauthorised dwellings remain after that date Council will consider invoking its powers to remove these as it has done in respect of the cars.

Council inspections after sentencing revealed cars were still present on site and as a result Council invoked its powers under the new enforcement orders to remove the remaining car bodies. This operation was undertaken successfully over a number of days in the week beginning 17 May.

**Ivan and Alona Covich - 40 Sunnyvale Road, Massey (May 2003)**

Charges were laid against Mr and Mrs Covich alleging that the Covich's operated a clean fill in contravention of an abatement notice requiring them to cease this activity. Mr & Mrs Covich pleaded not guilty and elected trial by jury. A depositions hearing took place on 11 November 2003, with counsel for the Covichs conceding that there was a case to answer. This matter has been set down for a trial during the week beginning 20 September 2004.

**MT Yeo, KB Yeong, MTY Properties Limited - Various Properties (May 2003)**

Charges were laid against Messrs Yeo and Yeong, and Mr Yeo's company MTY Properties regarding alleged unauthorised building work, failure to comply with notices to rectify, and unsafe buildings, in respect of seven properties owned by the defendants. The matters have been adjourned to 30 July.

**Warren Heywood - 26 Mudgeways Road, Sunnyvale (June 2003)**

Mr Heywood has entered a guilty plea to a charge of contravening an abatement notice. A restorative justice conference occurred on 10 May. On 24 May, Judge McElrea convicted and sentenced Mr Heywood to 180 hours community service, to be carried out in liaison with Council so as to benefit the City.

**Roy Fowler - 7 Woontons Lane, Titirangi (August 2003)**

Charges were laid against Mr Fowler for alleged offences under the Building Act (unauthorised building work) and Resource Management Act (breach of various district plan rules, including doing building work on the road reserve and in a stability sensitive area). Not guilty pleas have been entered. A pre-trial conference occurred on 22 April 2004 at which time the not guilty pleas were confirmed and the matter was allocated a defended hearing date of 7 July 2004.

**Gary O'Malley - 18 Kopiko Road, Titirangi (August 2003)**

Charges were laid against Mr O'Malley in respect of alleged unauthorised building work (new swimming pool, retaining wall and concrete block wall in a stability sensitive area). Mr O'Malley pleaded guilty to the charge of doing building work without a building consent and has been convicted and fined \$7,500.

**Pei-Chung Wu - 76 Hobsonville Road, Hobsonville (September 2003)**

Charges were laid against Ms Wu in respect of three building situated on a property co-owned by Ms Wu (the other owners having left New Zealand), for alleged unauthorised building works and unsanitary buildings. Ms Wu pleaded guilty to two charges relating to the condition and use of three buildings on the property in that she permitted building work to be undertaken without a building consent and that she permitted the residential use of the buildings while those buildings were in unsanitary conditions. She was convicted and fined \$8,500 in total.

**GPL Limited & JD Hardie - 591 Te Atatu Road, Te Atatu (October 2003)**

Charges were laid against the company and its director, JD Hardie, for failing to provide a current building warrant of fitness to the Council and obstructing/hindering Council officers in carrying out their duties under the Building Act. The defendants have since provided Council with a report satisfying Council as to the safety features installed in the building and the matter has settled.

**Clinton Davis - 12 McEntee Road, Waitakere (January 2004)**

Charges were laid against Mr Davis for the alleged unauthorised conversion of a garage to a habitable unit. Some of the unauthorised works have been removed. The matter has been settled.

**Rbit Investments Limited (January 2004) - 12 Marewa Street (January 2004)**

Charges were laid against the company and its three directors for alleged unauthorised building work to convert the basement of a house to a habitable unit. The company has pleaded guilty to permitting building work to be undertaken without consent and was convicted and fined \$3,000.

**John O'Malley - 623 Swanson Road (January 2004)**

Charges were laid against Mr O'Malley for alleged unauthorised building work (conversion of a shed to a residential unit). This matter will be called on 2 July 2004.

**Dovey Place Developments Limited, Neslo Construction Limited & Foundation Engineering Limited (February 2004)**

Charges were laid against the owner of a number of properties at Dovey Place (Dovey Place Developments Ltd) and the contractors responsible for the foundation and building works for undertaking the construction of five houses without building consent. These matters will have their first call on 2 July 2004.

**HIGH COURT**

**Application for Declaratory Orders Regarding Swimming Pool Fencing (December 2003)**

The Council has filed proceedings in the High Court seeking declaratory orders regarding the application of the provisions of the Fencing of Swimming Pools Act 1987 ("FSP Act") and, in particular seeking a ruling on the interpretation of "immediate pool area". There are four other parties, namely Auckland City Council, Rodney District Council, and two defendants against whom the Council has already initiated minor prosecutions for alleged failure to comply with the FSP Act. A judicial conference is scheduled for 29 April. The matter has been allocated a two-day hearing beginning 2 August 2004.

**RECOMMENDATION**

That the Legal Update (as at 28 May 2004) be received.

Report prepared by: Brigid McDonald, Contract Solicitor.



## **PART II - DISTRICT PLAN / STRUCTURE PLANS**

### **5 DISTRICT PLAN APPEALS UPDATE TABLE**

#### **PURPOSE OF THE REPORT**

The Principal Advisor - District Plan 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 District Plan Appeals Update Table report be received.

Report prepared by: Owena Schuster, Committee Secretary.



### **6 CITY-WIDE ALCOHOL STRATEGY - PROJECT PLAN**

#### **PURPOSE OF THE REPORT**

The purpose of this report is to:

- Present a project plan for the City-Wide Alcohol Strategy seeking approval from the Environmental Management Committee;
- Provide an update on the proposed Amusement Gallery Bylaw amendment;
- Seek approval for a combined Councillor and Community Board Member's workshop;
- Seek Environmental Management Committee representation on the City-Wide Alcohol Strategy Reference Group.

#### **BACKGROUND**

In November 2002 the Council recognised the need to update the Sale of Liquor Policy (the Policy) to reflect the revised Sale of Liquor Act and to place the Policy in the context of a wider legislative framework - including the Resource Management Act 1991, the Local Government Act 2002 and the new District Plan. A two tiered approach was adopted with Council first undertaking a Liquor Licensing Policy and then using the issues from this policy to develop a City-Wide Alcohol Strategy (the Strategy).

The Liquor Licensing Policy was adopted by the Environmental Management Committee at the November 2003 meeting. The policy became operative as of 1 April 2004. The Committee further resolved, in part to pass the second stage of the process:

- “7. *That a project plan for the development of a City-Wide Alcohol Strategy be brought forward to the Environmental Management Committee for approval in February 2004.*”

4127/2003

Due to the appointment of a new person to the Safe Waitakere Alcohol Project, the presentation of a project plan was deferred until such time that the new person became familiar with the requirements of the project.

Also, as part of the consultation process on the Policy, public comment was sought on a proposal to amend the bylaw covering amusement galleries so that it would apply to premises licensed under the Sale of Liquor Act. A report presented to the November 2003 Environmental Management Committee meeting outlined the process for considering and amending bylaws.

The Environmental Management Committee resolved in part:

- “6. *That staff undertake further analysis in accordance with the requirements of the Local Government Act and report back to the Environmental Management Committee, in early 2004, on the appropriateness of the proposed amendments to the Amusement Gallery Bylaw, in the context of the new Liquor Licensing Policy and proposed City-Wide Alcohol Strategy.*”

4127/2003

## STRATEGIC CONTEXT

Within the Long Term Council Community Plan, Waitakere City Council has highlighted five unchanging priorities, of which one is *Building a Safe City*. To achieve its long-term goals, Waitakere City Council has developed nine strategic platforms. *Strong Communities* is one of the nine strategic platforms.

The availability and use of alcohol has strong links to many of the Council's key objective areas: community safety, economic development, health and well-being, and the rights, needs and best interests of children and youth. The Council has a range of relevant responsibilities and overall a major impact on the drinking environment, including its role as District Licensing Authority, developing District Plan regulations, making and enforcing bylaws and public health inspections.

## ISSUES

The City-Wide Alcohol Strategy builds on from the issues highlighted in the public consultation of the Liquor Licensing Policy. The purpose of the Strategy is to create a plan of action that promotes safe alcohol environments and reduces alcohol-related harm in Waitakere City. Guiding the development of the City-Wide Alcohol Strategy is a Reference Group made up of a broad range of stakeholders from throughout Waitakere City including enforcement agencies, industry, health organisations and community. Organisations involved on the City-Wide Alcohol Strategy Reference Group include:

- Waitakere City Council
- Waitakere Licensing Trusts
- Auckland Regional Public Health Service
- Alcohol Healthwatch
- New Zealand Police
- Alcohol Advisory Council of New Zealand (ALAC)
- Auckland Regional Alcohol Project
- Community Alcohol & Drugs Service (CADS) – West
- Te Whanau o Waipareira Trust
- Te Taumata Runanga
- Pacific Island Advisory Board

In developing the issues raised from last year's Liquor Licensing consultation, a number of working groups have been established. The purpose of these working groups is to advance the issues further into a plan of action that accommodates a range of approaches and strategies for reducing alcohol-related harm in the city. The working groups are made up of those involved in the City-Wide Alcohol Reference Group and other's who may have additional expertise in the respective issues highlighted.

As the majority of the issues were identified during the Liquor Licensing Policy public consultation in 2003, it was decided that there was no need for further issues identification based consultation. The expert advice of those involved with the Reference Group has also ensured that all relevant issues are accounted for.

