



ANIMAL WELFARE: WAITAKERE

To:
Secretary of Internal Affairs
Department of Internal Affairs
WELLINGTON

**Annual report for
year ended
30 June 2007**

**Dog Control Act 1996
Section 10A**

A49

1. Introduction

This report is made under section 10A of the Dog Control Act 1996 for the year ended 30 June 2007.

2. Strategic Fit

In 2006 Waitakere City Council endorsed the principle of the animal welfare model in its LTCCP deliberations.

The services provided by the Animal Welfare section include —

- Dog control enforcement
- Animal welfare enforcement
- Stock control enforcement
- Impoundment and Animal Care – accommodation
- Adoptions
- Education – dog owner licensing, school groups, general public
- Registrations

Animal Welfare aims to ensure that animal welfare standards and regulatory requirements are delivered to the community in a fair and equitable manner.

The goals of Animal Welfare are to:

- Reduce errant dog owner behaviour
- Minimise animal related problems
- Find safe homes for animals left in care
- Promote animal welfare.

This activity works positively to minimise the social impacts of errant dog behaviour together with maximising efforts to re-home animals left in their care. The facility is located in an industrial area minimising the impact of noise from animals staying in the kennels.

Animal Welfare operates from Council owned premises in an industrial area of Henderson. The facility includes the kennel block, livestock barn, education room and administration buildings which are managed and maintained by the Council. All equipment used in the provision of the service is owned by the Council.

Accommodation must be provided for dogs that have been seized or impounded. Accommodation is also provided for animals brought to and left at the facility. Kennels are provided and daily care is provided.

Re-homing /adoption services result in approximately 75% of animals being returned to homes or adopted into new homes.

A fleet of visibly marked vehicles are used by field officers operating 7 days a week, 24 hours a day patrolling the city and responding to requests and complaints from the community.

New rosters implemented in 2007 now ensure that an officer is on duty 4.00 pm to midnight to attend to all calls, and on-call for priority calls from midnight to 8.00 am. In addition a weekend officer is on duty 8.00 a.m. to 4.00 p.m. to attend to all calls.

Annual dog registration is handled both by Animal Welfare staff, libraries and Council cashiers. 100% identification of all non registered dogs is not achievable even through house-to-house investigative work by field officers. 80% of the dogs that are impounded by the Field Officers are unregistered.

3. Dog Control in Waitakere City

Total number of dogs and their use

A particular point of interest, reported as at 30 June 2007, is that the number of dogs is 13,543, an increase of 994 over 12 months. In the 2005/2006 report was a comment that "it is estimated that between 45% and 50% of the dogs in the City are not known to Council and are therefore unregistered." Random street checks, while not enough to base sound research on, are resulting up to 21% of dogs being found are unknown and therefore unregistered. A methodical research programme is under construction to determine this more accurately. Meanwhile, the random checks are proceeding apace.

Fifty-two dogs are registered as working dogs, mostly disability assist dogs. None are registered as working farm dogs.

Waitakere Animal Welfare Staff

Staff comprises ---

- Manager: Animal Welfare
- Field Services Team Leader and 7 full time animal welfare officers.
- Accommodation Services Team Leader and 8 kennel staff
- Customer Services Team Leader and 5 customer service officers.

Animal Welfare: Waitakere operates as an integral part of City Services rather than by outside contractor and that will not change. The purpose of the Animal Welfare team is to enforce and educate in regards to the Dog Control Act 1996 and the Animal Welfare Act 1999, carry out beach patrols, visit pet-shops and provide community and school education.

Stakeholders

Animal Welfare: Waitakere maintains contact with all other animal related agencies within the greater Auckland area. This includes (SPCA, Biosecurity New Zealand, veterinarians, rescue clubs, and other animal shelters/boarding kennels.

Highlights

Education of young people and the community in general was highlighted during the 2006 – 2007 year, with school talks given to children of all ages. They were educated on animal awareness, to behave around dogs and the care of domestic animals. Dog Bite Prevention talks and training is becoming more common within industry and the development of this program has had great importance.

In addition Officers provided education and licensing sessions for persons wishing to become Responsible Dog Owners.

