



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING

# PLANNING AND REGULATORY COMMITTEE

I hereby give notice that a Meeting of the Planning and Regulatory Committee will be held on:-

**DATE:**        **Tuesday,        7 November 2006**                      **TIME:**                      **9.30 am**

**VENUE:**        **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

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

1 November 2006

Audrey Chan  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8603

### **MEMBERSHIP:**

Councillors	VS	Neeson, JP (Chairman)
	RP	Dallow, QPM, JP (Deputy Chairman)
	DQ	Battersby, JP
	MFP	Chan, JP
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP
	WW	Flaunty, QSM, JP
	DE	Gilmour
	C	Harding, JP
	PA	Hulse
	JP	Lawley
	CA	Stone

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

(Quorum 5 members)

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

**AGENDA FOR A MEETING OF THE PLANNING AND REGULATORY COMMITTEE TO BE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON TUESDAY, 7 NOVEMBER 2006 COMMENCING AT 9.30 AM**

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**AGENDA FOR A MEETING OF THE PLANNING AND REGULATORY COMMITTEE TO BE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON TUESDAY, 7 NOVEMBER 2006 COMMENCING AT 9.30 AM**

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**PART A - OPENING OF MEETING**

**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information 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 Committee by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

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



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Tuesday, 10 October 2006.

**RECOMMENDATION**

That the minutes of the Meeting of the Planning and Regulatory Committee held on Tuesday, 10 October 2006, including the Public Excluded minutes as circulated, be taken as read and now be confirmed.



## **PART B - REGULATORY / ENFORCEMENT**

### **4 LEGAL UPDATE AS AT 27 OCTOBER 2006**

#### **INTRODUCTION**

The following is a list of legal actions in respect of matters 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, parking, and litter although advice on any particular such prosecution can be provided to the Committee if it wishes.

#### **SUPREME COURT**

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

An appeal by Council to the High Court (from an Environment Court decision) regarding a decision by Council relating to a requirement to construct and vest Marinich Drive, an arterial road that passes through Estate's subdivision in Ranui Station Road. The appeal was heard before Justice Venning on 29 June 2004. A decision was received from the Court on 30 July 2004 in Council's favour. The decision reversed the decision of the Environment Court. Estate Homes was granted leave to appeal to the Court of Appeal (on two issues, out of an original seven pursued).

A hearing took place in the Court of Appeal on 1 September 2005. The Court released its decision on 11 November 2005. The Court overturned the decision of Justice Venning in the High Court. However, the Court of Appeal did not restore the Environment Court findings, but instead referred the case back to that Court to reconsider its decision. The Court of Appeal agreed that the Environment Court had not taken into account the District Plan requirement that subdivision roading patterns should maximise connections within and between local neighbourhoods ("connectivity"). However, the majority judgment held that it was for the Environment Court to decide what weight should be placed on this factor, rather than for an appellate Court to do so.

The problem with the reasoning of the majority of the Court of Appeal is that it equates Council's role when approving subdivision consents, (particularly as to the roading component) as engaging in the expropriation of private land for public use, and overlooks (or at least relegates) Councils' district planning role. This has significant consequences especially as it carries the implication that councils may be required to compensate developers for the "public benefit" aspects of subdivisions. Leave to appeal to the Supreme Court was granted.

The appeal was argued on 11 and 12 July 2006. While there can be no assurance of the outcome the arguments presented on behalf of the Council appeared to find some favour with the court and a number of indications were given that the Court of Appeal decision was unlikely to stand. The real uncertainty relates to whether or not the Supreme Court will deal with the matter for itself or refer a further matter back to the Environment Court for further consideration.

It may be some time before we receive the Court's decision.

### COURT OF APPEAL

**(Changed) Carter Holt Harvey v Waitakere City Council, North Shore City Council and Rodney District Council (April 2006)**

Councillors are already aware that Justice Asher handed down a decision on these matters on Monday, 3 April 2006 and have already been given a report in respect of the decision. One of the aspects of the decision was Justice Asher's confirmation that in relation to the challenge by Carter Holt Harvey to the licensing provisions of the bylaw, that paper destined to recycling was "waste" for the purposes of both the bylaw and the Local Government Act 1974, and that the Local Government Act 1974 expressly authorised the proposed licensing regime. Carter Holt has appealed this aspect of the decision. This appeal is likely to be heard by the Court of Appeal later in the year or early 2007. Carter Holt have notified us that they will be filing their case on appeal. This means the matter is likely to proceed to hearing. We anticipate it will be heard in April 2007.

### HIGH COURT

**(Changed) C W Williams and others v Waitakere City Council (February 2006)**

Council has now been served with seven sets of proceedings under the Public Works Act in the High Court claiming Council breached its duty to offer back land on the Te Atatu Peninsula bordering the Waitemata Harbour. Council has filed applications to strike out the various claims on the basis that the events which trigger an obligation under the Public Works Act occurred prior to the offer back obligation coming into force. This application was heard by Associate Judge Faire on 9 October 2006.

His Honour declined the applications in a decision delivered on Thursday 19 October 2006. (A copy of that decision was circulated by e-mail to Councillors at that time.)

A striking out application is in the nature of an interlocutory proceeding in respect of the claim. A striking out application confronts key issues which need to be dealt with as part of the proceedings in any event and it is helpful to try and deal with these issues before (if at all) the matter proceeds to a hearing. An application to review the Associate Judge's decision was required to be filed within 7 days of the release of the decision (i.e. before Thursday 26 October 2006).

It was not considered that there was anything in the decision given by the Associate Judge which might cause a rethinking of previous decision to pursue the striking out, if necessary, in higher courts. Accordingly an application for review of the Associate Judge's decision was filed in the High Court on Wednesday 25 October 2006.