The working groups and issues identified from the Liquor Licensing Policy consultation are as follows:

### **Enforcement**

Issues Identified:        Noise from Licensed Premises  
                                 Hours of Operation  
                                 Location of Licensed Premises  
                                 Intoxication in Public Places  
                                 Community Response Programmes  
                                 Enforcement Practices  
                                 Resourcing Police and Licensing Inspector

### **Bylaws**

Issues Identified:        Amusement Galleries Bylaw Amendment  
                                 Extension of Control of Liquor in Public Places Bylaw - Henderson,  
                                 Glen Eden, Laingholm Beach

### **Alcohol Industry Accords**

Issues Identified:        Host Responsibility Training  
                                 Host Responsibility Accreditation

### **Young People**

Issues Identified:        Reducing social supply of alcohol to under 18s  
                                 Reducing off-license purchases to under 18s  
                                 Reducing on-licensed intoxication for under 25s  
                                 Parental awareness of legal obligations

### **Maori and Pacific Island Issues**

Issues Identified:        Interaction with Maori and Pacific Island peoples to look at  
                                 culturally specific alcohol-related harm issues

### **Waitakere City Council Internal**

Issues Identified:        Internal Host Responsibility  
                                 Community functions and events policy  
                                 Alcohol advertising and sponsorship and alcohol on Waitakere City  
                                 Council property

## Monitoring and Evaluation - Liquor Licensing Policy & City-Wide Alcohol Strategy

Issues Identified:      Collection of base line data for Liquor Licensing Policy and City-Wide Alcohol Strategy  
                                 Development of monitoring indicators  
                                 Development of ongoing monitoring framework  
                                 Development of evaluation framework

### Project Objectives

1. To draft a City-Wide Alcohol Strategy that aligns with Waitakere City Council's Long Term Council Community Plan. In particular, the Strategy should reflect the Long Term Council Community Plan's sustainable outcomes with specific reference to Strong Communities.
2. To consider the Strategy within the context of Safe Waitakere and the four inter-agency community safety projects in Waitakere City.
3. To consider the Strategy within the context of the relevant National and Regional Alcohol Strategies, including the National Alcohol Strategy and the contractual objectives of the Auckland Regional Alcohol Project.
4. To work in partnership with interest groups, with particular reference to local community representative groups, licensees, treatment providers and agencies involved in reducing alcohol-related harm.

### Project Outcomes

1. A community-owned Alcohol Strategy that is consistent with relevant national and regional harm-reduction approaches whilst aligning with the Council's and local communities vision for Waitakere City.
2. An Alcohol Strategy that is practically incorporated into as many Council activities and decisions including district planning, injury prevention, urban design and law and order activities.
3. An Alcohol Strategy that is guided by Council working in partnership with the community, licensees and agencies involved in reducing alcohol-related harm.
4. A flexible Alcohol Strategy that is responsive to emerging alcohol issues.
5. A 'living' Alcohol Strategy that is monitored and reviewed within specified time frames.

The success however of the City-Wide Alcohol Strategy relies heavily on community buy-in and ownership of the identified issues and approaches undertaken in the document. Because of this, it has been suggested that there are specific communities that need to be consulted and involved further in the development of the Strategy. It is appropriate that a working partnership approach be adopted with these communities to look at specific alcohol-related harm issues. Therefore, it has been suggested that further consultation and collaboration needs to be undertaken particularly in regards to Maori and Pacific Island Communities, Young People and Alcohol Industry Accords. Further interaction in the form of consultation and workshops will be undertaken in these areas.

From last year's consultation, a number of issues pertaining to the District Plan were raised. These included looking at the hours of operation for licensed premises, low frequency noise provisions and the location of licensed premises. The issues raised are being examined further within the enforcement working group. Any resulting conclusions relating to any options for District Plan changes will be consulted upon, possibly as part of wider consultation on the City Wide Strategy.

The following time frame as a guideline has been developed:

- June 2004: Approval from Environmental Management Committee for project plan.
- Late June - July 2004: Public workshops and further consultation undertaken.
- July - September 2004: Consultation on Amusement Gallery Bylaw amendment and proposed District Plan changes.
- August - October 2004: Development of draft City-Wide Alcohol Strategy.
- February 2005: Draft Strategy to Environmental Management Committee.
- Late February 2005: Combined Councillor and Community Board Member's workshop.
- March - April 2005: Document released for public comment alongside the draft Annual Plan.
- May 2005: Finalise Document.
- June 2005: City-Wide Alcohol Strategy adopted by Council.

### **Councillor and Community Board Member's Workshop**

Councillors and Community Board Members play an important part in conveying the views and concerns of their communities into the development of Council strategies. Although the issues from the Strategy have been sourced from public consultation for the Liquor Licensing Policy last year, it was thought that there should be an opportunity for Councillors and Community Board Members to make comment on the draft Strategy. Therefore it is proposed that a workshop for Councillors and Community Board Members be held once the draft Strategy has been developed.

### **Amendment to the Amusement Gallery Bylaw**

The Local Government Act 2002 introduced a new bylaw-making process, which the Council must follow in order to make bylaws. The first step in that process is determining that a bylaw is the most appropriate mechanism for addressing the perceived problem. This involves:

- Identification of the problem.
- Analysis of all practicable options for addressing the problem.
- Consideration of whether the bylaw is the most appropriate way for addressing the problem.

If the Council determines that a bylaw is the most appropriate way of addressing the problem, the Council must then consider whether the proposed form of the bylaw is appropriate. If the Council decides to proceed with the bylaw, the bylaw must be made using the special consultative procedure.

As part of the City-Wide Alcohol Strategy, a bylaw working group has been established. Because the Strategy will provide a number of approaches towards reducing alcohol related harm within the city, it was thought appropriate to look at other practicable options for addressing alcohol-related problems.

The amendment to the Amusement Gallery Bylaw is currently being considered by the bylaw working group. The proposed amendment was originally put out for public comment during the Liquor Licensing Policy public consultation. Only two submissions were received on the proposed amendment, both in support. Due to the limited nature of the consultation, it was recommended that further consultation on the proposed amendments be undertaken in conjunction with the City-Wide Alcohol Strategy.

The working group is also considering a request for a liquor ban in the Glen Eden business area as per the petition received at the February 2004 Environmental Management Committee meeting. The working group is also looking at working in partnership with affected communities to develop community responses to alcohol-related problems in specific areas throughout the city. Liquor bans are being considered as an option.

As any further liquor bans in Waitakere will require a review of the current Control of Liquor in Public Places bylaw, it was deemed most cost-effective to undertake the special consultative procedure in conjunction with the required consultation for the amendment to Amusement Gallery bylaw.

## **RESOURCES**

Funding has been allocated in the 2004/2005 Draft Annual Plan for the development of a City-Wide Alcohol Strategy.

## **CONCLUSION**

The City-Wide Alcohol Strategy project plan addresses a range of issues raised during the Liquor Licensing public consultation last year. A range of issues that relate to alcohol-related harm are being addressed in a co-ordinated and collaborative approach with stakeholders and interest groups in Waitakere. The development of these issues into a range of approaches and strategies will be undertaken by a series of working groups. The City-Wide Alcohol Strategy will also be guided by a reference group comprised of key interest groups who will work alongside Council Officers.

Further consultation required for the Amusement Gallery Bylaw amendment will be undertaken once the issue of liquor bans has been considered within the City-Wide Alcohol Strategy. Feedback so far suggests that the proposed amendment to the Amusement Gallery Bylaw would be a proactive step towards reducing access of Under 18s to alcohol on licensed premises.

## **RECOMMENDATIONS**

1. That the City-Wide Alcohol Strategy - Project Plan report be received.
2. That the Environmental Management Committee approve the City-Wide Alcohol Strategy project plan.
3. That the Environmental Management Committee approve a combined Councillor / Community Board Member workshop.
4. That the Environmental Management Committee nominate a representative for the City-Wide Alcohol Strategy reference group.

Report prepared by: Shannon Hanrahan, Safe Waitakere Alcohol Project (SWAP) Leader.



## 7 CAR PARKING RULES - DISTRICT PLAN - MAJOR TOWN CENTRES

### PURPOSE OF THE REPORT

This report seeks the Committee's direction regarding proposed changes to the District Plan car parking rules for the major town centres.

### BACKGROUND

There has been concern that the District Plan car parking rules may be more onerous than necessary, and may not support the outcomes envisaged in the Policy section of the District Plan and Council's Urban Villages Strategy.

Finance & Operational Performance Committee on 7 April 2003 directed:

*"That the District Plan rules, particularly those relating to frontage controls and car parking provision, be examined to ensure that they are aligned with the concept plans for Henderson and with Council's urban strategy generally."*

442/2003

### STRATEGIC CONTEXT

Council's Urban & Rural Villages Strategic Platform has as a goal:

*Over half of all new housing will be in town centres or on major public transport routes.*

Actions to achieve this include:

- *Continue planning to bring working, living and playing closer together.*
- *Ensure not only buildings, but transport solutions, parks and footpaths, urban and rural public places support innovative city form.*
- *Review planning processes to support integrated planning and innovative ideas.*
- *Ensure planning processes support innovative housing provision.*

The District Plan policies aim to intensify urban development around town centres, encouraging a 24-hour mix of activities. The aim is to accommodate much of the new residential growth in town centres - enabling our changing population more choice of housing type, including the choice of living in locations where they can easily shop, recreate and commute to work without needing to use a car. Strong centres with safe active streets will link a rich mix of retail, working, educational, residential, recreational and cultural opportunities. The new stations to be built as part of Auckland's rail project will foster strong public transport access, and a good walking environment designed on urbanist principles to reduce the necessity for everybody to use cars.

### ISSUES

Work has been done to consider the application of parking rules in both Henderson and New Lynn in the light of:

- Henderson Parking Study, 2003.
- Waitakere City Parking & Driveway Guidelines.
- Parking regimes in other metropolitan authorities in Auckland, New Zealand, and overseas.

The analysis has been done on the holistic principle that town centre car parking need not be accommodated site-by-site, and that the demand generated by different activities can be balanced out over the whole centre. This principle is already contained in the Policy of the District Plan, but has proven difficult to reflect in the application of the rules.

The work is addressing a number of issues for car parking in the major town centres, the most significant ones being:

- Is there justification for treating household parking in town centres as complementary to daytime parking - ie. not required at all?
- Are the ratios for the major Community Environments (1 parking space per 25m<sup>2</sup> at ground level; 1 space per 35m<sup>2</sup> at other levels) set too high?
- Should the provision of cash-in-lieu be an as-of-right alternative to providing parking spaces on-site?
- What would be the effect of removing parking requirements altogether, and leaving the market to meet demand?
- What would be the effect of imposing a maximum rather than minimum parking requirement?
- Would it be justifiable to use kerbside parking in nearby industrial and residential streets for excess worker parking?
- Should Council be identifying/buying/leasing sites suitable for efficient parking structures?

While the work is focused on New Lynn and Henderson, there will also be consideration of how far any changes might be relevant to other centres - particularly Westgate. Particular attention has been given to examining how effective this approach is in similar urban environments (eg. Australia, UK, USA).

## RESOURCES

The examination of District Plan rules as part of Urban Growth Management is covered within the current Annual Plan.

## CONCLUSION

Car parking rules in Waitakere City still largely reflect a traditional model of requiring capacity on each site to match estimated demand. Different models are available to achieve a better overall result (e.g. setting parking maxima rather than minima). The current rules need to be reviewed to ensure they will achieve the objectives of the Council's urban growth strategy.