4. Dog Control / Animal Welfare Practice

Complaint categories and process

Complaints are categorised in Pathways, the Councils database, as follows ---

- Animal Welfare - Emergency
- Animal Welfare
- Dog Barking
- Dog Attack - Emergency
- Dog Attack
- Dog Challenge
- Dog Straying
- Dog Fouling

- Dog into Rubbish
- Dog Unmuzzled
- Dog or Animal Pick Up - Emergency
- Dog or Stock Wandering - Emergency
- Dog Or Stock Wandering
- Miscellaneous (including dog traps)
- Request for Information
- Request for Advise
- Property Check
- Pick Up – Stock - Emergency
- Pick Up - Stock
- Animal Welfare - Priority

A member of public will call through on the dedicated Council phone line to request a service. This number is available for all Waitakere City residents 24 hours a day 7 days a week. A customer services representative will note the details of the complaint, as well as the customer's details. The service request is assigned with a system generated job number and title from one of the categories above, and issued to an officer according to location of the job and its priority. The officer undertakes the appropriate actions and measures for the job. This may include, education of the animal owner, making recommendations, establishing network, infringements, or possible seizure of animal, and follow up.

Issuing of infringement notices

The main focus is to educate dog owners. Infringements are seen as a last resort (for statistical figures see attached table)

Prosecutions under the Dog Control Act 1996

For the period ended June 2007 no prosecutions were commenced but one for an attack on a child is awaiting trial.

5. Dogs Prohibited, Leash Only and Dog Exercise Areas

Dog prohibited and exercise areas

Waitakere City Council By-law No. 29 provides that dogs are prohibited from —

- Public buildings
- Any developed or marked out sport fields (not including spectator area), outdoor courts, skateboard park and cycle park
- On or within 10 metres of any developed or marked out playground or children's play equipment or fitness apparatus
- Any area marked as prohibited to dogs for the purpose of protecting wildlife
- Piha Beach from Piha Stream (Lion Rock) to the southern most end of South Piha Beach
- On specified areas in the Waitakere Ranges Regional Park including grassed areas of Cornwallis Beach.

Leashed Areas,

- Any public place that is not a prohibited area
- Waikumete Cemetery,
- Harbourview -Orangihina walkway & coastal area.
- Piha north of South Piha Beach but excluding marked off-leash areas
- All other beaches

Off leash areas

- Bethells Beach within marked poles
- Cornwallis Beach sand areas till 9.00 am

- All Council Reserves

Dog exercise areas

There are no specified dog exercise areas.

Compliance and effectiveness

Waitakere City Council By-law No. 29 provides that every dog owner must ensure that his or her dog does not enter or remain in any public place or private way designated as a leashed area unless the dog is led by a chain, strap or other sufficient contrivance by the person for the time being in charge of the dog.

The use of designated exercise areas for dogs in Waitakere City have proven to be a success with the number of complaints in these areas reducing substantially. There has been an increased use of these areas due to the publicity undertaken by Council.

These areas are patrolled on a regular basis. Over the summer months and an additional part-time staff member is employed to monitor these areas.

6. Dog Registration and other Fees

Fees

There was no increase in registration fees for the year 2006/2007.

Enforcement of Dog Registration fees

Penalties can be associated with non-registration of a dog. These include infringements, seizure and possible re-homing of a dog. Waitakere City Council where possible endeavours to assist the dog owner to keep the dog and pay the fees.

It is important to ensure that there is a set standard throughout the community in order to offer all residents fair treatment and consistency. Registration fees contribute to the dog control account; it allows the Council to provide for Animal Welfare staff that are responsible for a range of tasks (as listed paragraph 3 above).

Where a dog is found unregistered by an officer during patrols the owner is given a verbal warning and educated on the importance of registration. In cases where the owner has received previous notice about registration an infringement is issued. Failure to pay the infringement and register the dog can lead to the dog being seized under the Dog Control Act 1996.

7. Dog Education and Dog Obedience Courses

Owner Education Programmes

Dog owner licence testing is undertaken throughout the year. Classes consist of 10 people per class with a qualified Animal Welfare Officer educating the customers in relation to the Dog Control Act 1996 and dog welfare needs.

Dog safety education programme

A Bite Prevention programme is offered to members of the public. More utility agencies are investing in this type of training to keep their door-knocking staff safe.

Junior schools are sent letters offering the services of an Animal Welfare Officer and their dogs for the purpose of promoting safety around dogs and treatment of their animals. This has been very successful with primary schools visited with some additional pre-schools taking

up the offer. We have included other groups in a similar education programme which include postal service, plunket nurses, rotary, and civil defence as well as other units of Council.