**(Unchanged) Waitakere City Council v P W Mawhinney (February 2006)**

The background to this matter is that Mr Mawhinney was served with a bankruptcy notice on 21 October 2005 in relation to \$5,063.16. This is a costs award due to Council for winning a security for costs application in May 2005 in relation to the High Court proceedings referred to below. Mr Mawhinney opposed the application. This matter was heard on 21 March 2006. After oral argument the matter was stood down and Mr Mawhinney paid \$5,468.00 for the debt and costs of the bankruptcy notice. Associate Judge Faire then struck out Mr Mawhinney's application and awarded Council costs of \$2,610. An order has been made for Mr Mawhinney to pay. Mr Mawhinney has not paid. A bankruptcy notice has been issued against Mr Mawhinney to recover this debt. We have endeavoured to serve Mr Mawhinney with the bankruptcy notice but he is avoiding service. An application for substituted service is currently being prepared.

**(Changed) P W Mawhinney (substituted plaintiff) v Waitakere City Council (February 2002)  
(Civil Proceedings)**

The Judgment of Fogarty J in relation to Council's strike out application was released in November 2006. The result was a complete success for Council. The Court held that there was no prospect of any of Mr Mawhinney's causes of action succeeding and the claim has been struck out in its entirety. The Judgment also contains some helpful remarks about the ability to bring actions based on common law duties against local authorities generally. A substantial costs application in respect of the proceedings from 1999 to date has been lodged with the Court. The appeal period in respect of the decision has now expired.

**ENVIRONMENT COURT**

**(Changed) Ritchie's Transport Holdings Ltd, A Ritchie, J Ritchie, E Ritchie and J Shaw v  
Waitakere City Council, and Rex Campbell, s.274 Party (September 2006)**

This is an appeal against an abatement notice issued to the directors of Ritchie's Transport Holdings Limited ("Ritchies"). The appeal relates to the requirement of the abatement notice to reduce the buses parked on the boundary, reduce daily traffic movements, undertake mitigation measures in respect of noise and ensure the hours of operation are between 6.00am and 9.00pm. These requirements are those set out in the Ritchie's resource consent (RMA 991374). The appeal is on the grounds that the business enjoys existing use rights, that the resource consent does not limit the number of vehicles, the vehicle movements, noise levels and hours of operation. An application for stay was concurrently filed with the notice of appeal. Mr Rex Campbell, a neighbour on the Eastern boundary of the Ritchie's, has joined the proceedings as an interested party.

A judicial telephone conference was held between the parties to consider the application for stay on 27 September 2006. Mr Campbell, the Section 274 party joined the conference by consent. The Court granted the application for stay upon the agreement of all parties, including Mr Campbell, for a 3-week period to permit the parties to resolve the appeal. As a result, the appeal has been put 'on hold'. The Council met with the parties on 16 October to resolve the appeals. As a result the parties agreed for the stay to continue and that Ritchie's would lodge a resource consent to address the matters raised in the abatement notice. This was communicated to the Court by way of Memorandum on 18 October 2006.

**(Changed) Perceptus Limited & Swanson Heights Limited v Waitakere City Council (June 2006)  
Waitakere Resource Consents Limited & Glorit Subdivision Limited v Waitakere  
City Council (June 2006)  
Glorit Subdivision Limited & London & Greenwich General Trading Company Ltd v  
Waitakere City Council (June 2006)**

These three appeals are laid by entities associated with Mr Mawhinney and/or his land interests against the Council's decision under Section 358 of the Resource Management Act declining subdivision consents and certificates of compliance. Council has filed an application to strike out the appeals. Mr Mawhinney is filing his submission in opposition.

**(Changed) David Paul Leaky v Waitakere City Council (May 2005)  
All Seasons Properties Limited v Waitakere City Council (May 2006)**

These are appeals by two parties against a decision of Council to grant consent to a proposed medical centre located at 382, 384 & 386 Te Atatu Road and 9 Karamu Street, Te Atatu Peninsula. The activity is a non-complying activity. The appeals allege that the location of these premises in a residential area will adversely affect the integrity of the District Plan. The Court has made timetabling orders and all parties are now preparing evidence. A preliminary hearing has been scheduled for February/March 2007.

**(Changed) Weddings Etc Limited v Waitakere City Council (January 2006)**

These proceedings concern the noise levels generated by the operation of "Cassels" function centre in Scenic Drive being managed by the appellant. Cassels obtained a stay of the abatement notice so that it can continue to operate at current levels (taking into account some proposed and already implemented noise mitigation measures Cassels agreed to obtain the necessary consents and undertake noise attenuation works (on a without prejudice basis) which it has now done. A resource consent application was lodged and has been publicly notified. Further information is required from the applicant. A hearing is likely to be scheduled for this matter.

The appeal on the abatement notice was set down for hearing in the week of 4 September 2006. In light of the additional noise works Cassels decided to withdraw their appeal because they concluded they were able to comply or almost comply with the District Plan noise levels. They will now await the processing of their application for consent which is likely to be heard within 5 - 8 weeks.

The Chapmans, who were a Section 274 party to the proceedings, were involved in the negotiations, the appeal and the grant of the application for stay. On 15 September 2006 the Chapmans filed an application for costs against the Council and Cassels. On 22 September 2006, the Chapmans withdrew the application for costs against the Council, but maintained their application against Cassels which amounted to approximately \$29,000. The Court carefully considered the matter and granted Chapman's application. Cassels were ordered to pay \$12,600 to the Chapman's in relation to the abatement notice and appeal which is now not going ahead.

**(Changed) Waitakere Resource Consents Limited v Waitakere City Council (December 2005)**

This is an appeal against a refusal to issue a certificate of compliance under Section 139 of the Resource Management Act. In essence the application contends that through a 'sequence' of activities, the establishment of 77 barns/residential units are a permitted activity under the District Plan. The application includes the creation of various 'allotments', the creation of barns and sheds, the conversion of barns to dwellings, terraces, decks and pergolas, earthworks, clearance of vegetation, driveways, establishment of lawn, and vesting of land as road.

The matter has been on hold for a considerable period pending the determination of Dilworth Structure Plan proceedings (RMA 886/98). The proceedings have recently been reactivated and Council now has until 3 November 2006 to sue a strike out application. An application is currently being prepared for filing.

