

**MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 13 JULY 2004,
COMMENCING AT 9.36 AM.**

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COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 13 JULY 2004,
COMMENCING AT 9.36 AM.**

PRESENT:

Councillors PA Hulse (Chairperson)
DA Yates, JP (Deputy Chairperson)
DQ Battersby, JP
BA Brady, JP
JM Clews, QSO, JP
RP Dallow, QPM, JP (from 10.11 am until 10.55 am)
AC Fenton
OE Hoskin, MNZM, JP
JP Lawley
GE Nash, QSM, JP
CA Stone

Mayor, Bob Harvey, QSO, JP (ex officio) (from 10.13 am until 11.58 am)

OBSERVER:

EG Francke (Chairperson New Lynn Community Board)

IN ATTENDANCE:

Director: Strategy & Development
Group Manager: Asset Management
Group Manager: Planning & Community Services
Manager: Public Affairs
Manager: Resource Consents
Project Manager: Sustainability Projects
Project Manager Cleaner Production
Security Manager
Communicator, Strategy and Development
Principal Advisor District Plan
Senior Analyst Environmental Policy
Senior Analyst: Governance and Infrastructure
Senior Policy Advisor, District Plan
Principal Planner
Planner: Policy Implementation: P Wells
E Shields
A Hughes
Resource Planner: Trenouth
Contract Solicitor
Committee Secretary: O Schuster
S Simiona

Wayne Wescott, Executive Director of ICLEL
Kerry Connell, Director: Strategic, Auckland Regional Council
Brent Evans, Property Leader, Environmental Management, Auckland
Regional Council

1 APOLOGIES

1263/2004

MOVED by Cr Fenton, seconded Cr Clews:

That apologies from Crs Neeson, Presland and Russell for absence and Cr Brady for lateness be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

1264/2004

MOVED by Cr Nash, seconded Cr Fenton:

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 8 June 2004, as circulated, be taken as read and now be confirmed.

CARRIED

PART I - PRESENTATION

4 INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES

Wayne Wescott, Executive Director of ICLEL made a presentation regarding the New Zealand version of the International Council for Local Environmental Initiatives programme, Communities for Climate Protection that is expected to be formally launched at the end of July 2004.

1265/2004

MOVED by Cr Lawley, seconded Cr Fenton:

That the International Council for Local Environmental Initiatives presentation be received.

CARRIED

PART II - ENVIRONMENTAL MANAGEMENT

5 COMMUNITIES FOR CLIMATE PROTECTION PROGRAMME

1266/2004

MOVED by Cr Yates, seconded Cr Fenton:

That the Communities for Climate Protection Programme report be received.

CARRIED

10.13 am Mayor Bob Harvey entered the meeting.

1267/2004

MOVED by Cr Stone, seconded Cr Clews:

1. That Council join the Communities for Climate Protection Programme.
2. That Council commit to achieving the five milestones, required under the programme, within three years.
3. That Cr Hulse be appointed as the Council's spokesperson for the Communities For Climate Protection Programme and attend the official launch of the programme.

CARRIED

10.11 am Cr Dallow entered the meeting.

6 PROPOSED REGIONAL STORMWATER PROGRAMME

1268/2004

MOVED by Cr Yates, seconded Cr Nash:

1. That the Proposed Regional Stormwater Programme report and presentation from Kerry Connell, Director: Strategic, Auckland Regional Council and Brent Evans, Property Leader, Environmental Management, Auckland Regional Council be received.
2. That the Regional Stormwater Programme proposed by the Auckland Regional Council be endorsed.
3. That progress reports be submitted to the Environmental Management Committee on a regular basis to provide guidance and feedback on this programme.

CARRIED

ADJOURNMENT

1269/2004

MOVED by Cr Hoskin, seconded Cr Lawley:

That the meeting stand adjourned until 10.45 am.

CARRIED

10.37 am The meeting adjourned.

10.49 am The meeting reconvened. Cr Clews was not present.

PRECEDENCE OF BUSINESS

1270/2004

MOVED by Cr Brady, seconded Cr Hoskin:

That Part IV - District Plan / Structure Plans, Item 17: Swanson Structure Plan - Resolution of Appeals be accorded precedence at this time.

CARRIED

17 **SWANSON STRUCTURE PLAN - RESOLUTION OF APPEALS**

10.51 am Cr Clews returned to the meeting.

10.55 am Cr Dallow left the meeting.

1271/2004

MOVED by Cr Battersby, seconded Cr Fenton:

1. That the Swanson Structure Plan - Resolution of Appeals report be received.
 2. That Council's solicitors be instructed to advise the Environment Court, on or before the scheduled reporting date of 10 August 2004, that:
 - The Council no longer requires an adjournment of the proceedings relating to the Variation 88 references; and
 - The Council's position in response to the references is to confirm its original decision to adopt the Swanson Structure Plan; and
 - The Council supports mediation in relation to the Swanson Structure Plan references, and requests that the Court appoint a mediator to assist the parties.
- (i) That the High Court appeal in relation to the Peat decision be withdrawn.

CARRIED

The Order of Business resumed at Item 7: Waitakere Ranges Protection Project Phase Two Consultation Report and Proposed Name Change.

7 **WAITAKERE RANGES PROTECTION PROJECT PHASE TWO CONSULTATION REPORT AND PROPOSED NAME CHANGE**

1272/2004

MOVED by Cr Yates, seconded Cr Fenton:

That the Waitakere Ranges Protection Project Phase Two Consultation Report and Proposed Name Change report be received.