The Council does not offer dog obedience course. These are well catered for by community groups.

8. *Disqualified and Probationary Dog Owners*

No dog owners were disqualified or declared probationary owners.

9. *Menacing and Dangerous Dogs*

The classification of dogs as menacing or dangerous based on reported aggressive behaviour is a valuable tool used to protect the public from potential threats.

10. *Other information*

Enforcing minimum standards

Over the past 12 years Waitakere City Council has employed officers that have been warranted under the Animal Welfare Act 1999. This has allowed the officers to work with the well-being of the animals as well as enforcement of the Dog Control Act 1996 and Codes of Welfare issued under the Animal Welfare Act 1999.

Curfews on dogs

Currently, there is nothing that specifically caters for a curfew on dogs. However, when issuing a noise abatement notice to a dog owner Council may instruct the owner to confine the dog indoors or similar facilities as part of the abatement order.

Dogs fouling in public areas

Waitakere City By-law No. 29 requires the owner of a dog that defecates to immediately remove the faeces.

Impounding of dogs

As a first step officers and customer service staff try to reunite pet owners with their pets without the need for impounding. In most cases where correct identification (e.g. current registration tag) is displayed on the dog, the dog will be returned home, or the owner requested to pick the dog up from where it was found. In cases of repeat offending, or where there is no identification of the dog, impounding is inevitable.

11. Statistical Information

Category	As at 30 June 2006	As at 30 June 2007
Total registered dogs	12,549	13,543
Total Probationary Owners	0	0
Total Disqualified Owners	0	0
Total Dangerous Dogs	0	0
• <i>Dangerous by Owner Conviction Under s31(1)(a)</i>	0	0
• <i>Dangerous by Sworn Evidence s31(1)(b)</i>	0	0
• <i>Dangerous by Owner Admittance in Writing s31(1)(c)</i>	0	0
Total Menacing Dogs	20	289
• <i>Menacing under s33A(1)(b)(i) – i.e. by Behaviour</i>	20	24
• <i>Menacing under s33 (A(1)(b)(i)- by Breed Characteristics</i>	0	0
• <i>Menacing under s33C(1) by Schedule 4 Breed</i>	0	265
Total Infringement Notices	640	496
Total Complaints Received	6352	6693
• <i>Priority 1 (to be attended to within 60 minutes)</i>	Not available	1873
• <i>Priority 2 (non-urgent)</i>	Not available	5354
Total Prosecutions Taken	4	0

A55

Consumer law – Trees

YOUR NEIGHBOURS – What you can do and what they can do to stop you.

Suburbs need trees. They are a source of food and shelter for bird life, they improve the quality of the air we breathe and they beautify our towns and landscapes.

But may they also block the drains, disrupt walls and foundations, hide the view, cast long shadows and from time to time fall down. Trees, especially other people's trees, can cause feelings to run very high.

Who is responsible?

If you're a landowner the law says you have the right to the ordinary use and enjoyment of your land.

However, your neighbours also have this right. Nobody may interfere unreasonably with other people's use and enjoyment of their land. This means you're responsible for ensuring your own trees do not cause problems for anyone else.

Who is responsible if there's a problem?

If your neighbour's tree is causing problems the first step is to talk to them.

They may not even be aware of your concerns. Give them a chance to fix things up, and look for a solution everyone will be reasonably happy with. If, for example, you are worried about shading, it may be that the tree can be thinned rather than chopped down.

A mutually agreeable solution will almost certainly be preferable to a lengthy, costly and bitter legal battle.

Who can cut the tree?

If the roots or branches of your neighbour's tree encroach on your land, you can cut them back to the boundary line.

In law, this is called "abatement". If you don't want to do this yourself you can ask a district court for an order for the trimming or even removal of the tree. However, if the tree is not causing harm or loss of enjoyment abatement may be your only remedy.

If you do choose this option you must do no more than is necessary to abate the nuisance. No unnecessary damage should result and you should not trespass on your neighbour's property. Nor may you create any other problems for your neighbour. You must not poison the roots or spray the tree with herbicide, as the consequences would extend beyond your property.

If you are cutting out part of the tree's roots take care not to undermine the stability of the tree or the ground around it. Cuttings and fruit belong to the

remove or damage trees or shrubs growing on council reserves, except within the normal scope of abatement.

To resolve a dispute

If a tree owner and an aggrieved neighbour can't agree on what to do, several courses of action are open.