## RECOMMENDATIONS

1. That the Car Parking Rules - District Plan - Major Town Centres report be received.
2. That the review of District Plan car parking rules should address the issues as outlined in the report.

Report prepared by: John Mackay, Manager: Urban Development & Design.



### PART III - ENVIRONMENTAL MANAGEMENT

#### **8 WAITAKERE RANGES PROJECT PHASE II CONSULTATION ANALYSIS PROGRESS REPORT**

##### **PURPOSE OF THE REPORT**

The purpose of this report is to update the Environmental Management Committee on the analysis of the public consultation undertaken in April and May 2004 during Phase II of the ongoing Waitakere Ranges Protection Project.

##### **BACKGROUND**

The Waitakere Ranges Protection Project was initiated in response to concerns expressed by local people, local MP's, lobby groups, the Parliamentary Commissioner for the Environment and the West Coast Plan, that the Waitakere Ranges and Foothills continue to be under pressure and further action is needed to ensure more secure protection for future generations.

The goal of the Waitakere Ranges Protection Project as agreed by the partners is:

*'Through a partnership of iwi, Waitakere City Council, Auckland Regional Council & local Members of Parliament, and in close consultation with stakeholders, to find and implement ways of achieving better long-term protection for the natural and landscape values of the Waitakere Ranges and West Coast'.*

The results of Phase One consultation (September - December 2003) showed most people believe that the Ranges and Foothills were not currently protected enough now and for the future, and that something 'extra' was needed. Following this phase, policy work was undertaken to identify or further develop already identified ways to provide that 'something extra'. These were analysed and those considered most suitable as methods or responses to fill the gaps and weaknesses in the current management system were identified in a 'proposed package' in Phase II.

The Structure Planning Review is a District Plan monitoring project that sits within the Council's wider strategic planning and District Plan monitoring framework. A Review of the process was undertaken in 2003. Recommendation 1 of the Structure Planning Review Report sought for the Council to:

*"Clarify and strongly affirm the vision and values for the Waitakere Ranges, including the foothills."*

It was accepted that this would be addressed via the Waitakere Ranges Project.

Phase II of the consultation programme was therefore amended to include discussion on the parts of the eastern foothills of the Waitakere Ranges that were included in the Waitakere Ranges Project area boundary.

At its meeting of 26 May 2004 Council endorsed the following extended timeframe allowing for full and meaningful consultation on the Waitakere Ranges Project (839/2004):

June 2004	Presentation to Environmental Management Committee 8 June of Summary of Phase Two Consultation Analysis. Communication to Waitakere Ranges and Foothills residents and landowners of next steps in the process.
June - August 2004	Further detailed work on the package to clarify the components and clearly document the implications for landowners and residents of each component. Reporting to Environmental Management Committee on progress monthly.

June - December 2004	Landscape and role of the foothills technical study undertaken.
September 2004	Report to Council on detailed development of proposed package in order for Council to clearly identify which components it supports for further consultation.
October - December 2004	Development of consultation materials and process for Phase 3 consultation.
February 2005	Report to Council on recommended final boundary for the project area.
February - March 2005	Phase 3 consultation.
May 2005	Council decision on final package for implementation.

In addition the Council resolved:

*“That the other partners in the Waitakere Ranges Project be advised of the Council’s decision with regard to the timeline for the project.”*

839/2004

1. *That the Chief Executive conducts further work including analysis of the implications of legislation incorporating the following elements:*
  - *Recognising that the Waitakere Ranges are special and deserving of care and protection, now and in the future;*
  - *Recognising that current District Plan provisions have been reached after years of consultation and should be respected;*
  - *Permitting changes to the District Plan to be made as long as they accord with the principles of protection that the legislation would establish (there being no adverse environmental effects);*
  - *Acknowledging that activities currently permitted by the District Plan and enjoyed by landowners should not be affected;*
  - *Allowing the continuation of current statutory processes including Structure Planning and employing transitional provisions to ensure that existing rights are grand parented in;*
  - *Requiring bodies exercising statutory powers which affect the Ranges and Foothills to take into account the need to consider effects of development on the landscape and to avoid the potential cumulative effects development would have on the Waitakere Ranges and Foothills.*
2. *That the effects of legislation based on these elements on the Ranges, Coastal Villages and Foothills be investigated.*
3. *That the Chief Executive also reports on all existing packages both National and Local providing financial incentives to landowners for adopting conservation measures.”*

836/2004

*“That funding for this work be committed against the \$110,000.00 budgeted for the Waitakere Ranges Protection project in the 2004/2005 financial year.”*

8372004

*“That the Chief Executive report to the Council if this funding is insufficient.”*

838/2004

## Phase Two Consultation Objectives

The Phase Two consultation process is now complete. The objectives of the consultation programme were to:

- a) Discuss visions and values for the eastern foothills included in the Waitakere Ranges project boundary.
- b) Gain feedback on the proposed package, particularly the legislation component.

At the Council's Environmental Management Committee meeting in May 2004 a progress report was received on the proposed package. This report provides a preliminary analysis of the consultation package.

## Consultation Process

The consultation programme was developed around the key elements of consultation as set out by the New Zealand Court of Appeal. The key aspects were to provide a proposed package of information on possible ways to better protect the Ranges area, allowing time and opportunity to discuss the proposed package, and listening to what others had to say.

Following the breakdown and analysis of the comments received through the different consultation methods, the Council will be in a better position to fully consider the proposed initiatives.

The methods used during consultation included:

- The provision of written information.
- Two open community forums (11-12 workshops held within these).
- Six randomly-selected focus groups (an independent company was used to contact attendees).
- Comment forms.
- Telephone, letter, email and personal contact.

The consultation process was developed with the understanding that:

- Resourcing for community forums was limited.
- To meet the project timeframe agreed by Council, Phase II consultation needed to be completed by early May.
- The rationale for the consultation was to gain feedback on a proposed package.

## Written Information

The wider community was contacted extensively in Phase I through flyer drops (about 52,000 were distributed to letterboxes and rural delivery addresses), posters, press articles and advertising.

In April 2004 a flyer was sent to about 550 addresses inviting people to register for the Phase II community forums or to register to receive additional information. The majority of recipients were those who had expressed an interest in being kept informed about the project either during or following Phase I consultation. The invitation was also posted on the Council's website and sent to the Auckland Regional Council for distribution to interested parties.

Information packs were distributed to about 225 people registered for the community forums. They were encouraged to read the information prior to attending the event. A number were also sent to people not attending, but interested in receiving the information and/or in the opportunity to make a written submission on the project. Again this information was available from the Council's website. In addition, extra copies were sent to all residents and ratepayers groups, and Community Board members for distribution.

The information packs included:

- An A3 table detailing the proposed package (including the anticipated benefits, other facts to be considered, and some questions for participants to consider).
- A comment form with room for general comments as well as specific comments on the individual proposed package components.
- Five information sheets:
  - i. Information on how the 'proposed package' was developed. This detailed the gaps and weaknesses identified in research and through phase I consultation, outlined how the possible responses were identified and assessed and outlined the possible package.
  - ii Background information on the Waitakere Ranges Protection Project.
  - iii Details on the five key parts of the project, and the relevant timeframes.
  - iv Brief descriptions of the other methods/responses considered but not included in the indicative package.
  - v Additional information on where the project sits in the national and international context.

#### Community Forums

More than 65 members of the public attended the first community forum held on Sunday 18 April at the New Zealand Bible College on Lincoln Road, Henderson. About 95 attended the second community forum held on Tuesday 27 April at Te Piringatahi O Te Maungarongo Marae in West Harbour. Informal registration details show that four people attended both sessions.

The forums began with welcomes and introductions, followed by a formal presentation that included:

- An explanation of the project and previous work.
- Information on the gaps or weaknesses identified in research and through phase I consultation.
- The package of potential responses.
- More detailed information on the individual responses.
- Where to from here.

The attendees were invited to move into facilitated workgroups to discuss firstly their visions for the foothills, and secondly the proposed package of initiatives, leading with legislation. Workshops were facilitated by Auckland Regional Council and Waitakere City Council officers. Where possible, facilitators were supported by note takers and officers with knowledge of the project.

#### Randomly-Selected Focus Groups

An independent company was contracted to randomly select about 50 attendees to attend a full day focus group held on Saturday 1 May, at the Waitakere City Council's main building. The company followed standard survey/market research principles in their selection process.

The purpose of the randomly-selected focus groups was to gather information from people not actively involved in the debate to date.

More than 40 people attended on the day. The attendees were divided into six focus groups on the basis of where they lived. The groups included:

- Residents living outside Waitakere City (x 2);
- Waitakere City, excluding foothills and Ranges residents (x 2);
- Foothills (x 1);
- Waitakere Ranges residents (x 1).

In addition to the attendee selection being undertaken independently, five of the six facilitators on the day were independent contractors. The sixth facilitator was the Council's market research expert.

During the course of the day the focus groups discussed their values for the Ranges and foothills and the proposed package. At various times the groups merged into one large group to ask questions of officers from both the Waitakere City Council and Auckland Regional Council.

#### Comment Forms and Submissions

A total of 96 comment forms or submissions were received. Of those, about 30 submitters did not attend either forum. These are still being analysed, however some preliminary findings are reported below, along with findings from the community forums.

### **STRATEGIC CONTEXT**

The Waitakere Ranges Project is a key project within the Green Network platform of the Long Term Council Community Plan. The 'Green Network' strategic platform contains a vision that would see streams and forests full of life, the Waitakere Ranges permanently protected and a Green Network in place linking the Ranges to the sea, as well as connecting the everyday lives of the people of Waitakere with the natural world.

Council has indicated a strong commitment to working on protection of the Ranges, whilst recognising that there are many different values relating to the Ranges, and that much is already being done to achieve protection. As the many tools for protection are varied and community views diverse, a robust process is crucial.

### **ISSUES**

#### **1. Preliminary Findings**

At the time of writing this report, analysis of phase two consultation results were still being completed. This report is a high level progress report on results to date. A more detailed report will be taken to the Environmental Management Committee's July meeting.

This will contain a detailed analysis of the proposed package components. These components are: introducing legislation, establishing a charitable trust, investigating World Biosphere Reserve status, amending the Auckland Regional Growth Strategy (and Waitakere District Plan as required), amending the Auckland Regional Policy Statement (and Waitakere District Plan as required), establishing core staff teams, developing an implementation plan and prioritising projects through the Waitakere Long Term Council Community Plan. In addition, the report will include an analysis of the consultation over a vision for the foothills (contained within the project area).

