

**MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT  
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON TUESDAY, 10 AUGUST 2004,  
COMMENCING AT 9.36 AM.**

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**PRESENT:** Councillors PA Hulse (Chairperson)  
DA Yates, JP (Deputy Chairperson)  
DQ Battersby, JP  
BA Brady, JP (from 11.35 am)  
AC Fenton  
OE Hoskin, MNZM, JP (until 12.21 pm)  
JP Lawley (from 9.39 am)  
GE Nash, QSM, JP  
GB Presland (until 12.33 pm)  
GW Russell, JP (until 11.04 am)  
CA Stone (until 12.33 pm)

Mayor Bob Harvey, QSO, JP (ex officio) (until 12.33pm)

**OBSERVERS:** P van der Voort, JP (New Lynn Community Board)  
CA Shepherd, JP (Waitakere Community Board)

**IN ATTENDANCE:** Group Manager: Planning & Community Services  
Group Manager: City Development Projects  
Project Manager: Revitalisation - City Development Projects  
Partnerships and Advocacy Leader: Environment  
Senior Analyst Environmental Policy  
Principal Advisor: Environmental Projects  
Principal Advisor: Urban Policy  
Principal Planner  
Planner: Policy Implementation: M Campbell  
P Wells  
E Shields  
  
Contractor: District Plan  
Contract Solicitor: B McDonald  
Manager: Field Services  
Committee Secretary: O Schuster

David Peppiatt, Chief Executive Officer, Wizard Corporation

**1 APOLOGIES**

1490/2004

MOVED by Cr Fenton, seconded Cr Yates:

That apologies from Crs Clews and Neeson for absence and Cr Brady for lateness be received and sustained.

**CARRIED**

**2 URGENT BUSINESS**

There was no Urgent Business.

**3 CONFIRMATION OF MINUTES**

1491/2004

MOVED by Cr Hoskin, seconded Cr Yates:

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 July 2004, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.

**CARRIED**

**PART A - PRESENTATION**

**4 POWER-SAVING**

David Peppiatt, Chief Executive Officer of Wizard Corporation made a presentation on the subject of a power-saving device, which is designed and produced in New Zealand.

**PART B - REGULATORY / ENFORCEMENT**

**5 LEGAL UPDATE (AS AT 30 JULY 2004)**

1492/2004

MOVED by Cr Nash, seconded Cr Presland:

That the Legal Update (as at 30 July 2004) report be received.

**CARRIED**

**PART C - ENVIRONMENTAL MANAGEMENT**

**6 ISSUES SURROUNDING RESIDENTIAL ACTIVITIES WITHIN THE WORKING ENVIRONMENT**

1493/2004

MOVED by Cr Fenton, seconded Cr Hoskin:

That the Issues Surrounding Residential Activities within the Working Environment report be received.

**CARRIED**

1494/2004

MOVED by Cr Lawley, seconded Cr Yates:

1. That further planning investigations are undertaken in relation to the effectiveness of the current Working Environment controls with the view towards preparing a plan change relating to residential activities in the Working Environment.
2. That any necessary proposed draft plan change be reported back to the Environmental Management Committee.

3. That the Manager: Resource Consents be advised that the loss of Working Environment land to residential activities is of concern to the Council and that consideration of business supply issues, as well as consideration of reverse sensitivity on current or future industrial developments should form part of any assessment of residential activities in terms of "Sections 94 and 104(1) (c) any other matter the consent authority considers relevant and reasonably necessary to consider the application."
4. That Council promotes its position in terms of supporting the use of Working Environment land for the promotion of employment.

**CARRIED**

## **7 DRAFT BIODIVERSITY STRATEGY**

1495/2004

MOVED by Cr Hoskin, seconded Cr Nash:

1. That the Draft Biodiversity Strategy report be received.
2. That the draft Biodiversity Strategy as attached at pages A3 to A31 to the Agenda report be adopted as draft documentation for consultation and further development over the next two years, with a view to adopting a final policy in conjunction with the Long Term Council Community Plan 2006/2016.

**CARRIED**

## **8 GENETICALLY MODIFIED ORGANISMS PROGRESS REPORT**

1496/2004

MOVED by Cr Presland, seconded Mayor Bob Harvey:

1. That the Genetically Modified Organisms Progress Report be received.
2. That it be recommended to Council to endorse the approach for progressing investigations into the management of genetically modified organisms as outlined in the proposal attached at pages A32 to A33 to the Agenda report.
3. That it be recommended to Council to agree to contribute \$8,350 to jointly fund with the northern Councils a Risk Evaluation and Options Report as outlined in the proposal attached at pages A34 to A35 to the Agenda report.
4. That it be recommended to Council to nominate one Councillor to sit on the Joint Steering Group and takes part in discussions with the Joint Working Party on genetically modified organisms.
5. That a further report be brought back to the Environmental Management Committee once the Risk Evaluation and Options Report is complete.