**(Unchanged) Denver Holdings Limited v Waitakere City Council (October 2005)**

An appeal by the applicant (Denver) against certain conditions imposed on a resource consent for a medium density housing development at 23 Denver Avenue, Sunnyvale. A related appeal by Mr J Baran against the Council's decision to grant the consent has since been withdrawn. The appeal has been placed "on hold" at the appellant's request. The appellant and Council have met recently to discuss the conditions on appeal with a view to resolving the appeal by consent, if possible (the appeal relates primarily to conditions requiring further clarification of the development, staging of landscaping works, financial contributions and fees payable). The parties are finalising consent documents and intend to file these with the Court shortly.

**(Unchanged) R & G Britten – 19 Church Street, Swanson (October 2005)**

An application by the Council for interim and final enforcement orders in respect of a land slip that occurred at the Brittens property in Church Street, Swanson. The Council seeks interim orders requiring the cessation of all vehicular use of the access road that was affected by the slip/instability and prohibiting any earthworks in the vicinity of the slip. Council sought final orders to require that the Britten's undertake appropriate remedial works to stabilise the affected area and to pay the costs incurred by the Council in its initial remedial operation undertaken in July/August 2005.

Separately and in parallel, the Council has initiated a mediation process with Mr Britten in an attempt to find an alternate resolution to expedite the matter. As a consequence of that process the parties are working towards concluding an agreement for the completion of remedial work in accordance with the Council resolution at its meeting held on Thursday 20 July 2006.

The enforcement proceedings are now 'on hold', with a further report to the Court required by January 2007 to permit resolution through the mediation process.

**(Unchanged) 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'. The Council retained consultants to assess the Farac proposal. As a consequence, the Council requested further information from the appellant (outstanding matters relate to stormwater and geotechnical issues regarding development of the subject land). Council has not yet received a response from the Faracs.

**(Unchanged) Auckland Regional Council v Waitakere City Council (May 2005)  
Waitakere Ranges Protection Society Inc v Waitakere City Council (May 2005)  
("the Duncan appeal")**

An appeal by the Auckland Regional Council and Waitakere Ranges Protection Society Inc against a decision of the Council to grant consent to a subdivision by M and K Duncan, relating to the property at 46 Christian Road, Swanson. Both Auckland Regional Council and Waitakere Ranges Protection Society Inc oppose the consent on the basis of the density of the proposed subdivision and alleged precedent effect. These appeals have been on hold since September 2005, by direction of the Court, to allow time for resolution of the appeals on the Swanson Structure Plan. At a judicial conference held on 13 September 2006 the Court directed that these appeals be set down for hearing and has made timetabling orders for exchange of evidence.

Following an extra-ordinary meeting of the Planning and Regulatory Committee, the Council has decided to abide by the Court's decision and call no evidence.

**(Changed) M and C Brickell, W Ashton and L Schwab v Waitakere City Council (June 2005)**

This is an appeal by the applicants M and C Brickell, W Ashton and L Schwab under Section 121 of the Resource Management Act 1991 against a decision of the Council to refuse to grant consent to a 7 lot subdivision at 54-56 Christian Road, Swanson. The Auckland Regional Council and Waitakere Ranges Protection Society Inc have lodged applications with the Court in support of the Council as Section 274 parties. These appeals were 'on hold' since September 2005 by direction of the Court, to allow time for resolution of the appeals on the Swanson Structure Plan. At a judicial conference held on 13 September 2006 the Court directed that these appeals will be set down for hearing and has made timetabling orders for exchange of evidence. Council has filed its evidence.

**(Unchanged) Glorit Subdivision Limited and P W Mawhinney v Waitakere City Council (June 2005)**

A further appeal in the High Court by Glorit Subdivision Limited/Peter Mawhinney in relation to a refusal by Council to issue Certificates of Compliance for boundary changes to 27 separate Certificates of Title. This appeal was struck out by the Environment Court in December 2005 and Mr Mawhinney's application to rehear has also been dismissed by Judge Shepherd. Both decisions have been appealed to the High Court; the matter has not yet been set down for hearing. We are also following up on payment of cost awards made in the Environment Court.

**(Unchanged) Abacus Developments Ltd & Mawhinney v Waitakere City Council (February 2000)**

This case has been placed in the 'on hold' list by the Environment Court, until the Dilworth Structure Plan proceedings (Resource Management Act 886/98) have been concluded.

**DISTRICT COURT**

**(Unchanged) Waitakere City Council, Fistonich, Walker – Henderson Valley and Laingholm Roads**

This prosecution relates to the removal of 6 houses from the above addresses without building consent for the Twin Streams Project. The Council contracted out and approved the removal of the buildings without ensuring that building consents had been obtained prior to the removal. Fistonich and Walker are the contractors who undertook the removal of the houses without consent. The matter is set down for a first call on 1 December 2006.

**(Unchanged) Stil Investments Limited - 40 Stottholm Road, Titirangi (August 2006)**

Charges have been laid under the Building Act for re-cladding the exterior of the house, alterations to decks and safety barriers, connection of basement to the first floor and the conversion of a laundry into a bathroom. These works were done without building consent and they are not Building Code compliant. Stil investments entered a guilty plea. The matter has been set down for a sentencing hearing on 18 January 2007 at 11.45 am.

**(Unchanged) S and F Lese, S Nuuola - 50 Kelman Road, Kelston (August 2006)**

Charges have been laid under the Building Act for internal alterations to the dwelling and excavation underneath the dwelling without building consent. The matter was called on 15 September 2006 but was adjourned to permit disclosure to be completed. The matter has been set down for 1 December 2006.

**(Unchanged) J Bell, G Payne – 3175 Great North Road (August 2006)**

Charges have been laid under the Building Act for removal and replacement of pile foundations without building consent. The matter was called on 15 September 2006 but was adjourned to permit disclosure to be completed. The matter has been set down for 1 December 2006.

**(Unchanged) Illingworth Plumbing Limited, S Wilson - 66 Paturoa Road, Titirangi (August 2006)**

Charges were laid under the Building Act for the conversion of a basement approximately 50m<sup>2</sup> into a separate living area without building consent. The work comprised of a new floor, removal of existing support beams that support the second floor of the dwelling, replacement of the beams to a standard which is not Building Code complaint, alteration of and replacement of plumbing and drainage in the area. The defendants have intimated guilty pleas. The matter was called on 15 September 2006.

Illingworth Plumbing Limited and S Wilson have intimated guilty pleas. They were called to enter their plea on 27 October 2006.