Mediation and arbitration

Both mediators and arbitrators are available to help resolve a dispute. A mediator will help you negotiate a solution to the dispute. An arbitrator will impose a solution. Mediation is less formal and usually less expensive, but cannot be enforced by a court unless you have included enforcement procedures in your agreement. The courts will back an arbitrated settlement. There are no set scales of fees for mediators or arbitrators, so before you proceed you should work out the likely costs. In mediation the two sides decide how the cost is to be allocated; generally, they split the cost of mediation. In arbitration, the arbitrator can either split the cost or order the "loser" to pay all of it.

Disputes Tribunal

Disputes tribunals can hear claims for damages to property for amounts up to \$3000 (or \$5000 if the parties agree). Typical examples are claims for damage to drains, driveways, foundations and fences.

However, generally a tribunal referee will not be able to hear claims when the dispute is over loss of light, sunshine or views, or involves removal or trimming of the tree. In the latter case, a referee can try to help the two sides reach agreement. However, if your neighbour decides to ignore this, you will have to go to the district court to try to get the problem solved.

District Court

Claims for more than \$3000, or that involve the loss of light, sunshine or views, or that involves the removal or trimming of trees, can be taken to a district court. The court can award monetary compensation for damage caused by a tree. It can also order that a tree be removed or trimmed.

More help

Arbitrators Institute of New Zealand Inc, PO Box 1477, Wellington: For names, addresses and areas of expertise of trained arbitrators and mediators.

Mediators Institute of New Zealand Inc PO Box 87-197, Auckland. For details of trained mediators.

New Zealand Arboricultural Association: For the names and addresses of suitably experienced and qualified tree removal or pruning contractors.

4

A57

BEFORE THE ENVIRONMENT COURT

ENV-2006-AKL-000212

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of an appeal pursuant
to clause 14 of the First
Schedule of the Act

BETWEEN **WAITAKERE CITY
COUNCIL**

Appellant

AND **RODNEY DISTRICT
COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL
IN SUPPORT OF DRAFT CONSENT ORDER**

MAY IT PLEASE YOUR HONOUR

1. This reference concerns Decision Report 2201 released by the respondent on 1 December 2006 in respect of a submission lodged by the appellant (being Submission number 1478/02) in relation to the activity status of subdivision within the Future Urban zone of the Proposed District Plan 2000 (**Proposed Plan**).
2. The appellant lodged its notice of appeal on or about 28 February 2007.
3. The appellant and the respondent have agreed that, subject to the Court's approval, the reference appeal can be disposed of by way of consent. The respondent agrees with the reasons for the appeal and considers that granting the relief sought will remedy an error arising from its Decision Report 2201.
4. The appellant and the respondent have agreed to amend Rule 13.8.1.9 of the Proposed Plan in a manner which is within the scope of relief sought in the

ENV-2006-AKL-000212

IN THE MATTER of the Resource
Management Act 1991

AND

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to clause 14 of the First
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BETWEEN **WAITAKERE CITY
COUNCIL**

Appellant

AND **RODNEY DISTRICT
COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

His Honour Judge Smith, sitting alone under section 279 of the Act **IN CHAMBERS** at
Christchurch on the day of May 2007

CONSENT ORDER

Having considered the notice of appeal, and the memorandum of counsel lodged on behalf of the parties **THIS COURT ORDERS BY CONSENT** that the respondent amend Rule 13.8.1.9 in the Future Urban Zone of the Proposed District Plan 2000 in the following manner (amendments to the decisions version of the rule shown with underlining and strikethrough):

Rule 13.8.1.9 Subdivision

Rule 13.8.1.9.1 Activities

- (a) *The subdivision of land complying with the development controls in Rule 13.8.1.9.2 is a Restricted Discretionary Activity.*
- (b) *~~The subdivision of land shall comply with the Development Controls in Rule 13.8.1.9.2.~~ Restricted Discretionary Activity subdivisions will be*

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of the Rodney District Plan appeals

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith (presiding)
Environment Commissioner D H Menzies
Environment Commissioner S J Watson

Callover on 27 and 28 June 2007

Appearances:

As per the schedule annexed and marked "A" together with the associated **item numbers for this particular** pre-hearing conference where the parties indicated that they retained an interest.