**CARRIED**

9 **WAITAKERE RANGES AND FOOTHILLS PROTECTION PROJECT UPDATE**

11.04 am Cr Russell left the meeting.

1497/2004

MOVED by Cr Yates, seconded Cr Fenton:

1. That the Waitakere Ranges and Foothills Protection Project Update report be received.
2. That Council officers convene a workshop for Elected Members to discuss issues relating to the legislative options that are being considered under the Waitakere Ranges and Foothills Protection Project.

**CARRIED**

**ADJOURNMENT**

1498/2004

MOVED by Cr Lawley, seconded Cr Hoskin:

That the meeting stand adjourned until 11.30 am.

**CARRIED**

11.15 am The meeting adjourned.

11.35 am The meeting reconvened. Cr Brady was present. Crs Russell and Stone were not present.

**PART D - CONFIDENTIAL ITEMS**

**10 RECENT STRUCTURE PLAN DECISIONS - IMPLICATIONS FOR OTHER PROJECTS**

**11 ALTERATION OF RESOLUTION 371/2004**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1499/2004

MOVED by Cr Fenton, seconded Cr Lawley:

That the public be excluded from the following parts of the proceedings of this meeting, namely Recent Structure Plan Decisions - Implications for Other Projects; and Correction of Resolution 371/2004.

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

General subject of each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Recent Structure Plan Decisions - Implications for Other Projects</li> <li>• Alteration of Resolution 371/2004</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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

- *The matters contain information which if released would affect the Council's negotiations.*

**CARRIED**

11.39 am The public were excluded.

11.48 am Cr Stone returned to the meeting.

12.21 pm Cr Hoskin left the meeting.

Minute Numbers 1500/2004 - 1514/2004 are recorded in the Confidential Section of these Minutes.

12.32 pm The public were readmitted.

12.33 pm Mayor Bob Harvey and Crs Presland and Stone left the meeting.

## **RESTATEMENTS**

The Committee resolved while the public were excluded:

1. (Moved by Cr Nash, seconded Cr Fenton) (resolution 1511/2004 to ) *"That the report on the Recent Structure Plan Decisions - Implications For Other Projects remain confidential until the appeals on the Swanson Structure Plan, and any appeals on the Lipsham decision have been settled."*
2. (Moved by Cr Nash, seconded Cr Fenton) (resolution 1512/2004) *"That the confidential resolutions from the Recent Structure Plan Decisions - Implications For Other Projects be publicly released following the Environmental Management Committee meeting held on 10 August 2004"*.
3. (Moved by Cr Yates, seconded Cr Brady) (resolution 1514/2004) *"That Alteration of Resolution 371/2004 report and resolution 1513/2004 remain confidential until further notice"*.

## **10 RECENT STRUCTURE PLAN DECISIONS - IMPLICATIONS FOR OTHER PROJECTS**

11.48 am Cr Stone returned to the meeting.

1500/2004

MOVED by Cr Yates, seconded Mayor Bob Harvey:

That the Recent Structure Plan Decisions - Implications For Other Projects report be received.

**CARRIED**

1501/2004

MOVED by Cr Nash, seconded Cr Fenton:

That the Manager: Resource Consents be requested to consider recommending public notification of applications for subdivisions in accordance with or beyond the density of the Swanson Structure Plan on the basis that this might be appropriate in light of:

- the wider public interest in the Swanson Structure Plan of parties both supporting and opposing the Structure Plan;
- the need to preserve the interests of those parties opposing the Swanson Structure Plan via reference to the Environment Court given that there is still the potential for the Structure Plan to be declined or significantly altered through Environment Court proceeding;
- the ongoing development of a Vision for the Foothills.

**CARRIED**

1502/2004

MOVED by Cr Yates, seconded Cr Presland:

That the Manager: Resource Consents and the Hearings Committee, when assessing applications for subdivisions in accordance with or beyond the density of the Swanson Structure Plan, be requested to consider the appropriateness of recommending declining any such applications on the basis that a precautionary approach to the management of cumulative effects may be appropriate in light of the ongoing development of a Vision for the Foothills.

**CARRIED**

**DECLARATION OF INTEREST**

12.15 pm Cr Stone declared an interest and withdrew from the table and took no part in the decision on Item 10: Recent Structure Plan Decisions - Implications For Other Projects Resolution Nos. 1503/2004 - 1504/2004 relating to the Oratia area.

1503/2004

MOVED by Mayor Bob, seconded Cr Lawley:

That the Manager: Resource Consents be requested to consider recommending public notification of applications for subdivisions beyond the density provided for on the Oratia Structure Plan map on the basis that this may be appropriate in light of the ongoing development of a Vision for the Foothills.

**CARRIED**

1504/2004

MOVED by Cr Yates, seconded Cr Presland:

That the Manager: Resource Consents and the Hearings Committee be requested that when assessing applications for subdivisions beyond the density provided for on the Oratia Structure Plan map, that they consider the appropriateness of recommending declining any such applications on the basis that a precautionary approach to the management of cumulative effects maybe appropriate in light of the ongoing development of a Vision for the Foothills.