**(Unchanged) G and Q Potts - 88 Wiseley Road, West Harbour (August 2006)**

Charges have been laid under the Building Act for converting the house into two separate households. No consent has been obtained for this work. The defendants have been previously prosecuted and convicted for similar unauthorised work. The matter was called on 15 September 2006. Q Potts intimated a guilty plea but the matter was adjourned for him to seek legal advice. It is set down to be called on 1 December 2006.

**(Changed) H K Graham – 11 Karaka Road, Whenuapai (July 2006)**

Charges have been laid under the Resource Management Act and Building Act in respect of the use of numerous unauthorized minor household units on the site. There are also fire safety and insanitary (drainage facilities) issues at the site due to the buildings being used for residential purposes.

The matter was listed for mention in the Auckland District Court on 13 October 2006. The Court adjourned the matter to 11 December 2006 as the defendant was seeking further disclosure.

**(Changed) Rogers Earthmoving Limited, LM and KP Rogers, GP Fitzpatrick - 312 Lincoln Road (April 2006)**

Charges were laid under the Building Act for erection of a structural retaining wall that is not building code compliant and built without building consent, as well as a change of use from residential home to a business without building consent.

The Council was asked to review the file by the defendants as they believed they were not informed of the requirements to file a notice of change of use under the Building Act. The defendants were of the opinion that the resource consent applied for and granted was sufficient. They further alleged that the retaining wall is building code compliant and in any case is exempt under schedule 1 of the Building Act as it is under 1.5metres. The matter is now being reviewed, with the defendants providing further information to substantiate their views. The matter will next be called on 1 December 2006.

**(Changed) Property Solutions Group Limited, Pratt G, Power R - 77E Colwill Road, Massey (April 2006)**

Property Solutions Group acted in an advisory capacity to the owners of the property. They advised the owners to complete the development undertaken underneath the house even though no building consent had been granted. The company, its director and primary advisor have been charged under the Building Act. The parties sought a further adjournment to 1 December 2006 as the defendants were not ready to enter a plea when the matter was called on 27 October 2006.

**(Changed) J A and G R Drew - 42 Christian Road, Swanson (April 2006)**

Charges have been laid under the Building Act for the conversion of the basement area of the house into a minor household unit. Building work was undertaken to create bedroom, bathroom, lounge area, including alteration and building of structural walls. The work is not building code compliant and no building consent was granted for the work. The defendants have requested for the Council to review this matter as they are of the opinion the works undertaken is exempt from requiring building consent under schedule 1 of the Building Act. As a result the matter was adjourned to 1 December 2006.

**(Changed) W B and L A Henderson – 1/21 Arawa Street, New Lynn (April 2006)**

Charges have been laid under the Building Act for significant alteration work undertaken at the property. This work extended the living area of the property. Structural walls were removed and replaced. None of the work meets the Building Code. No building consent was granted. The work has resulted in the possibility of excessive moisture penetration into the house. The parties were required to enter a plea on 27 October 2006.

**(Changed) Graham W Gordon - 159A Scenic Drive, Titirangi (October 2005)**

This matter relates to breaches of the Resource Management Act and Building Act. Both matters were called on 31 March 2006 at the Waitakere District Court. Mr Gordon entered a not guilty plea to both charges. The Resource Management Act matter was transferred to the Auckland District Court to be considered by an Environment Warranted Judge of the District Court. This matter will proceed to a jury trial. The Resource Management Act matter was set down to be called on 26 April for pre-hearing issues to be considered. At the call-over on 26 April 2006 Mr Gordon entered not guilty pleas to all the charges. The matter was set down for depositions on 15 June 2006. In respect of the Building Act matters, a defended hearing is set down for 30 October to 1 November 2006. The matter was to be heard with other similar offences to which Mr Gordon has pleaded not guilty. However, Mr Gordon is unwell and will not be able to attend Court. The matter has been adjourned for a new date to be given by the Registrar for next year. The Resource Management Act charges have been set down for 5 days at the Auckland District Court before a jury in May 2007.

**(Unchanged) McGuigan Syme Chilcott Ltd, G Pitts, D Owens Builders Ltd, M Engel, - 71 Riverlea Road, Whenuapai (August 2005)**

Charges have been laid under the Building Act for unauthorised building work undertaken to construct concrete foundations and timber framing as well as failing to stop work following the direction of an authorised officer. A building consent was lodged, but work commenced prior to the consent being granted. The matter was called on 19 May 2006 where all but the owner of the site, Mr Engel, entered a guilty plea. As the engineering company McGuigan Syme Chilcott Limited entered a guilty plea, charges against the directors of the company were withdrawn. Sentencing was set down for McGuigan Syme Chilcott Limited, G Pitts and D Owens Builders Limited on 28 September 2006. The matter was heard but a decision was only given in respect of D Owens Builders Limited as the other two parties were seeking to be discharged without conviction. The court determined that it was not in a position to determine the application for discharge without the decision on the substantive hearing in respect of the property owner, Mr Engel. As a result, the matters of McGuigan Syme Chilcott Limited and G Pitts will not be determined until February 2007. This will permit for these matters to be resolved after a determination is made in respect of Mr Engel.

In respect of D Owens Builders Ltd, the Court determined, irrespective of the lack of evidence presented to the Court and Council that the company's director Mr Owens had done everything in its power to stop works from continuing on the date that the stop work notice had been issued. The Court based its decision on the sentencing submissions of Mr Owens' solicitor, and gave a little weight to the fact that, regardless of its actions, the Company continued in its contractual relations with the property owner and the subcontractors, and at no point distanced itself from the unauthorised works at the property. In fact, the company remained the head contractor whilst the unauthorised works were proceeding. Despite accepting that the fine sought by Council of \$15,000 was appropriate given that the offender was a professional in the industry for over 30 years, the Court said that it was excessive in the circumstances. The Court convicted the company and imposed a fine of \$3,500 plus solicitors' costs of \$450, and Court costs of \$130; 90% of the fine will be remitted to the Council along with all the solicitor's costs.