MINUTES OF PRE-HEARING CONFERENCE

Introduction

[1] This pre-hearing conference was called to prioritise and address appeals against the Proposed Rodney District Plan. There is also inter-relationship between some of these appeals and various other outstanding appeals and changes and variations to the Rodney Plans.

[2] The Court issued a previous minute on 27 April 2007 setting out its expectations in respect of the appeals. As a result, the Rodney District Council generated a list of all appeals by topic, totaling some 196 topics. These were listed on the pre-hearing conference notice of 5 June 2007, with some 296 items listed under those topics. Please note, that **the item numbers listed in this minute relate to this pre-hearing conference only**. They are used and recorded only to facilitate an orderly movement through the pre-hearing conference.

[3] A key objective of the pre-hearing conference was to check that all parties were correctly recorded and that the topics had been correctly identified. Several were regrouped, and all parties present were given the opportunity to comment on the various topic identifications.



A62

[4] Overall there was little in the way of change, although several topics were suggested as being combined with others, several were renamed, and other new topics were added. The end result of that process was the allocation of all topics into at least one of the following categories:

Business Issues	SNA's
District-wide Issues	Stand Alone Issues
Heritage Issues	Variation 48
Kawau Island	Variation 52
Noise Issues	Zoning Issues
Okura	Rural Overview, Strategy, Objectives, Policies
Parakai North	Individual Rural Zoning Framework
Quarry Issues	Rural Status & Activities
Residential Issues	Rural Subdivision
Resolution Pending	Rural Controls & Assessment Criteria

A listing of all the topics (including amendments) under these headings, and the relevant item numbers replicated from the pre-hearing conference notice, are annexed hereto as "B". Note, that some items will appear in more than one of the categories. Please note the **file reference number** and the associated **topic numbers** for those matters that concern you. These are both important when communicating with the Court.

[5] Several parties indicated that that they did **not** have a particular interest in some topics within some appeals, and this has been taken into account in the appearance listing

[6] In a number of matters there were parties listed as holding an interest but who did not appear. Where a party is identified as not appearing, the Court made directions that in the event of that party not participating at the next pre-hearing conference and/or hearing, it is likely that their interest would be struck-out.

Directions

Following are the directions issued in respect of the allocated categories:

DISTRICT-WIDE ISSUES: *(Item Numbers 90 to 94 (included in two categories)*

2, 7, 15 to 20, 22, 23, 26, 204, 205, 208, 210, 211, 213.)

VARIATION 52: *(Item Numbers 275, 276, 276A, 277, 277A, 278 to 280, 281A,*

281B, 281C, 282 to 296)

OKURA. *(Item Numbers 51, 54, 187, 188, 248 to 255)*

[7] These matters are the subject of private negotiations between the parties. Given that, counsel for the District Council is to file a progress report with the Court by 31 August 2007.



A63

RESIDENTIAL ISSUES: *(Item Numbers 11 to 13, 21, 27 to 29)*

HERITAGE ISSUES: *(Item Numbers 56 to 58)*

NOISE ISSUES. *(Item Numbers 43 to 47)*

[8] Counsel for the District Council is to file a progress report on these matters with the Court by 28 September 2007.

BUSINESS ISSUES: *(Item Numbers 30 to 42, 59 to 63)*

PARAKAI NORTH: *(Item Numbers 259 to 263)*

ZONING ISSUES. *(Item Numbers 6 (included in two categories)*

5, 48 to 50, 52, 53, 55, 64 to 72, 74 to 80, 82 to 85, 87, 95, 116, 117, 180, 242 to 247, 256 to 258, 265 to 268)

[9] These matters were identified as needing to proceed to a further pre-hearing conference. Currently, it is anticipated that they will be scheduled for such a conference on or after 26 November 2007.

SNA's: *(Item Numbers 73A, 73B, 190, 191, 196, 264)*

QUARRY ISSUES. *(Item Numbers 234 to 241)*

[10] The parties have also agreed to refer these issues to mediation, with the Court establishing 17,18 and 19 September 2007 for these mediations with Commissioner Edmonds.

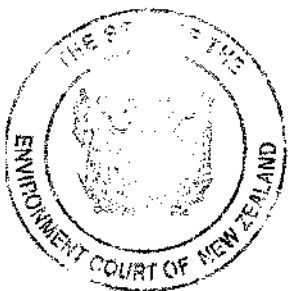
[11] The Court notes that there is currently further time allocated to mediations on all Rodney appeal matters. Parties should request time as soon as possible if they wish to take advantage. At this stage the Court intends to reserve mediation time for Commissioner Grigg and Commissioner Edmonds until at least the start of October.