The closing date for comments was May 14, 2004. The majority of comments were received from May 12 - 17, 2004.

The analysis to date has focused on community forum workshop comments received on the proposed package, particularly the legislation, and from the written comment forms and submissions.

Although the analysis of feedback is still being completed it shows there is support for identifying better ways to protect the Waitakere Ranges but there is confusion about how and where protection should be sought. There is also confusion and concern about the process.

For example, following the completion of the facilitated workshops, participants were invited to take part in a 'dot exercise'. They were given eight dots and invited to place them on a chart with the eight components as headings, and with a choice of 'generally agree', 'neutral', 'generally disagree' or 'abstain'.

As most groups had only been able to discuss the legislative component and few if any of the other components, many participants did not feel comfortable taking part in the exercise and only placed dots under components they felt strongly about. Some participants had placed more than one dot on some components, and none for others. Therefore this exercise is only appropriate to identify the level of interest or concern for participants. It is not able to be used to identify the levels of agreement or disagreement for each component.

The legislation component received the most attention (196 dots). It was followed by the World Biosphere Reserve status (138). Amending the Regional Growth Strategy received 118 dots. Four components had a very similar level of interest: prioritising projects through the Long Term Council Community Plan and amending the Auckland Regional Policy Statement and district plan as required (113 each); and establishing an implementation plan and establishing a trust (112 each). Introducing core staff teams received the least interest (106).

## **2. Community concerns**

Key community concerns identified during the community forums were:

- Insufficient detail provided to enable informed comments from the community.
- Insufficient time provided to enable quality discussions in the workshops.
- Limited promotion of the events, particularly to foothills residents unaware of the project from Phase I.

There were many calls at the forums for clearer details on the proposed package, particularly around the legislation component, and requests for information on the implications and impacts of all the components on residents within the project area. Similar concerns were expressed in the comment forms, although to a lesser extent.

There were a number of other key concerns identified through the written comments, particularly around the project boundary. These varied from comments on the inclusion of the foothills within the Ranges, the impacts and implications of the project on private property owners as well as the need to protect the foothills as a 'rural' transition or buffer area between the Ranges and the metropolitan urban area.

At the focus groups a level of frustration was expressed at the lack of detail able to be provided and it was recommended that more detail be provided to those most impacted before any decisive comments could be expected.

### 3. Attendees/participants

There has been some concern expressed about the lack of representation and participation by residents living in the Waitakere Ranges and foothills area. A breakdown of the address lists for the community forum participants and submitters shows that the majority resided within the project area, with Swanson being particularly well represented in comparison to other areas.

Suburb/Area	Community Forums	Written Submissions
Glen Eden	4	1
Green Bay	2	
Henderson	16	6
Huia / Laingholm	3	
Karekare / Piha	10	1
Massey	10	
Oratia	5	3
Swanson	62	62
Titirangi	21	6
Waiatarua	1	1
Waitakere town	1	2
Whenuapai	2	1
Waitakere City other (outside Ranges or foothills area)	8	5
Auckland City	10	3
North Shore	7	0
Rodney District	1	1
Manukau City	0	2
unknown	1	
Total	164	96

### CONCLUSION

Initial high level analysis of the Phase II consultation has raised a number of issues. These include community concern over the level of information available for discussion regarding the details of the proposed package for the Waitakere Ranges Protection Project. Further analysis of the comments received is required to inform the next phase of the project.

### RECOMMENDATION

That the Waitakere Ranges Project Phase II Consultation Analysis Progress Report be received.

Report prepared by: Yvonne Rooney, Communicator, Strategy and Development.



## 9 CLASSIFICATION OF HENDERSON CREEK CORRIDOR RESERVES

### PURPOSE OF THE REPORT

The purpose of this report is to bring before the Environmental Management Committee the proposed new classifications for the Henderson Creek Corridor Reserves under the Reserves Act, and to recommend that they be approved by the Management Committee. Also, to seek approval for a change of Parks Strategy classification for two of the Henderson Creek Corridor reserves.

### BACKGROUND

A1 In 1999, Council began preparing a Management Plan for the 14 reserves within the Te Huruheru-Henderson Creek Corridor. This Plan included Flanshaw Esplanade, Sherwood Park, Colletta Esplanade, Chilcott Brae, Swan Arch, Tui Glen, Tui Glen Esplanade, Falls Park, Newey's Corner, Trading Esplanade, Cranwell Park, Cranwell Esplanade, Epping Esplanade and Henderson Creek Esplanade Reserves, a map is attached at page A1.

Huruheru-Henderson Creek Corridor Reserves Management Plan was publicly notified in September 2000 and submissions to the draft closed in December 2000. The publication of the draft Plan was delayed to allow a separate consultation for Tui Glen Reserve, following the closure of the camping ground there. The Henderson Creek Corridor spans both Henderson and Massey Wards, however, the Creek Corridor itself is identified as a City-wide Green Network Reserve. In order to hear the submissions to the draft Plan, a special committee with delegated authority was appointed by Council. The Henderson Creek Reserves Management Subcommittee was established as a subcommittee of the City Development Committee and includes members of both Community Boards. The Plan was adopted in July 2003 following the hearing of submissions before the Henderson Creek Subcommittee.

The administration and management of reserves is governed by the Reserves Act 1977. This Act requires that an administering body prepare a Management Plan for all reserves (other than esplanade reserves) under its authority. The Reserves Act also requires that all reserves are to be classified into one of a number of categories according to the primary values of the reserve. There are eight classifications, relating to the purpose of the reserve. These are: Nature, Scientific, Government Purpose, Historic, Scenic, Recreation and Local Purpose. A Local Purpose classification is always followed by a sub-classification, which specifies the primary purpose of the reserve, for example Local Purpose (*esplanade*).

The classification is important as it indicates the values of a reserve and guides its appropriate use and development. Local Purpose is the most flexible of the classifications and the only one that allows the administering body to develop and manage the reserve as it sees fit without referring to the Minister of Conservation for approval.

The Reserves Act requires that classification be completed in order for a Management Plan to be operative. During the drafting of the Henderson Creek Corridor Reserves Management Plan, the legal titles of the reserves included in the Plan were searched, and their classifications scrutinised. Quite a few of the reserves are inappropriately classified; having been classified under legislation other than the Reserves Act, or not classified at all; being Council freehold land.

A number of actions are required to complete the classification of the parcels of land that make up:

Flanshaw Esplanade, Sherwood Park, Colletta Esplanade, Chilcott Brae, Swan Arch, Tui Glen, Tui Glen Esplanade, Falls Park, Newey's Corner, Trading Esplanade, Cranwell Park, Cranwell Esplanade, Epping Esplanade and Henderson Creek Esplanade Reserves to enable the Henderson Creek Corridor Reserves Management Plan to become operative.

## **STRATEGIC CONTEXT**

The Henderson Creek Corridor Reserves Management Plan is being prepared in the context of the Waitakere City Council Parks Strategy, which provides guidelines on the management of parks within the City. The Parks Strategy, adopted in 1999, includes its own internal classification system, under which all parks are either City-wide, Local or Neighbourhood, depending on their size, facilities and the catchment of users.

City-wide parks are defined as large individual parks or groups of parks that combine to provide significant areas of native ecosystems and a variety of landscapes and recreation opportunities. They have a regional focus. Local Parks are defined as medium-sized parks that usually contain between 1 - 3 sports fields, areas for casual recreation, landscape planting and native ecosystems. They have a community focus.

The Parks Strategy identifies the Corridor as a City-wide park with a Green Network focus. In addition, the Corridor contains a number of City-wide recreation facilities, including the Sports Complex, Westwave Aquatic Centre, the Henderson Heritage Trail, Tui Glen Camp Ground and the Western walking/cycle Route.

The Strategy identifies twelve of the 14 reserves included in the Henderson Creek Corridor as City-wide reserves, either City-wide Green Network or City-wide Multi-Use. Only Newey's Corner and Trading Esplanade reserve at the southern end of the Corridor are identified as Local parks.

## **ISSUES**

### **Chilcott Brae Reserve**

Chilcott Brae Reserve is made up of three parcels of land; all three parcels require formal classification under Section 16 of the Reserves Act. Lots 45 and 46 DP 45708, CT NA201/276 (part) comprising 6176m<sup>2</sup> and 4047m<sup>2</sup> respectively originally vested in the Crown as a Recreation Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 these two parcels of land vested in the Waitemata County Council. The third parcel, Lot 38 DP 134559, CT NA82C/62 (All) comprising 464m<sup>2</sup> vested in the Waitakere City Council as a Recreation Reserve on subdivision under the Local Government Act 1974. All three parcels need to be classified as Recreation Reserve in accordance with the requirements of the Reserves Act.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

### **Chilcott Esplanade Reserve**

Chilcott Esplanade Reserve is made up of 14 parcels of land; five parcels need to be classified as Local Purpose (esplanade) Reserve, another 5 parcels need to be declared, classified or re-classified as Local Purpose (community purpose) Reserve, another three parcels need to be declared Local Purpose (road) Reserve and contemporaneously declared road as these parcels form part of Central Park Drive. The remaining parcel needs to be re-classified as Local Purpose (access way) Reserve to reflect the existing use of the reserve.

The following four parcels require formal classification under Section 16 of the Reserves Act as Local Purpose (esplanade) Reserve; Part Lot 141 DP 46794, CT NA831/110 (part) comprising 338m<sup>2</sup>, Part Lot 142 DP 46794, CT NA831/110 (part) comprising 5405m<sup>2</sup>, Part Lot 161 DP 47631, CT NA831/110 (part) comprising 266m<sup>2</sup> being area shown as "Section 1" on SO Plan 334482 originally vested in the Crown as Recreation Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 these 3 parcels of land vested in the Waitemata County Council. The fourth parcel, Lot 37 DP 134559, CT NA82C/62 (all) comprising 8780m<sup>2</sup> vested in the Waitemata City Council as a Local Purpose (esplanade) Reserve on subdivision under s306(4) of the Local Government Act 1974. All four parcels need to be classified as Local Purpose (esplanade) Reserve in accordance with the requirements of the Reserves Act.