Mr Engel entered a not guilty plea through his solicitor on 19 May 2006. The Court set the matter down for 23 June 2006 and required that on that date the defence set out a prima facie defence, the number of witnesses it wishes to call and the number of days the parties think the hearing will take to complete. The Court was informed on 23 June 2006 that the defendant wished to run an argument based on the defence that Mr Engel could not reasonably have known that an offence was being committed. On behalf of Council the applicability of the defence was opposed based on correspondence received from the defendant stating that he was going to breach the Building Act. The matter is set down to be heard on 23 and 24 November 2006. A total of four witnesses will be called, two for each side.

**(Changed) A Mackinnon – 5 Armour Road, Parau (June 2005)**

Charges were laid under the Resource Management Act for the clearance of at least 80 native trees including mānuka, kanuka, kahikatea, mahoe, and cabbage trees from a Protected Natural Area without resource consent. The defendant was the mother of the offender and took responsibility for permitting the clearance. A restorative justice conference was held on 3 April 2006 where the defendant took responsibility for the actions of her son and agreed to a planting and a maintenance programme for five years of 100 trees. The parties reported to the Court on 7 April 2006 for sentencing. The defendant was discharged without conviction as a result of the agreement reached at the restorative justice conference and her willingness to co-operate with the Council. However, it is subject to the defendant undertaking the requisite planting.

The planting programme has been accepted by the Council, and planting was meant to have been completed by 30 September 2006. An investigation by the Council has revealed that the planting has not commenced.

Ms Mackinnon's discharge is dependent on the planting having been completed to the Council's satisfaction by the end of September 2006. The matter was called on 13 October 2006. Ms Mackinnon had not commenced planting under the agreed planting programme and in fact was proposing to undertake a different planting programme which was not approved by Council. The Court considered her inaction and failure to uphold her agreement as grounds for removing her eligibility for a discharge without conviction. Ms Mackinnon was convicted.

The Council applied for an enforcement order to require the replanting to be completed at the start of the next planting season. Failure to complete the replanting would mean that Council could enter the property and finish the planting. The Council would then put a charge on the land for the costs of the works. As Ms Mackinnon had already served 180 hours of community work the Court considered no other punishment was necessary, particularly since the enforcement order was granted.

**RECOMMENDATION**

That the Legal Update (as at 27 October 2006) report be received.

Report prepared by: Setareh Masoud-Ansari, Contract Solicitor.



## **PART C - ENVIRONMENTAL MANAGEMENT**

### **5 ALTERATION OF SINTON ROAD EXTENSION STATE HIGHWAY 18 DESIGNATION**

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

The purpose of this report is to seek confirmation from the Planning and Regulatory Committee for an alteration to the current Sinton Road Extension State Highway 18 (SH 18) Designation. The alteration will extend the area designated in order to provide for a revised alignment of a corner on the Sinton Road extension.

#### **BACKGROUND**

Transit is a 'requiring authority' under the Resource Management Act 1991, which gives them the power to 'designate' land for public works. It is important to note that the Council does not have the power to grant or refuse consent to the designation alteration. Rather, it is the requiring authority who is also the decision making body in respect of a designation, and the Council only has the ability to make requests and recommendations to the requiring authority.

The existing designation TSNZ4 encompasses the entire realignment of SH 18 and SH 16 in the vicinity of Massey and Hobsonville. This designation was inserted into the District Plan following a formal process which concluded in Consent Orders made by the Environment Court. These consent orders set comprehensive conditions on the implementation of the designation. The full extent of the designation is expansive, consistent with the extent of the highway realignment as proposed in the original preliminary design. The design of the highway realignment has been further refined since the designation came into effect. Consequently, minor alterations to the physical extent of the designation have been required as design work progresses. The current proposed alteration is the latest in a series of minor alterations.

The design and construction of a local link road to Sinton Road comprises part of the local road network accommodation works as part of the Hobsonville Section of the Upper Harbour Corridor Project. This local link road is required because the new motorway will bisect and sever the existing Sinton Road and Clarks Lane/Ockleston Road connections.

An alignment for the local link road (Sinton Road extension) was approved under Outline Plan of Works reference 20052145 on 20 February 2006. It is proposed to alter the boundary of the current designation to allow for a modification to the Sinton Road extension approved under the outline plan of works, to allow a safer curve radius on the corner. Waitakere City Council's roading engineers have indicated a preference for this design modification and the local road will be transferred to Council on completion. A full copy of Transit's application and maps are circulated separately with the agenda.

#### **STRATEGIC CONTEXT**

The proposed SH 18 realignment has become an important priority for future development in the northern area of the City.

The establishment of the proposed motorway is provided for in the Regional Land Transport Strategy. In addition, the land between the proposed motorway and the existing alignment of Hobsonville Road has been identified in the Regional Growth Strategy and Northern and Western Sectors Agreement as an area of future urban expansion.

## ISSUES

### Proposed Alteration

Within the current SH 18 designation, the extension of Sinton Road will necessitate a sharp bend to join the new link to the existing Sinton Road section. The small radius bend falls below geometric alignment standards with a tight substandard horizontal curve radius of 40m. This has been raised as an issue by safety auditors.

Consequently Transit proposes to alter its designation for SH 18 to accommodate a realignment of the Sinton Road extension. The realignment will improve safety for road users through a revised curve radius of 110m.

The revised design will slightly reduce the existing 820m long road with a corresponding reduction in the paved area, earthworks and other associated roading elements. Both the original and revised alignments broadly follow the existing surface terrain.

Transit requires that the designation be extended 32 metres north-west at its current junction with Sinton Road to include the land vested in Transit in connection with a road (Part 2, Survey Office Plan 349290 being 1611m<sup>2</sup>) in order to accommodate this revised design. The revised designation will then follow the property boundary.

### Statutory Process

Once a designation is in place, the Resource Management Act provides a relatively simple procedure for making minor alterations. Section 181(3) of the Act states as follows:

- “181(3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if–*
- (a) The alteration–*
    - (i) Involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
    - (ii) Involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
  - (b) Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
  - (c) Both the territorial authority and the requiring authority agree with the alteration– and sections 168 to 179 shall not apply to any such alteration.”*

Provided that the proposed alteration complies with the matters set out in Section 181(3) (a), (b) and (c), the designation in the District Plan can be amended without further formality.