CARRIED

1273/2004

MOVED by Cr Yates, seconded Cr Fenton:

That the name Waitakere Ranges Protection Project remain as the project name.

LOST

1274/2004

MOVED by Cr Brady, seconded Cr Stone:

That the Waitakere Ranges Protection Project be renamed to Waitakere Ranges and Foothills Protection Project.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Cr Yates requested that her vote against the motion be recorded.

11.58 am Mayor Bob Harvey left the meeting.

8 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY EXTENSION - PROPOSED ROADING DESIGNATION

1275/2004

MOVED by Cr Clews, seconded Cr Brady:

1. That the Waipareira Avenue Extension - Proposed Roading Designation report be received.
2. That pursuant to Section 172 of the Resource Management Act 1991, the Council, in its role as requiring authority, accept the Commissioner's recommendation that the Notice of Requirement for proposed road located at 36-38 Waipareira Avenue, Lincoln, Waitakere City being an extension of Waipareira Avenue to the northern boundary of Woodford Reserve be confirmed. This land is identified as Lot 4, DP 121630.

CARRIED

9 OPTIONS FOR COUNCIL'S INVOLVEMENT IN MANAGING GENETICALLY MODIFIED ORGANISMS

1276/2004

MOVED by Cr Nash, seconded Cr Battersby;

1. That the Options for Council's Involvement in Managing Genetically Modified Organisms report be received.
2. That Council staff attend the Northland Council's discussions.
3. That a package of information be prepared to explain the issues surrounding genetically modified organisms for public comment during the Review of the Long Term Council Community Plan 2006/2016.

CARRIED

PART III - REGULATORY / ENFORCEMENT

10 LEGAL UPDATE (AS AT 1 JULY 2004)

1277/2004

MOVED by Cr Nash, seconded Cr Battersby:

That the Legal Update (as at 1 July 2004) report be received.

CARRIED

PART IV - DISTRICT PLAN / STRUCTURE PLANS

11 DISTRICT PLAN APPEALS UPDATE TABLE

1278/2004

MOVED by Cr Lawley, seconded Cr Yates:

That the District Plan Appeals Update Table report be received.

CARRIED

12 DISTRICT PLAN - FINANCIAL CONTRIBUTIONS APPEALS

1279/2004

MOVED by Cr Nash, seconded Cr Fenton;

1. That the District Plan - Financial Contributions Appeals report be received.
2. That Financial Contributions chapter of the District Plan be withdrawn and the Environment Court and relevant appeal parties to appeals Resource Management Act 769/98, 768/98 and 767/98 be advised accordingly.

CARRIED

13 STRUCTURE PLANNING REVIEW - UPDATE

1280/2004

MOVED by Cr Fenton, seconded Cr Nash:

That the Structure Planning Review - Update report be received.

CARRIED

14 ISSUES SURROUNDING THE DEFINITION OF CLEARANCE IN THE DISTRICT PLAN

1281/2004

MOVED by Cr Clews, seconded Cr Fenton:

1. That the Issues Surrounding the Definition of Clearance 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 Operative Waitakere City District Plan that amends the definition of "clearance" to read:

"removing or killing any native vegetation of any height or any exotic vegetation with a height of 1.0m or more, including any alteration of the root structure of such vegetation likely to result in plant death, provided that this definition shall not include pruning or:

- The removal of any vegetation that, in the opinion of an expert recognised by the Council, is dead or suffering from an untreatable or dangerously infectious disease.
- The removal or alteration of vegetation that, in the opinion of an expert recognised by the Council, is necessary to avoid injury to persons or damage to property."

CARRIED

15 ISSUES SURROUNDING NEIGHBOURHOOD CHARACTER PROVISIONS OF THE DISTRICT PLAN

1282/2004

MOVED by Cr Battersby, seconded Cr Nash:

1. That the Issues Surrounding Neighbourhood Character Provisions of the District Plan report be received.
2. That a monitoring report on amenity issues in the Living Environment be brought back to the Environmental Management Committee in the next six months.

CARRIED

16 PROSTITUTION REFORM ACT 2003 - WORK PROGRAMME

1283/2004

MOVED by Cr Nash, seconded Cr Clews:

1. That the Prostitution Reform Act 2003 - Work Programme report be received.
2. That the Council continue to use the current District Plan and policies to regulate commercial sex premises (including brothels, sex shops, striptease clubs, massage parlours or activities of a similar nature) while it develops an integrated strategy and regulatory framework for dealing with any effects relating to the decriminalisation of prostitution.
3. That a draft policy statement be prepared for consideration by the Environmental Management Committee for use in public consultation.

CARRIED

17 **SWANSON STRUCTURE PLAN - RESOLUTION OF APPEALS**

This item was considered following Item 6: Proposed Regional Stormwater Programme.

PART V - CONFIDENTIAL ITEM

18 **UPDATE ON STRATEGIC LAND PURCHASE**

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

1284/2004

MOVED by Cr Nash, seconded Cr Fenton:

That the public be excluded from the following part of the proceedings of this meeting, Update on Strategic Land Purchase.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">Update on Strategic Land Purchase	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none">Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	<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

12.45 pm The public were excluded.

Minute Numbers 1285/2004 - 1286/2004 are recorded in the Confidential Section of these Minutes.

12.53 pm The public were readmitted.

RESTATEMENT

The Committee resolved while the public were excluded (Moved by Cr Fenton, seconded Cr Hoskin) (resolution 1286/2004) *“That the Update on Strategic Land Purchase report and resolution 1285/2004 remain confidential until further notice”*.

12.54 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:.....