The following parcel requires formal re-classification under Section 24 of the Reserves Act as Local Purpose (esplanade) Reserve; Part Lot 161 DP 50809, CT NA1984/78 (part) comprising 1.3772ha, originally vested in the Waitemata County Council as Recreation Reserve on subdivision pursuant to s44(2)(b) of the Counties Amendment Act 1961. By virtue Section 16(11)(i) of the Reserves Act 1977 this parcel automatically classified as a Recreation Reserve, however it needs to be reclassified as a Local Purpose (esplanade) Reserve. Public notification of the change of classification is required for this particular parcel. Should any objections be received these will need to be considered by Council.

The following two parcels require formal classification under s16 of the Reserves Act as Local Purpose (community purpose) Reserve; Part Lot 161 DP 47631, CT NA831/110 (part) comprising 3804m<sup>2</sup> being area shown as "Section 2" on SO Plan 334482 and Part Lot 141 DP 46794, CT NA831/110 (part) comprising 784m<sup>2</sup> being area "D" on SO Plan 63709 originally vested in the Crown as Recreation Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 these two parcels of land vested in the Waitemata County Council.

The following three parcels require formal classification under s16 of the Reserves Act as Local Purpose (road) Reserve as it forms part of Central Park Drive; Part Lot 161 DP 47631, CT NA831/110 (part) comprising 1074m<sup>2</sup> being area "A" on SO Plan 63709, Part Lot 141 DP 46794, CT NA831/110 (part) comprising 3626m<sup>2</sup> being area "B" on SO Plan 63709, Part Lot 142 DP 46794, CT NA831/110 (part) comprising 420m<sup>2</sup> being area "C" on SO Plan 63709 originally vested in the Crown as Recreation Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 these 3 parcels of land vested in the Waitemata County Council. The Council can contemporaneously dedicate the 3 aforesaid mentioned parcels as legal road pursuant to Section 111 of the Reserves Act 1977 to legitimise the current use as public road.

The following three parcels require formal declaration under s14 of the Reserves Act as Local Purpose (community purpose) Reserve; Part Lot 123 DP 50809, CT NA8D/448 (residue) comprising 575m<sup>2</sup>, Part Lot 124 DP 50809, CT NA8D/449 (residue) comprising 355m<sup>2</sup> and Part Lot 125 DP 50809, CT NA8D/450 (residue) comprising 355m<sup>2</sup> were purchased by the Waitemata County Council for "roading purposes" and parts of all three parcels were vested as road in 1974. The balance of the three parcels, which did not vest as road, has been used as part of the Coletta Esplanade Reserve.

The remaining parcel requires formal re-classification under s24 of the Reserves Act as Local Purpose (access way) Reserve; Lot 162 DP 50809, CT NA1984/78 (part) comprising 177m<sup>2</sup>, originally vested in the Waitemata County Council as Recreation Reserve on subdivision pursuant to Section 44(2)(b) of the Counties Amendment Act 1961. By virtue Section 16(11)(b)(i) of the Reserves Act 1977 this parcel automatically classified as a Recreation Reserve, however it needs to be reclassified as a Local Purpose (access way) Reserve. Public notification of the change of classification is required for this particular parcel. Should any objections be received these will need to be considered by Council.

13 out of 14 parcels of land have open space zoning which is appropriate for the proposed classifications, re-classification or declaration to be undertaken. However, Part Lot 141 DP 46794, CT NA831/110 (part) comprising 784m<sup>2</sup> being area "D" on SO Plan 63709 is currently zoned Transport Environment on the Council's operative district plan and because it is proposed to classify the aforesaid parcel as Local Purpose (community) Reserve it will necessary to be publicly notified the proposed classification. Should any objections be received these will need to be considered by Council.

### **Cranwell Esplanade Reserve**

Cranwell Esplanade Reserve is made up of 16 parcels of land; 10 parcels need to be classified as Local Purpose (esplanade) Reserve, another three parcels need to be classified as Historic Reserve, another one parcel needs to be classified as Local Purpose (road) Reserve and contemporaneously declared road as this parcel forms part of Sel Peacock Drive to reflect the existing use of the reserve. The remaining two parcels do not require any further action as parts of the reserve were classified as historic reserve in 1996.

The following 10 parcels require formal classification under s16 of the Reserves Act as Local Purpose (esplanade) Reserve; Lot 3 DP 130997, CT NA61D/257 (part) comprising 1847m<sup>2</sup>, Part Lot 5 DP 130997, CT NA61D/257 (part) comprising 259m<sup>2</sup> and Part Lot 5 DP 104914, CT NA2C/1325 (part) comprising 4479m<sup>2</sup> originally vested in the Henderson Borough Council and the Waitakere City Council as Local Purpose (esplanade) Reserve on subdivision under s306(4) of the Local Government Act 1974. A further 3 parcels, Part Lot 3 DP 149953, CT NA89C/80 (part) comprising 2468m<sup>2</sup>, Lot 51 DP 170140, CT NA103D/269 (all) comprising 5326m<sup>2</sup> and Lot 52 DP 172230, CT NA105C/109 (all) comprising 3900m<sup>2</sup> originally vested in the Waitakere City Council as a Local Purpose (esplanade) Reserve on subdivision under Section 239 Resource Management Act 1991. Another parcel, Lot 4 DP 130997, CT NA61D/257 (part) comprising 1811m<sup>2</sup> originally vested in the Waitakere City Council as Recreation Reserve on subdivision under s306(4) of the Local Government Act 1974. A further three parcels, Lot 16 DP 170140, CT NA103D/258 (all) comprising 452m<sup>2</sup>, Lot 46 DP 170140, CT NA103D/268 (all) comprising 577m<sup>2</sup> and Lot 53 DP 172230, CT NA105C/110 (all) comprising 45m<sup>2</sup> originally vested in the Waitakere City Council as Recreation Reserve on subdivision under s239 Resource Management Act 1991. All 10 parcels need to be classified as Local Purpose (esplanade) Reserve in accordance with the requirements of the Reserves Act.

The following three parcels require formal classification under s16 of the Reserves Act as Historic Reserve, Part Lot 5 DP 130997, CT NA61D/257(part) comprising 47m<sup>2</sup> being Area "C" on SO Plan 66736 and Part Lot 3 DP 149953, CT NA89C/80 (part) comprising 91m<sup>2</sup> being Area "A" on SO Plan 66736 originally vested in the Waitakere City Council as a Local Purpose (esplanade) Reserve on subdivision under s239 Resource Management Act 1991. A third parcel, Lot 8 DP 130997, CT NA61D/257 (part) comprising 188m<sup>2</sup> originally vested in the Waitakere City Council as Recreation Reserve on subdivision under s306(4) of the Local Government Act 1974. All three parcels need to be classified as Historic Reserve in accordance with the requirements of the Reserves Act.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classifications.

The following parcel requires formal classification under s16 of the Reserves Act as Local Purpose (road) Reserve as it forms part of Sel Peacock Drive, Part Lot 5 DP 104914, CT NA2C/1325 comprising 420m<sup>2</sup> being Area "D" on SO Plan 64154 originally vested in the Waitakere City Council as a Local Purpose (esplanade) Reserve on subdivision under s239 Resource Management Act 1991. The Council can contemporaneously dedicate the aforesaid mentioned parcel as legal road pursuant to Section 111 of the Reserves Act 1977 to legitimise the current use as public road.

Public notification will not be necessary as the Transport Environment zoning is appropriate for the proposed classification.

### **Epping Esplanade Reserve**

Epping Esplanade Reserve is made up of 7 parcels of land; four parcels need to be classified or declared as Local Purpose (esplanade) Reserve, another two parcels need to be classified as Recreation Reserve, and the remaining one parcel does not require any further action as it is deemed to be classified as Local Purpose (esplanade) Reserve under the provisions contained in Section 16(11)(b)(iv) of the Reserves Act 1977.

The following 3 parcels require formal classification under s16 of the Reserves Act as Local Purpose (esplanade) Reserve; Lot 79 DP 45661, CT NA1131/44 (part) comprising 255m<sup>2</sup> originally vested in the Crown as Esplanade Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 this parcel of land vested in the Waitemata County Council. Lot 4 DP 112259, CT NA58C/633 (part) comprising 6258m<sup>2</sup> originally vested in the Waitakere City Council as Local Purpose (utility) Reserve on subdivision under Section 306(4) of the Local Government Act 1974. Lot 2 DP 151743, CT NA91D/189 (all) comprising 9190m<sup>2</sup> was dedicated by way of transfer upon subdivision to the Waitakere City Council for a Local Purpose (esplanade) Reserve on 12 January 1993 by Transfer C445016.2. All three parcels need to be classified as Local Purpose (esplanade) Reserve in accordance with the requirements of the Reserves Act.

The following parcel requires formal declaration under s14 of the Reserves Act as Local Purpose (esplanade) Reserve; Allotment 638 Parish of Waipereira, CT NA33A/1342 (all) comprising 313m<sup>2</sup> is currently Council freehold land which was formerly legal road which was stopped.

The following two parcels requires formal classification under s16 of the Reserves Act as Recreation Reserve; Lot 3 DP 112259, CT NA58C/633 (part) comprising 9908m<sup>2</sup> originally vested in the Waitemata City Council as Local Purpose (utility) Reserve on subdivision under s306(4) of the Local Government Act 1974 and Lot 89 DP 174685, CT NA107C/95 (all) comprising 3350m<sup>2</sup> originally vested in the Waitakere City Council as Recreation Reserve on subdivision under Section 239 of the Resource Management Act 1991. These two parcels need to be classified as Recreation Reserve in accordance with the requirements of the Reserves Act.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classifications.

### **Flanshaw Esplanade Reserve**

Flanshaw Esplanade Reserve consists of a single parcel of land; Lot 9 DP 55828, CT 3A/1430 (residue) comprising 1644m<sup>2</sup> originally transferred to Council as recreation reserve in 1966 to satisfy a condition of the consent to subdivide under DP 55828. This parcel requires formal declaration under s14 of the Reserves Act as Local Purpose (esplanade) Reserve.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

### **Henderson Creek Esplanade Reserve**

Henderson Creek Esplanade Reserve is made up of four parcels of land, to which all four parcels need to be classified as Local Purpose (esplanade) Reserve.