The information provided by Transit in support of the designation alteration proposal is thorough, and addresses all the relevant issues. Council staff are satisfied that the correct procedure has been followed in relation to the proposal.

The alteration is minor in terms of its environmental effects and of its extent, taking into account that the land is held for roading purposes, Transit having purchased the land on the inside of the bend necessary to construct the improved alignment. No other parties are considered to be affected by the proposed realignment.

The proposed alteration therefore complies with all three matters set out in Section 181(3) (a), (b) and (c).

## RESOURCES

No resources are required other than staff time involved in amending the map sheet of the plan and distributing copies to District Plan holders.

## CONCLUSION

Transit proposes to alter the existing SH 18 designation to provide for a realignment of a corner on the Sinton Road extension. The alteration is relatively minor and has safety benefits for road users. Overall, it is considered that the alteration offers significant benefits to all the affected parties.

## RECOMMENDATIONS

1. That the Alteration of Sinton Road Extension State Highway 18 Designation report be received.
2. That the Council advise Transit New Zealand that it agrees with the alteration to designation TSNZ4.
3. That designation TSNZ4 within the District Plan be amended, in accordance with "Appendix C Proposed Alignment Plan" contained in the Transit report "State Highway 18 Upper Harbour Corridor: Hobsonville Section Sinton Road Extension: Alteration to Designation."

Report prepared by Christopher Turbott, Senior Planner: Policy Implementation.



## 6 TELECOMMUNICATION FACILITIES IN ROAD RESERVES

### PURPOSE OF THE REPORT

The purpose of this report is to update the Planning and Regulatory Committee on recent issues in respect of telecommunication facilities that have been granted consent to establish on road reserve and also suggests a way to address the issues that have arisen.

### BACKGROUND

Mobile phones have become an important part of modern communication infrastructure. Many people use mobile phones on a regular basis, for business or personal purposes.

In order to compete within this rapidly growing market, telecommunication companies need to ensure that they expand their cellular network so that it continues to provide adequate coverage for their customers. This has resulted in a significant number of applications for new cellular telephone transceivers (cell sites). The location of these installations has, on occasion, become controversial.

In 2002, Council was approached by the key telecommunication companies with a request that they be allowed to establish cell sites on existing street lighting and traffic signals within Council owned road reserve. The cell sites were proposed to be low powered radio transmitter/receiver facilities that would act as an overlay to the existing networks, in order to improve coverage and increase coverage capacity. It was proposed that an occupancy fee would be paid to Council for each cell site, and that up to 20 such sites would be established in the City each year.

The Finance and Operational Performance Committee considered the request at its April 2002 meeting, and resolved as follows:

*“That approval in principle be given to the establishment of telecommunication micro cellular sites on Council owned infrastructure within the road reserve in Waitakere City, subject to the individual micro cell site gaining resource consent, approval from Council’s Transport Assets Section, and a lease and payment arrangement to the satisfaction of Council’s Legal Services Unit.”*

717/2002

Since that time, a number of cell sites have been established on road reserve throughout the City. For the most part, these have been erected without creating any significant issues.

However, a recent proposal to establish a cell site on road reserve adjacent to 412 Don Buck Road has caused some concerns amongst adjacent property owners. This proposal seeks to locate the cell site on top of a street light. The operator of this proposed cell site, Vodafone New Zealand Limited, has obtained a resource consent for its establishment and operation. The consent was processed on a non-notified basis, meaning that the neighbours were not involved in the consent process.

## **STRATEGIC CONTEXT**

The Council’s Long Term Council Community Plan 2006-2016 states that the Council will support telecommunications provision to all areas of the City, and will work to ensure that up-to-date communications technology is accessible to all potential users. The Council has also signalled its desire to see that the necessary infrastructure is provided to support economic growth, including the establishment of effective telecommunications networks which are an essential requirement for local business.

In addition, Council is concerned with ensuring that the residents of the City have a safe and healthy environment and that amenity values are not compromised through inappropriate development.

## **ISSUES**

### **Council’s Role as Landowner**

The road reserves (including road berms) throughout the City are owned by Council. As landowner, Council has an interest in ensuring that structures placed on this land are properly managed and do not cause a nuisance or hazard to any road users or adjacent properties.

Vodafone and similar telecommunication companies are ‘network utility operators’ as defined by the Telecommunications Act 1987. This Act provides recognised network utility operators with a statutory right to place telecommunication equipment on roadsides, without any obligation to pay an occupancy right to Council. As such, Vodafone could establish cell sites on new poles within the road reserve (although not on Council infrastructure) without the need to obtain the permission of Council in its capacity as landowner.

Any structures erected solely for the purpose of telecommunications would be additional to existing streetlights and traffic signals. The Council has entered into an arrangement whereby it allows space on structures it owns to be leased, in order to avoid an unnecessary proliferation of structures in the road reserve.

## **Council's Role as Regulator**

The Council's District Plan identifies road reserves in Waitakere City as falling within the 'Transport Environment'. As a consequence, any proposed cell site is required to satisfy the relevant rules of the Transport Environment, or obtain a resource consent.

Rule 5 of the Transport Environment applies to infrastructure. Under this rule, cell sites are a discretionary activity where the height of any structure exceeds 2.5 metres above ground level. Cell sites would generally need to exceed this height in order to provide adequate coverage to those users operating their mobile phones within the vicinity.

When an application of this nature is received, Council's reporting planner needs to determine whether the application should be publicly notified or not. The Resource Management Act allows applications for discretionary activities to be processed without public notification if the effects on the environment would be no more than minor and if no person would be adversely affected by granting the consent. In the case of the Don Buck Road cell site, the reporting planner concluded that the proposal could satisfy both of these requirements. The consent was therefore granted, without any involvement from the neighbouring property owners or any other parties.

## **Resource Management Issues**

Cell sites tend to raise two main issues. Firstly, their inherent height requires scrutiny in respect of the visual impact that the cell site may have. In addition, cell sites have often raised concerns regarding radio frequency emissions, and the possibility of related health effects on those people who live or work in close proximity to the cell site.