RESOLUTION PENDING. *(Item Numbers 6 (included in two categories)*

3, 4, 8, 10, 24, 88, 89)

[12] In respect of Item No. 8 (*Canton v Rodney District Council*), a significant number of the parties did not appear before the Court. This matter, along with the above item numbers require reporting from the District Council by 31 August. If the matters are not resolved then steps towards resolution (by hearing, if necessary) are to be incorporated. Where a hearing is recommended the Court would expect exchange of evidence within two months of that date, with a view to hearing from early November 2007.

[13] Of the matters where resolution pending was noted, several were ones where the parties are already engaged in relatively advanced discussions and there is strong prospect of consent memoranda being filed.



RURAL OVERVIEW, STRATEGY, OBJECTIVES & POLICIES:*(Item Numbers 25, 99 to 108, 111, 112)***INDIVIDUAL RURAL ZONING FRAMEWORK:***(Item Numbers 113, 192, 214 to 218, 220)***RURAL STATUS & ACTIVITIES:***(Item Numbers 90 to 94 (included in two categories)**118 to 139, 193 to 195, 197 to 203, 206, 207, 209, 212)***RURAL SUBDIVISION:** *(Item Numbers 96 to 98, 109, 109A, 110, 114, 115, 140 to 179, 224)***RURAL CONTROLS & ASSESSMENT CRITERIA.***(Item Numbers 181 to 186, 189, 221)*

[14] This is the largest group and relates to rural matters.

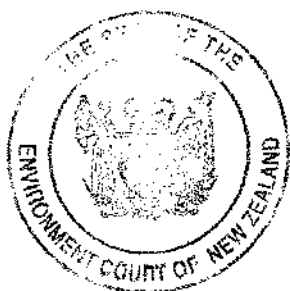
[15] After a great deal of discussion the parties are agreed that these matters should proceed by way of a workshop and mediation. It is intended that the Council will identify an independent expert who might assist all the parties at some initial workshops to be held in August 2007 and thereafter to incorporate further workshops/meetings facilitated by a Commissioner of the Environment Court (Commissioner Grigg), commencing in the week of 10 September 2007 and continuing, as required, in the weeks of 8 October 2007 and 19 November 2007. All parties will need to ensure that they attend the initial workshop and the first of the Commissioner-facilitated meetings where individual topics for separate discussion will be identified and timetabled.

[16] On this basis it is the intention of the Court that there be a further pre-hearing conference on these matters at the end of November/beginning of December 2007. This direction can be changed by the Court on application by the Commissioner, provided there is substantial agreement. The particular matters for listing at pre-hearing conference might be reduced or avoided on this basis, depending on progress.

STAND ALONE ISSUES. *(Item Numbers 9, 14, 81, 86, 219, 222, 223)*

[17] Several different courses of action were identified for the matters listed in this category:
Items 14, 81 & 86

Counsel for the Rodney District Council is to file a progress report on these matters with the Court by 31 August 2007. We particularly note that this report is to set out the steps to resolution if unresolved.



A65

Items 219, 222 & 223

These matters are to be set down for a further pre-hearing conference in the week of 26 November 2007.

Item 9 (*Goodwin v Rodney District Council – (A) rezoning - high intensity residential*)

Unless a notice of withdrawal from the appellant is given by 31 August 2007,

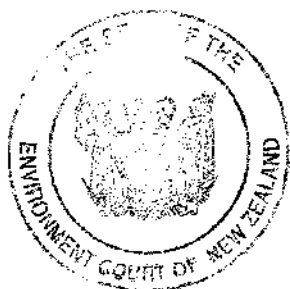
- (a) the parties are to exchange evidence by 22 September 2007
- (b) rebuttal evidence is to be exchanged by 13 October 2007;
- (c) at the time of the evidence exchanges, four (4) extra copies of all evidence is to be forwarded to counsel for the Rodney District Council to be assembled into folders with separators and indexing;
- (d) these copies are to be filed with the Court 20 October 2007, together with a memorandum giving an estimate of hearing time required, and whether any evidence can be pre-read;
- (e) the matter is to be set down for hearing on or after 30 October 2007;
- (f) in particular, the Court notes the Council's concern at being put to the cost of preparation if there is a late withdrawal of the appeal, and an application for costs is signalled if that eventuality occurs.