**CARRIED**

12.17 pm Cr Stone returned to the table.

1505/2004

MOVED by Mayor Bob Harvey, seconded Cr Presland:

That any information that becomes available through the Waitakere Ranges and Foothills Protection Project and development of a Vision for the Foothills, or through other work underway on developing the urban growth strategy, be utilised where appropriate during any Environment Court proceedings arising from appeals to Variation 88, the Swanson Structure Plan.

**CARRIED**

1506/2004

MOVED by Cr Nash, seconded Mayor Bob Harvey:

That the Manager: Resource Consents investigate whether it is practical when granting applications for subdivisions in structure plan areas, to use covenants (or some other mechanism) against future subdivision beyond the density provided for in structure plans.

**CARRIED**

1507/2004

MOVED by Mayor Bob Harvey, seconded Cr Stone:

That the Environmental Management Committee confirms the Council's position in relation to the Swanson Structure Plan Appeals Settlement Process:

- Prohibited Activity Status for subdivision beyond the lot densities allocated in the Structure Plan;
- Revegetation and restoration requirements to be shown as part of the Structure Plan;
- Stormwater mitigation to be provided as part of the Structure Plan;
- Consideration of fixing lot boundaries or building platform locations as part of the Structure Plan;
- Consideration of mechanisms for providing for revegetation and restoration of vegetation as appropriate throughout the Structure Plan area.

**CARRIED**

12.21 pm Cr Hoskin left the meeting.

1508/2004

MOVED by Mayor Bob Harvey, seconded Cr Lawley:

That the Environmental Management Committee confirms that no new structure plans will be initiated in the Waitakere Ranges and Foothills Protection Project area, until the completion of the outstanding work from the Structure Plan Review, including, but not limited to:

- Establishment of a clear vision and strategy for any further development in the Foothills Environment;
- Establishment of a clear process and framework for decision making around the commencement of structure planning in the Foothills Environment;
- Establishment of the environmental bottom line criteria which apply to all future structure plans; and
- Encapsulation of these issues (and others identified in the Structure Planning Review) within the District Plan through an appropriate Plan Change.

**CARRIED**

1509/2004

MOVED by Cr Stone, seconded Mayor Bob Harvey:

That, following the conclusion of the mediation process, the Council indicate to the Environmental Court that it wishes to proceed to a hearing at the earliest possible opportunity to address any unresolved matters in relation to the Swanson Structure Plan references.

**CARRIED**

**NOTE:** That pursuant to Standing Order 32.12 Cr Presland requested that his vote against the motion be recorded.

1510/2004

MOVED by Cr Presland, seconded Cr Stone:

That the Environmental Management Committee acknowledges receipt of the 5 August 2004 letter from the Structure Plan Advocates Network, indicating the Group's support for a moratorium on Non-Complying Subdivision applications in the Swanson Structure Plan area. That Council Officers to report to the Environmental Management Committee outlining the number and status of any such application that may have been lodged.

**CARRIED**

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

### **12 DISTRICT PLAN APPEALS UPDATE TABLE**

1515/2004

MOVED by Cr Nash, seconded Cr Yates:

That the information be received.

**CARRIED**

### **13 PROPOSED PLAN CHANGE TO THE OPEN SPACE ENVIRONMENT AND NATURAL AREA PROVISIONS IN THE DISTRICT PLAN**

1516/2004

MOVED by Cr Nash, seconded Cr Lawley:

1. That the Proposed Plan Change to the Open Space Environment and Natural Area Provisions in the District Plan report be received.
2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolves to publicly notify a Proposed Plan Change to the provisions of the Open Space Environment and Natural Areas of the Waitakere City District Plan to establish a new framework for the management of open space and associated or consequential changes as attached at pages A42 to A99 to the Agenda report.

**CARRIED**

## **ADJOURNMENT**

1517/2004

MOVED by Cr Battersby, seconded Cr Fenton:

That the meeting stand adjourned until 1.15 pm.

**CARRIED**

1.03 pm The meeting adjourned.

1.20 pm The meeting reconvened.

14 **NEW LYNN CONCEPT PLAN PROCESS - UPDATE AND WORKSHOP**

1518/2004

MOVED by Cr Battersby, seconded Cr Lawley:

1. That the New Lynn Concept Plan Process - Update and Workshop report be received.
2. That the New Lynn Concept Plan be notified by 31 March 2005 as part of Council's District Plan change response to the Local Government (Auckland) Amendment Act 2004.
3. That a further report be brought to Council outlining the final Concept Plan and proposed District Plan changes and pre-notification consultation in November/December 2004.

**CARRIED**

12.33 pm Mayor Bob Harvey and Crs Presland and Stone left the meeting.

2.05 pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF  
THE ENVIRONMENTAL MANAGEMENT  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....