The extent of any adverse visual impact arising from the cell site will depend largely on the environment in which the cell site is proposed to be located. Co-location of such facilities on infrastructure that is already in the road reserve has the advantage of avoiding additional structures and, as a consequence, minimising the visual impact of the cell site.

Cell sites have often created community concerns in relation to the potential for adverse health effects. This has been a difficult issue for councils around the country to deal with, because the genuinely held concerns of residents are not supported by any compelling scientific evidence.

The Environment Court has released a number of decisions in relation to cell sites that have made it clear that, provided emissions from the cell site comply with the relevant New Zealand Standard, arguments based on health effects will not succeed. The Court has also noted that residents' fears are not of themselves effects that can be given any credence through the resource consent process. In relation to the proposed Don Buck Road cell site, technical information submitted with the application has demonstrated that the facility would operate well within the New Zealand Standard for radio frequency emissions (NZS 2772.1: 1999).

## **Options for Managing Cell Site Proposals in Road Reserves**

It is noted that there are a significant number of existing cell sites that are co-located on street light standards within the City. It appears that none of these other sites have raised concerns amongst neighbouring residents.

In the absence of any demonstrable adverse effects arising from these cell sites, and having reviewed the consent process adopted in respect of the Don Buck Road site, it is considered that there is no basis for changing current resource consent processing practices.

Any move to make the consent process more onerous, for example by requiring applications of this nature to be publicly notified, would be likely to be opposed by telecommunication companies. It is also considered that such an approach would be contrary to the Council's strategic direction for electronic infrastructure.

If applications are publicly notified in circumstances that do not warrant notification, it may create a situation where residents are given an unrealistic expectation that consent may be refused. It is clear from the case law that any appeals to the Environment Court arising from a publicly notified resource consent are unlikely to succeed in overturning a Council's decision to grant consent to a cell site, particularly where such appeals arise from radio frequency emission concerns.

An alternative suggestion may better address the concerns of residents. Staff could meet with the key telecommunication companies to explore whether they would be prepared to abide by some protocols in relation to the location of potential cell sites that they are seeking to establish. Locations that are adjacent to commercial or industrial areas, or adjacent to parks, are likely to be more palatable to the community than residential locations. Although there may be no robust resource management reason to avoid a residential area, an alternative location (if practicable) may well invite less controversy. It would seem that such an outcome may be in the interests of the telecommunication companies, the Council, and residents of the City.

## **RESOURCES**

No additional resources are required in relation to this issue.

## **CONCLUSION**

The establishment of cell sites by telecommunication companies, on existing Council owned infrastructure in the road reserve, is subject to the resource consent process. This process would ensure that all environmental effects are appropriately addressed.

Despite this, some cell sites that are proposed in road reserves are causing concerns for residents. As a way of avoiding those concerns, it is suggested that staff request a meeting with key telecommunication companies to explore developing a set of protocols for locating cell sites within the road reserve. It is anticipated that such protocols might seek to avoid establishing cell sites in residential areas, where suitable alternative locations are available.

## **RECOMMENDATIONS**

1. That the Telecommunication Facilities in Road Reserves report be received.
2. That staff contact key telecommunications companies with a request for a meeting to explore developing a set of protocols for locating cell sites within the road reserve.
3. That the outcome of discussions with the key telecommunications companies to explore developing a set of protocols for locating cell sites within the road reserve be reported back to the Planning and Regulatory Committee.

Report prepared by: Philip Brown, Group Manager: Planning & Community Services.



## 7 OPERATIONAL CONSTRAINTS ON COMMUNITY FACILITIES

### PURPOSE OF THE REPORT

The purpose of this report is to advise the Planning and Regulatory Committee on potential constraints that may impact on the operation of a range of community facilities around the City and sets out several techniques that could be adopted to address this issue.

### BACKGROUND

A number of community entertainment and recreational facilities within the City have had operational issues that have arisen as a result of noise emissions or parking congestion. The issues have been brought to the attention of the Council through complaints that have been made by residents living in the vicinity of these facilities.

In particular, these facilities include The Trusts Stadium, the Massey Leisure Centre, and the Corban Estate. A great deal of public investment has gone into these and other community facilities, and there is concern that the public will not gain the full benefit of that investment if these facilities are unable to operate to their full potential.

In response to this concern, the Planning and Regulatory Committee passed the following resolution at its April 2006 meeting:

*“That the Chief Executive Officer be asked to report to Council on the issues involved in reviewing the current District Plan provisions relating to car parking requirements and noise levels in urban areas, particularly in regard to:*

- a) the operating of such facilities as The Trusts Stadium, establishment of entertainment precincts, events and vibrant town centre activities;*
- b) the impact of car parking requirements on business development and opportunities.”*

609/2006

This was followed up in September 2006 through the following resolution of the Finance and Operational Performance Committee:

*“That the Finance and Operational Performance Committee request an urgent update on the issues pertaining to noise levels, District Plan and Bylaw provisions that impact on the satisfactory functioning of Waitakere town centres and community facilities particularly in regard to the Massey Leisure Centre, The Trusts Stadium and Corban Estate provision of youth services, music events and outdoor entertainment.”*

1697/2006

### STRATEGIC CONTEXT

The Council has signalled an intention to develop the City as a renowned hub of social activity, arts, leisure, sport and recreation. The Long Term Council Community Plan 2006-2016 sets a vision for 2020 where “town centres are thriving places, providing exciting options for people to live, work and play. Public facilities, places and spaces teem with people; the events are alive and busy”.

The Council also seeks to ensure that the amenity values of residential areas are maintained and enhanced.

## ISSUES

### Parking Constraints

It is generally considered impracticable to provide sufficient on-site parking to accommodate all the demand associated with large facilities. Where on-site parking provision is less than peak demand, any shortfall would be accommodated through kerbside parking, parking on adjacent sites, public transport and walking.

A case in point arises with The Trusts Stadium. The capacity of the indoor stadium is in the order of 5,000 people, while the adjacent outdoor stadium is capable of seating a maximum of 10,000 people. The on-site parking that is provided would be sufficient to accommodate a relatively small percentage of peak demand. In order to manage the impact that this parking shortfall may have on the environment, resource consent conditions have been imposed that constrain the operation of the stadium.