The following four parcels require formal classification under s16 of the Reserves Act as Local Purpose (esplanade) Reserve; Lot 4 DP 109243, CT NA61A/130 (part) comprising 1.0882ha, Lot 12 DP 114035, CT NA61C/347 (part) comprising 3680m<sup>2</sup>, Lot 6 DP 106359, CT NA714/146 (part) comprising 1900m<sup>2</sup>, Lot 2 DP 120491, CT NA22C/1210 (part) comprising 2275m<sup>2</sup> originally vested in the Waitemata City Council as Local Purpose (esplanade) Reserve on subdivision under the Section 306(4) of the Local Government Act 1974. All four parcels need to be classified as Local Purpose (esplanade) Reserve in accordance with the requirements of the Reserves Act.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

### **Newey's Corner**

Newey's Corner consists of a single parcel of land; Lot 1A DP 7645, CT 70A/209 (part) comprising 1902m<sup>2</sup> originally bequeathed to the Henderson Borough Council under the Will of the late Eileen Rosie May Newey in 1988. The transfer recording this transaction, Transfer B784373.3 did not mention how the land was to be held and therefore this parcel requires formal declaration under Section 14 of the Reserves Act as Local Purpose (esplanade) Reserve.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

### **Sherwood Park**

Sherwood Park consists of five parcels of land; three parcels need to be classified as Local Purpose (esplanade) Reserve, another one parcel needs to be re-classified as Local Purpose (access way) Reserve, and the remaining one parcel does not require any further action as it is deemed to be classified as Local Purpose (esplanade) Reserve under the provisions contained in Section 16(11)(b)(iv) of the Reserves Act 1977.

The following three parcels require formal classification under s16 of the Reserves Act as Local Purpose (esplanade) Reserve; Lot 89 DP 42777, CT NA107/133 (part) and CT NA1123/271 (part) comprising 4502m<sup>2</sup> and Lot 74 DP 44106, CT NA1126/300 (part) comprising 1492m<sup>2</sup> originally vested in the Crown as Esplanade Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 these 2 parcels of land vested in the Waitemata County Council. Another parcel Lot 68 DP 40617, CT NA126/297 (part) comprising 1.1129ha originally vested in the Crown as Recreation Reserve on subdivision under the Land Subdivision in Counties Act 1946. By Section 44(1) of the Counties Amendment Act 1961 this parcel of land vested in the Waitemata County Council. All three parcels need to be classified as Local Purpose (esplanade) Reserve in accordance with the requirements of the Reserves Act.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

The remaining parcel requires formal re-classification under Section 24 of the Reserves Act as Local Purpose (access way) Reserve; Lot 26 DP 54677, CT NA5B/548 (part) comprising 152m<sup>2</sup>, originally vested in the Waitemata County Council as Recreation Reserve on subdivision pursuant to s44(2)(b) of the Counties Amendment Act 1961. By virtue Section 16(11)(b)(i) of the Reserves Act 1977 this parcel automatically classified as a Recreation Reserve, however it needs to be reclassified as a Local Purpose (access way) Reserve. Public notification of the change of classification is required for this particular parcel. Should any objections be received these will need to be considered by Council.

### Swan Arch Reserve

Swan Arch Reserve consists of a single parcel of land; Lot 39 DP 134558, CT NA82C/63 (all) comprising 2032m<sup>2</sup> originally vested in the Waitakere City Council as a recreation reserve pursuant to s306(4) of the Local Government Act 1974. This parcel requires formal classification under s16 of the Reserves Act as Historic Reserve.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

### Trading Esplanade Reserve

Trading Esplanade Reserve consists of a single parcel of land; Lot 2 DP 65187, CT NA2047/67 (part) and CT NA14B/291 comprising 260m<sup>2</sup> originally vested in the Henderson Borough Council as a local purpose (esplanade) reserve pursuant to Section 306(4) of the Local Government Act 1974. This parcel requires formal classification under s16 of the Reserves Act as Local Purpose (esplanade) Reserve.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

### Tui Glen Esplanade Reserve

Tui Glen Esplanade Reserve consists of a single parcel of land; Lot 1 DP 152180, CT NA93C/124 (all) comprising 965m<sup>2</sup> originally vested in the Waitakere City Council as a local purpose (esplanade) reserve pursuant to Section 239(a) of the Resource Management Act 1991. This parcel requires formal classification under Section 16 of the Reserves Act as Local Purpose (esplanade) Reserve.

Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

In terms of the Parks Strategy, is considered that the re-classification of Neweys Corner from Local Green Network Bush to City-wide Green Network, and Trading Esplanade from Local Green Network Esplanade to City-wide Multi-use would be appropriate for the following reasons:

- All other reserves in the Corridor are either City-wide Multi Use or City-wide Green Network.
- The Corridor itself is a City-wide Green Network link.
- Their location in the heart of Henderson town centre gives them a regional rather than local user base.
- As Local Parks they are included in the scope and delegations of the Community Board which does not have a regional or City-wide focus.

### CONCLUSION

All reserves are governed by the provisions of the Reserves Act 1977. This Act requires that all reserves have a Management Plan and that all reserves included in a Plan are properly classified under the Act in order for the Management Plan to be operative.

During the preparation of the Te Huru Huru - Henderson Creek Reserves Management Plan, a search of the legal titles has revealed that many of the reserves included in the Plan are either inappropriately classified, or not classified under the Reserves Act.

It is proposed that the classification process required under Sections 14 or 16 of the Reserves Act be carried out in order that the above-mentioned reserves are properly classified according to their purpose under the Act.

In addition, it is proposed that the Environmental Management Committee approve the change of Neweys Corner and Trading Esplanade reserves from Local to City-wide under the Parks Strategy.

### **RECOMMENDATIONS**

1. That the Classification of Henderson Creek Corridor reserves be received.
2. That, subject in each instance to the completion of the necessary statutory processes it be recommended to Council that the following parcels be declared, classified or re-classified appropriately under the Reserves Act 1977.
  - (a) The following parcels to be Declared as Local Purpose (Community Purposes) Reserve pursuant to Section 14 of the Reserves Act 1977:

575m<sup>2</sup> more or less being Part Lot 123 DP 50809 residue CT NA8D/448  
227m<sup>2</sup> more or less being Part Lot 124 DP 50809 residue CT NA8D/449  
355m<sup>2</sup> more or less being Part Lot 125 DP 50809 residue CT NA8D/450
  - (b) The following parcels to be Declared as Local Purpose (Esplanade) Reserve pursuant to Section 14 of the Reserves Act 1977:

313m<sup>2</sup> more or less being Allotment 638 Parish of Waipereira all CT NA33A/1342  
1644m<sup>2</sup> more or less being Lot 9 DP 55828 residue CT NA3A/1430  
1902m<sup>2</sup> more or less being Lot 1A DP 7645 all CT NA70A/209
  - (c) The following parcels to be Classified as Local Purpose (Esplanade) Reserve pursuant to Section 16(2A) of the Reserves Act 1977:

338m<sup>2</sup> more or less being Part Lot 141 DP 46794 part CT NA831/110  
5405m<sup>2</sup> more or less being Part Lot 142 DP 46794 part CT NA831/110  
266m<sup>2</sup> more or less being Part Lot 161 DP 47631 part CT NA831/110  
being area shown as "Section 1" on SO Plan 334482  
8780m<sup>2</sup> more or less being Lot 37 DP 134559 part CT NA82C/61  
1847m<sup>2</sup> more or less being Lot 3 DP 130997 part CT NA61D/257  
1811m<sup>2</sup> more or less being Lot 4 DP 130997 part CT NA61D/257  
259m<sup>2</sup> more or less being Lot 5 DP 130997 part CT NA61D/257  
4479m<sup>2</sup> more or less being Part Lot 5 DP 104914 part CT NA2C/1325  
2468m<sup>2</sup> more or less being Part Lot 3 DP 149953 part CT NA89C/80  
452m<sup>2</sup> more or less being Lot 16 DP 170140 all CT NA103D/258  
577m<sup>2</sup> more or less being Lot 46 DP 170140 all CT NA103D/268  
5326m<sup>2</sup> more or less being Lot 51 DP 170140 part CT NA103D/269  
3900m<sup>2</sup> more or less being Lot 52 DP 172230 all CT NA105C/109  
45m<sup>2</sup> more or less being Lot 53 DP 172230 part CT NA105C/110  
255m<sup>2</sup> more or less being Lot 79 DP 45661 part CT NA1131/44  
6258m<sup>2</sup> more or less being Lot 4 DP 112259 part CT NA58C/633  
9190m<sup>2</sup> more or less being Lot 2 DP 151743 all CT NA91D/189  
1.0882ha more or less being Lot 4 DP 109243 part CT NA61A/130  
3680m<sup>2</sup> more or less being Lot 12 DP 114035 part CT NA61C/347  
1900m<sup>2</sup> more or less being Lot 6 DP 106359 part CT NA714/146  
2275m<sup>2</sup> more or less being Lot 2 DP 120491 part CT NA22C/1210  
1.1129ha more or less being Lot 68 DP 40617 part CT NA126/297

- 4502m<sup>2</sup> more or less being Lot 89 DP 42777 part CT NA107/133 and part CT NA1123/271  
1492m<sup>2</sup> more or less being Lot 74 DP 44106 part CT NA1126/300  
260m<sup>2</sup> more or less being Lot 2 DP 114211 part CT NA2047/67 and part CT NA14B/291  
965m<sup>2</sup> more or less being Lot 1 DP 152180 part CT NA93C/124
- (d) The following parcels to be Classified as Local Purpose (Community Purpose) Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 3804m<sup>2</sup> more or less being Part Lot 161 DP 47631 part CT NA831/110 being area shown as "Section 2" on SO Plan 334482  
784m<sup>2</sup> more or less being Part Lot 141 DP 46794 part CT NA831/110 being Area "D" on SO Plan 63709
- (e) The following parcels to be Classified as Local Purpose (Road) Reserve pursuant to Section 16(2A) of the Reserves Act 1977 and contemporaneously dedicate the following parcels as legal road pursuant to Section 111 of the Reserves Act 1977:
- 1074m<sup>2</sup> more or less being Part Lot 161 DP 47631 part CT NA831/110 being Area "A" on SO Plan 63709  
3626m<sup>2</sup> more or less being Part Lot 141 DP 47694 part CT NA831/110 being Area "B" on SO Plan 63709  
420m<sup>2</sup> more or less being Part Lot 142 DP 46794 part CT NA831/110 being Area "C" on SO Plan 63709  
420m<sup>2</sup> more or less being Part Lot 5 DP 104914 part CT NA2C/1325 being Area "D" on SO Plan 64154
- (f) The following parcels to be Classified as Recreation Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 6176m<sup>2</sup> more or less being Lot 45 DP 45708 part CT NA201/276  
4047m<sup>2</sup> more or less being Lot 46 DP 45708 part CT NA201/276  
464m<sup>2</sup> more or less being Lot 38 DP 134559 all CT NA82C/62  
9908m<sup>2</sup> more or less being Lot 3 DP 112259 part CT NA58C/633  
3350m<sup>2</sup> more or less being Lot 89 DP 174685 all CT NA107C/95
- (g) The following parcels to be Classified as Historic Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 188m<sup>2</sup> more or less being Lot 8 DP 130997 part CT NA61D/257  
91m<sup>2</sup> more or less being Part Lot 3 DP 149953 part CT NA89C/80 being Area "B" on SO Plan 66736  
47m<sup>2</sup> more or less being Part Lot 5 DP 130997 part CT NA61D/257 being Area "C" on SO Plan 66736  
2032m<sup>2</sup> more or less being Lot 39 DP 134558 all CT NA82C/63
- (h) The following parcels to be Re-classified as Local Purpose (Esplanade) Reserve pursuant to Section 24 of the Reserves Act 1977:
- 1.3772ha more or less being Part Lot 161 DP 50809 part CT NA1984/78
- (i) The following parcels to be Re-classified as Local Purpose (Access way) Reserve pursuant to Section 24 of the Reserves Act 1977:
- 177m<sup>2</sup> more or less being Lot 162 DP 50809 part CT NA1984/78  
152m<sup>2</sup> more or less being Lot 26 DP 54677 part CT NA5B/548

3. That Neweys Corner be changed from Local to City-wide Multi-use and Trading Esplanade Reserve be changed from Local to City-wide Green Network under the Parks Strategy.

Report prepared by: Mandy McMullin, Reserves Management Planner.



## 10 **ECOTOURISM POSITIONING OF WAITAKERE**

### **PURPOSE OF THE REPORT**

The purpose of this report is to seek the Environmental Management Committee endorsement of the re-positioning exercise for the tourism industry, while placing the issue within a wider context of the need for an overall visitor management strategy for the Waitakere Ranges.

### **BACKGROUND**

Enterprise Waitakere, in conjunction with the tourism industry of Waitakere, has conducted a review of the way in which tourism is positioned in the area. A tourism positioning guides the way in which a destination is marketed and assists in the development of a framework for infrastructure provision, investment attraction, operator protocols, training and standards that will help deliver on an ecotourism concept.

#### **Current Tourism Positioning of Waitakere**

The tourism industry of Waitakere has been promoting the area as a tourist destination in a campaign entitled 'Out West', principally through the use of a series of three glossy brochures - Welcome Out West, Stay Out West and Art Out West. These brochures are nearing the end of their current print and therefore it was considered timely to conduct a review of the positioning strategy that underpins this marketing.

As a result of the review, the theme of 'Out West' was considered to lack focus because it was a direction, not a destination, it was not something that tourism operators identified with, and it did not provide a clear enough image of the key tourism opportunities that are available in the area. Further, local performance of the industry has not matched growth in nationwide trends. On that basis a decision was made to change this image to provide for a more distinctive tourism positioning.

#### **Re-positioning Waitakere**

Enterprise Waitakere and the industry established the following desirable features of any positioning:

- Distinctive.
- Appealed to desired target audience.
- Added value to operators.
- Is able to be delivered on.
- Added value to Waitakere image and identity.
- Consistent with other strategic priorities.

In considering the above features, the industry has concluded that a new positioning of 'Waitakere Rainforest' is most appropriate. In recommending the 'Waitakere Rainforest' concept, the industry has identified the following guiding principles:

- Sustainability - the bottom line is that the Waitakere rainforest must be treasured and protected for future generations.
- Integrity - promote the use of self regulating protocols to faithfully deliver a sustainable tourism destination.
- Education - ensure visitors and tourists understand and respect this natural asset.

This positioning directly brings Waitakere's most distinctive and powerful ecotourism asset to the foreground and serves as a physical destination focus. This destination focus provides a powerful context for local tourism providers to promote their business to tourists and a clear reference point for operators and travel organisations to use. It would also serve as a natural, high value attractor to particular segments of the tourism market. This positioning would provide an anchor for economic opportunities that could be developed in the Waitakere foothills and adjacent urban areas.

### **The Waitakere Ranges Protection Project**

Council has embarked upon a high profile project in order to help ensure that the outstanding values of the Waitakere Ranges are given greater protection. One of the issues highlighted through the public consultation phases of this project is a concern about the impact that visitors, including tourists, have on the Ranges. It is interesting to note, however, that the predominant comment given was about the need for better management of visitor activity. This serves to highlight the requirement for an appropriate framework that will help guide all aspects of planning and management of visitor activity in the Waitakere Ranges. Such a framework is considered in many ways to be a logical extension or outcome of the Ranges project, and will require appropriate resourcing during the subsequent implementation stages.

### **STRATEGIC CONTEXT**

The Waitakere Eco City concept relies upon nine strategic platforms to achieve sustainability outcomes. Of particular relevance to providing for tourists are the Strong Innovative Economy, Green Network, Three Waters, Sustainable Energy and Clean Air and Zero Waste outcomes. The draft Economic Development Strategy identifies tourism as one of the four sectors that are keys to the City's growth, provided that it is managed in an environmentally sustainable way. The Waitakere Ranges are an integral part of the Green Network and therefore the biological and landscape qualities of this resource need to be enhanced and protected against the possible effects of inappropriate use. On the other hand, visitors and tourists can also play a role in helping to restore degraded environments. Activities associated with tourism can sometimes make demands upon water and energy resources, can affect air quality and can generate waste. These factors need to be taken into account when planning and promoting tourism.

The Council's 'Five Priorities' embody concepts around the Te Tiriti o Waitangi, Sustainable Development, First Call for Children, Safe City and Lifelong Learning. These concepts, to a greater or lesser extent, are all relevant to the management of the Waitakere Ranges and the visitor activity that occurs there. In particular, the Ranges are a significant taonga or treasure for tangata whenua and for the wider communities of our district, and hence there is an outstanding need to protect this resource against inappropriate or over-intensive use. The call for sustainable development acknowledges, in part, that tourism promotion, planning and development must achieve social, environmental, economic and cultural benefits for both current and future communities. Priorities relating to children, safety and education may also be relevant to the way in which tourism is ultimately promoted and managed in the area.

## ISSUES

### **Current Pattern of Tourist Activity in the Waitakere Ranges**

A tourist can be defined as a visitor who spends the night away from home. Tourists may stay in commercial accommodation or with family and friends. Tourists are estimated by the industry to represent only about 6 - 9% of visitors to the Waitakere Ranges and Beaches. Tourists predominantly sightsee along Scenic Drive, often using mini-bus tours, with short stops at the Arataki Visitor Centre and West coast beaches. Other commercial tourism activities include tramping, surfing, nature walks, a farm experience, vineyards, public amenities, arts and crafts, cafés and restaurants, retail shopping, bed and breakfast accommodation, canyoning and other types of adventure experiences. This activity can be distinguished, to a certain extent, from that undertaken by visitors from local areas, who mainly patronise the West Coast Beaches. It appears that much of the concern expressed by people participating in the consultation phases of the Waitakere Ranges Protection Project relates to the activities of local visitors at beaches.

### **'Ecotourism' and Some of its Effects**

Ecotourism can be defined as ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation (Ecotourism Australia). If this definition is accepted, then ecotourism would appear to be consistent with, and complimentary to, the aims of the Waitakere Ranges Protection Project. However, it is noted that ecotourism can have positive or negative effects, depending on how it is planned, promoted, managed and put into actual practice.

The benefits of ecotourism can include improving public awareness of conservation values, engendering further support for specific environmental initiatives, providing jobs and income, and enhancing natural and cultural areas through direct participation in conservation projects. An example of this is the Tiritiri Matangi Island 'Open Sanctuary' Project, where visitors and tourists were invited to participate directly in the re-vegetation of the island and the development of the tracking systems. Rehabilitation of the island's ecosystems was designed in a way that provided a robust environment able to cater for relatively large numbers of people without impacting on sensitive flora and fauna. Information and education also assisted in ensuring that people act in an appropriate manner when walking around the island largely unsupervised. Tiritiri has now become an icon for a number of groups in terms of symbolising community involvement and ownership of nature conservation. Equally important, tourism operators and the Department of Conservation are beginning to realise the economic benefits that can be derived from this kind of sustainable activity.

The risks of ecotourism can include overuse and despoliation of the natural and cultural environment, increased management costs and compromising of management objectives. Lack of foresight and control can result in a scale and type of activity that predominates over other values and results in an undesirable demand-response situation. The purpose of ecotourism and the demands that it can make need to be clearly understood. The environment that provides the essential attraction must be protected and enhanced. Alternatively, there is a need to guard against providing for extraneous activities or services that do not relate directly to the core purpose. Ecotourism is often based around the provision of high quality experiences and any elements that compromise those experiences can quickly undermine its value.

## Need for an Appropriate Framework

The success of ecotourism can be largely dependent upon adopting a comprehensive and coordinated approach, in partnership with stakeholders. A comprehensive approach would involve addressing issues relating to infrastructure development, standard setting and management of activities.

The location, scale, design and provision or non-provision of facilities can be an important planning tool in determining what activities are encouraged or discouraged in particular areas. For instance, the provision and standard of roading and associated car/bus parking is a key determinant of how many people will use an area and, in turn, what types of activities they will engage in. At a lower level, the provision, standard and alignment of tracking will influence the number of people who venture into an area and the way in which they interact with the resource. The development of facilities such as toilets, visitor centres, interpretative displays and lookouts can also become a focal point for use and encourage or discourage certain types of activity.

The setting of standards is considered to be a key step in minimizing the risks and maximising the benefits to be derived from ecotourism. An overall framework in the form of a visitor management strategy for the Waitakere Ranges could provide the necessary context for a successful partnership among the tourist industry, the Waitakere City Council and the Auckland Regional Council, with support from local communities. This strategy would take a holistic approach to the Ranges and West Coast Beaches, identifying opportunities and constraints across the area, directing different types of tourist activity and associated development to particular areas while protecting other areas that are more vulnerable. Tools that are available to give effect to the policies and proposals in the strategy can include codes of practice, licensing arrangements, contracts and bylaws. To some extent the current pattern of tourist activity in the Ranges is controlled by the Auckland Regional Council by permitting operators who use regional park facilities. The development of a successful visitor management strategy will rely heavily on full consultation with all stakeholders. It is noted that the 'Waitakere Rainforest' has been discussed with Te Kawerau a Maki and Ngati Whatua representatives and they have signalled their wish to become involved in this ecotourism concept.