### Noise Constraints

The District Plan imposes noise limits on non-residential activities. The particular noise limits that apply vary from place to place around the City, depending on the proximity to sensitive receiving environments. The most restrictive noise limits are imposed where noise generating activities adjoin residential areas.

The activities conducted within the Massey Leisure Centre have been constrained because of the level of noise that has been received at the boundary of adjacent residential properties. In this instance, housing is established in close proximity to the main recreational space in the Centre. Noise generated from music and sporting events has given rise to complaints from neighbours, and investigation has confirmed that the level of noise that was experienced exceeds the permitted District Plan limits. As a result, management of the Centre has made a decision to cancel future events of the type that caused an issue.

### Options to Reduce Constraints on the Operation of Community Facilities

The operational constraints that are being experienced by community facilities result from the application of District Plan rules. The impact of these rules is felt by all nature of facilities, from the largest City-wide recreational facilities right down to the level of community halls that are situated on reserves within the neighbourhoods that they serve. Because of the wide range of facilities that are impacted, it is possible that the potential solution will vary from location to location.

#### (i) Targeted Resource Consents

For larger facilities that are operating under a resource consent, such as The Trusts Stadium, an opportunity exists to lodge an application to amend the conditions of the consent. The objective of this approach would be to arrive at a set of conditions that more appropriately balance the need to maintain a reasonable standard of amenity for residents with the wider community's need to maximise the benefits of their investment in a facility of this nature. It is understood that The Trusts Stadium management is intending to pursue this option in the near future, and is currently gathering the necessary information to support an application.

#### (ii) District Plan Amendments

An alternative option would involve modifying the rules of the District Plan to increase acceptable noise levels and reduce on-site parking requirements.

The Council has recently moved in this direction in respect of parking standards. District Plan Changes 13-18 (promulgated in response to the Local Government (Auckland) Amendment Act) have proposed more flexible parking requirements in town centres and growth areas. These amendments recognise the growing viability of public transport as an alternative to private motor vehicle use, and are intended to stimulate redevelopment and investment in existing town centres.

It is considered that modifications to permitted non-residential noise levels should be approached with more caution. It is important that amenity standards in the urban area are maintained as far as possible as growth and intensification occurs. A move to raise the maximum permitted noise levels for community facilities would run the risk of compromising residential amenity to an unreasonable extent, as the noise rules do not limit the frequency with which an activity could occur.

In recognition of this issue, the focus within town centres has been to address reverse sensitivity noise issues by ensuring that residential development in potentially noisy locations is acoustically designed to attenuate noise from the surrounding environment. This technique appears to have been effective.

### **(iii) Designations**

It may be possible to 'designate' certain community facilities. Council has the power under the Resource Management Act to designate land for public works. The effect of a designation is that the rules of the District Plan do not apply to the activity that is described in the designation.

This situation applies, for example, to state schools that are designated by the Minister of Education. As such, noise generated from a school auditorium that is being used for education purposes does not need to comply with any rules of the Council's District Plan.

It is considered that this is an option that is worth exploring further. Designations can be made subject to conditions expressed in a District Plan that would ensure that an appropriate balance is struck between the level of use of the particular facility and the desire to maintain reasonable amenity for residents in the vicinity. Staff could consider the potential for designations to be utilised in respect of recreational and entertainment facilities and report back to a future meeting of the Committee. One of the drawbacks that would need to be considered is the fact that designation powers can only be applied in relation to Council-owned facilities.

### **Decision Making**

Section 77 of the Local Government Act 2002 sets out a process for local authorities to follow when making decisions. Essentially, Section 77 imposes a requirement for a local authority to conduct a cost benefit analysis of any options that are available for meeting the Council's objective.

The targeted resource consent option would be an efficient option for community facilities that are large and relatively unique, particularly where they are not owned by the Council. This process can promote community outcomes and would not compromise the statutory responsibilities of the Council.

District Plan amendments are likely to involve significant cost to the community, incurred through processing changes to the Plan. Outcomes may be weighed too heavily in favour of the operation of community facilities, to the detriment of amenity values enjoyed by residents. As a consequence, this approach could be subject to successful challenge through the statutory process.

If it is determined that the use of designation powers is possible, this option has the potential to be an effective and efficient means of providing additional flexibility for a number of council-owned community facilities. This would enable the Council to promote community outcomes in a consistent and integrated manner. As such, designations are the favoured option for the majority of facilities, although targeted resource consents may be a better option for a limited number of larger sites that are not owned by the Council (such as The Trusts Stadium).

## **RESOURCES**

The resources that are required to progress an appropriate response to this issue are primarily staff-based, and are provided for within the Annual Plan.

## **CONCLUSION**

The rules of the District Plan impose constraints on publicly-owned community facilities. There is a concern that, in some instances, the level of constraint is such that the facilities in question are unable to operate to their full potential.

A range of options are available to address this concern. It is considered that modifications to conditions of existing resource consents may be an appropriate solution in some cases. Some changes to District Plan rules have already been initiated in order to provide more flexible parking standards and address reverse sensitivity in respect of noise. Designations in favour of Council may also provide a solution in certain circumstances, and this is an option that deserves further consideration.

If mechanisms of this nature are applied, together with careful placement of future community facilities, it is considered that the issue can be managed to ensure that District Plan rules do not unduly constrain the operation of community facilities.

## **RECOMMENDATIONS**

1. That the Operational Constraints on Community Facilities report be received.
2. That staff undertake further work on the potential for designations to be used as a mechanism for assisting community facilities to operate without unreasonable constraint, and report the outcome of such work back to the Planning and Regulatory Committee.

Report prepared by: Philip Brown, Group Manager: Planning & Community Services.



**PART D - COMMITTEE REPORTS**

**8 KAY ROAD BALEFILL SITE MANAGEMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS EXTRAORDINARY MEETING HELD ON MONDAY, 30 OCTOBER 2006**

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**MATTERS CONSIDERED**

*A1*

Your Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at page A1.

**The Committee Recommends:**

That the Meeting report of the Kay Road Balefill Site Management Committee held on Monday, 30 October 2006 be received.

I Hutchinson  
**CHAIRMAN**