Ongoing management of tourist activity is also important to the successful implementation of a strategy. This includes the provision of signposting, information displays, educational programmes and enforcement. A key point here is that ongoing management can only be effective if the necessary infrastructure and standards are already in place.

There is a significant and potentially lucrative market for high quality ecotourism opportunities. Visitors, primarily from Europe and North America, are willing to pay large sums of money to observe and experience unique natural and cultural attractions. This experience must be distinctive, engaging, uncompromised and relatively accessible. The provision of these high quality experiences therefore poses a challenge to both the providers and managers, especially if it is intended that the income derived from this activity will be used to underwrite management and development costs, as well as possibly fund new conservation initiatives. It will require upskilling and investment by the industry generally and by individual operators, as well as the development of a workable management framework. Planning and provision of a suitable infrastructure in other, more robust parts of the city will also be necessary in order to realise income derived from ancillary services such as food, accommodation, shopping and transport.

It is proposed that an Ecotourism Working Group be established to develop a long term destination management framework within the Waitakere Rainforest concept. Council, Auckland Regional Council, local operator representatives, Ministry for the Environment, Tourism New Zealand, Tourism Auckland, iwi and community representatives will be invited to participate. Councillor representation on such a working party is sought.

## Relationship to City Branding

It should be made clear that this re-positioning of ecotourism, particularly in and around the ranges, is separate to marketing and promotion of the City generally. Those broader issues will be brought back to the Council via the Mayoral Marketing Taskforce during annual plan deliberations.

## RESOURCES

The re-positioning of West Auckland tourism positioning to focus on the 'Waitakere Rainforest' concept will not require any further direct resourcing from the Council. However, in order to enhance the potential benefits and minimise the risks that may flow from this proposal, it will be necessary for the Council to invest in the preparation of a visitor management strategy for the Waitakere Ranges, including the West Coast beaches.

The development of a visitor management strategy would involve building on the consultation work undertaken through the West Coast Plan and Waitakere Ranges Projects. Significant past work has been undertaken on the issues and options with regard to visitor management, therefore it is considered that the project could be largely undertaken within the staff work programme for the 2004/2005 financial year. Some focussed consultation would need to be undertaken, however this could well fall within the ambit of the Waitakere Ranges Project, for which \$110,000 has been budgeted in the 2004/2005 financial year. A detailed scoping report will be prepared and presented to the Council in the new financial year.

## CONCLUSION

Enterprise Waitakere is seeking Council endorsement for the re-positioning of West Auckland tourism promotion to embody the "Waitakere Rainforest" concept. This concept appears to be consistent with the strategic direction taken by the Council and with the policy work that is occurring as part of the Waitakere Ranges Protection Project, provided that an adequate framework can be put in place to properly plan and manage this activity. This highlights the need for an active approach to the issue so that the potential benefits of ecotourism can be realised, while the risks can be minimised. It is concluded that a visitor management strategy for the Waitakere Ranges, including the West Coast Beaches, and the establishment of an Ecotourism Working Party are required as a matter of some priority.

## RECOMMENDATIONS

1. That the EcoTourism Positioning of Waitakere report be received.
2. That the Environmental Management Committee endorse the tourism re-positioning from the current "Out West" positioning to the "Waitakere Rainforest" positioning.
3. That the Environmental Management Committee establish an Ecotourism Working Party and invite Auckland Regional Council, local operator representatives, Ministry for the Environment, Tourism New Zealand, Tourism Auckland, iwi and community representatives to participate.
4. That the visitor strategy scope be reported back to the Environmental Management Committee and that this include consideration of the effects of the new positioning for the tourism industry.

Report prepared by: Bob Drey, Principal Advisor: Environmental Projects and Jen Cook, P & A Leader: Economic Development.

## 11 PAINTED APPLE MOTH UPDATE REPORT

### PURPOSE OF THE REPORT

A2-A8

The purpose of this report is to present the twenty third of the monthly Painted Apple Moth update reports from the Ministry of Agriculture and Forestry, as requested by the Council at its meeting of 17 August 2001. The Ministry of Agriculture and Forestry report is attached at pages A2 to A8. 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 January to September 2002. A combination of a fixed wing aircraft and a helicopter sprayed up to 900 hectares.

Eleven expanded aerial spray rounds were completed over the period from October 2002 to May 2003. Three aircraft - a Fokker Friendship, an air tractor and a helicopter - were used to spray up to 10,300 hectares.

The winter operation, from June to September 2003, involved four targeted aerial sprays over five known hotspot areas; Ranui/Swanson, Riverpark, Waikumete Cemetery, Hobsonville and Meola Creek. The air tractor or air tractor plus helicopter were used to cover the 892 hectares of the aerial spray operation.

The spring operation involved two expanded aerial spray rounds of 6,500 hectares in October and November 2003 using three aircraft - a Fokker Friendship, an air tractor and a helicopter.

The summer operation, from December 2003 to February 2004, involved five 21 day aerial spraying cycle of 892 hectares over five hotspot areas; Ranui/Swanson, Riverpark, Waikumete Cemetery and Hobsonville in Waitakere City and Meola Creek in Auckland City. The air tractor and the helicopter were used for these operations. The 56 hectares over Ranui/Swanson and Riverpark received 3 additional 10 day targeted helicopter aerial sprays where weather permitted between each scheduled 21 day aerial spray cycle. This concluded the aerial sprays required for the Hobsonville and Meola Creek areas.

In early March 2004 the air tractor sprayed 701 hectares over three hotspot sites; Waikumete Cemetery, Riverpark and Ranui. This was the last aerial treatment for both Waikumete Cemetery and Riverpark.

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 were walking to and from school and eating lunch, except over the school holiday period.

### 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 Eradication Programme

Aerial spray operations were reduced to one hotspot site of 254 hectares over Ranui. Three aerial spray treatments using the air tractor were carried out on 31 March, 20 April and 13 May 2004. This concludes the programmed aerial spraying for painted apple moth. No further aerial spraying is anticipated unless a remnant population is found at a later stage.

Although the aerial programme is now finished the eradication programme continues. No further wild male painted apple moths have been caught in the trapping grid since the Mt Eden catch in January 2004. The monitoring grid of moth traps will remain in place for two years from the date of the last moth caught, that is January 2006. In addition the vegetation control zone, an area that covers most of the urban part of Waitakere City, will remain in place and a permit will still be required from AgriQuality to remove vegetation outside this zone. Any vegetation removed from the zone will be treated with Decis Forte.

If no further moths are caught or larvae found the Ministry of Agriculture and Forestry will declare painted apple moth eradicated in January 2006.

### Sterile Male Moths

Two releases per week of sterile male moths continued at three hotspot sites as part of the eradication programme. Cooler temperatures of autumn and winter mean the male moths are unlikely to fly so the sterile male moth programme was terminated at the end of April 2004.

### Contents of the Aerial Spray Foray 48b

Previous attempts by Council and the community to have the ingredients of the aerial spray, Foray 48b, released to the public have been denied by the Ministry of Agriculture and Forestry on the basis of commercial sensitivity of the product. The decision not to release the ingredients to the public has been upheld by the Ombudsman's Office.

Council has made a request to the Ombudsman's Office for the release of the Foray 48b ingredients to an independent, unbiased expert for the purpose of reporting, on behalf of Council, the health effects of the aerial spray programme in Waitakere City. Through the Ombudsman, Valent Biosciences, the manufacturer, have agreed that they might release the ingredients to an independent expert, subject to confidentiality clauses. Council's advisor on the matter is working to ensure that any terms and conditions the manufacturer may place on their co-operation are acceptable to the Council and the public.

### Wellington School of Medicine Health Study

The Ministry of Health contracted the Wellington School of Medicine to undertake a review of health issues related to the aerial spraying of Foray 48b in Auckland. The review included:

- An analysis of existing scientific information about the potential health effects of the spray;
- A summary of consultation with stakeholders and members of the public on health concerns, symptoms and effects; and
- Recommendations for further study.

The executive summary from the report "Assessment of the potential impacts of the 'Painted Apple Moth' aerial spraying programme, Auckland" is attached as Appendix XX. Included in the recommendations of the report was the need for a study on the long term effects of Foray 48b, something Waitakere City Council has long advocated.

### **Pheromone Testing**

Both Dr John Clearwater and HortResearch continue to work on development of the pheromone. Neither party has a product with the necessary longevity for use in the field.

### **Reinstatement of Host Removal Sites**

A Council contract has been awarded for weed control and planting on 14 parks that have previously had painted apple moth host removal work undertaken by the Ministry of Agriculture and Forestry. Weed control works have been completed with planting of 50,000 ecosourced native plants to occur in June 2004.

### **RESOURCES**

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. Council has made provisions in the 2003/2004 Annual Plan for some revegetation of Council land where host removal work has been undertaken by the Ministry of Agriculture and Forestry. The 2004/2005 Draft Annual Plan provides \$125, 000 for further reinstatement work plus maintenance of parks planted in the current financial year.

Due to the cessation of the aerial spray programme the regular monthly update report is considered unnecessary as it will be repeating previously reported information. It is recommended that the monthly reports be replaced with reports when there are significant updates and/or changes to the eradication programme.

### **CONCLUSION**

The final aerial spray was completed on 13 May 2004. This concludes the programmed aerial spraying for painted apple moth. No further aerial spraying is anticipated unless a remnant population is found at a later stage.

Although the aerial programme is now finished the eradication programme continues. Pheromone development work continues. The monitoring grid of moth traps and the vegetation control zone will remain in place until January 2006. If no further moths are caught or larvae found the Ministry of Agriculture and Forestry will declare painted apple moth eradicated in January 2006.

As part of reinstatement weed control has been carried out on 14 parks where host removal works occurred. Planting of over 50,000 ecosourced plants has commenced and is scheduled for completion by the end of June 2004.

### **RECOMMENDATIONS**

1. That the Painted Apple Moth Update Report be received.
2. That the regular monthly reports on painted apple moth are discontinued and that reports are prepared for the Environmental Management Committee when there are any changes, or significant updates, to the painted apple moth programme.

Report prepared by: Kerry Bodmin, Parks Ecology and Policy Co-ordinator.