[18] Several other matters, such as Kawau Island, were seen as being sufficiently stand-alone that they could be subject to directions towards hearing on or after 26 November 2007. Those matters were:

KAWAU ISLAND. (*Item Numbers 225 to 233*)

[19] Given that these matters are to be the subject of private negotiations between the parties, the following directions will apply:

- (a) - Counsel for the Rodney District Council to file a memorandum by 31 August 2007 identifying witnesses and hearing time required;
- (b) - the parties to exchange evidence-in-chief by 12 October 2007;
- (c) - the parties to exchange evidence in rebuttal by 19 October 2007;
- (d) - at the times of exchange, four (4) extra copies of all evidence are to be forwarded to counsel for Rimanu Farms Limited, to there be assembled into folders with separators and indexing, and then filed at the Court by 16 November 2007, together with a memorandum advising what evidence, if any, may be pre-read and confirm the hearing time required;
- (e) - the matter is to be set down for hearing on or after 26 November.



VARIATION 48.*(Item Numbers 269, 270, 272 to 274)*

[20] The parties in this case are agreed that there should be a timetable set up in the event that this matter is not resolved:

- (1) a memorandum is to be filed by the District Council by 28 September 2007 as to whether the matter is resolved;
- (2) if not resolved, there is to be an indication of the witnesses and the hearing time required. The following timetable would then apply:
 - (a) - evidence-in-chief is to be exchanged by 2 November 2007;
 - (b) - rebuttal evidence of all parties to be exchanged by 7 December 2007;
 - (c) - at the time of the evidence exchanges, four (4) extra copies of all evidence are to be forwarded to counsel for the Rodney District Council who is to assemble them into folders with separators and indexing;
 - (d) - these copies are to be filed with the Court by 14 December 2007, together with a memorandum indicating what evidence, if any, can be pre-read by the Court, and an estimate of hearing time required.
 - (e) - a hearing will be set down for on or after 21 February 2008.

General comment

[21] Several parties indicated they wished to give notice on files where no notice had yet been filed, particularly the Environmental Defence Society. Any such applications will be dealt with separately by the Court, but the Court notes that the purpose of the pre-hearing conference was to identify all parties who had an interest in matters. It is important that all parties identify matters in which they have an interest and check that the schedules annexed hereto are correct. If there are errors, the parties are to advise the Court within five working days, in which case the Court will decide upon the appropriate action to be taken.

[22] During the conference, several parties also indicated an interest certain topics where the Court had not recorded such an interest. The Court's administration will double check these instances, and advise the parties concerned directly.

[23] We note in particular that Item 1 (*Federated Farmers v Rodney District Council* --2006-AKL-1055) was withdrawn by consent of all the parties and there is no issue as to costs arising. That is the only matter which appeared to have potential to affect the entire Plan.

[24] The withdrawal of Dawson Dare Ltd's appeal (2006-AKL-1071) is also noted. There are no issues as to costs. Dawson Dare are now recorded as having no further interest in any of the Rodney matters.



A67

Further Progress

[25] It is the Court's clear intention that if substantial progress cannot be achieved in respect of any of the matters which have a reporting date or have been referred to mediation, they will be set down for hearing as soon as possible. In that regard, the parties need to understand that the Court will generally be looking to assign a hearing date within three months of the reporting date, thus timetables should generally accommodate the completion of the exchange of evidence within a period of two months after the date of the memorandum.

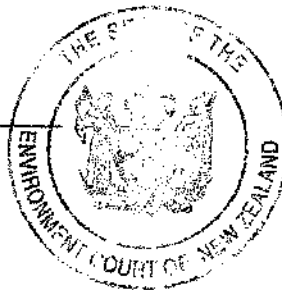
[26] Extensions for reporting dates are unlikely unless the Court can be convinced that the prospects of the matter settling in the near future (say within a further one month) are very real.

[27] In order to expedite hearings and minimise correspondence, the Court suggests that where the parties have differences of opinion they, wherever possible, try to incorporate these within memoranda as to reporting dates or joint memoranda to avoid circulation of correspondence between numerous parties and the delays that would ensue.

[28] Largely the Court anticipates that the negotiation process should be concluded within six months and the hearing process within the six to nine months after that. To that end wherever a reporting memorandum is requested estimates of time should be incorporated to assist the Court in determining the amount of time which needs to be reserved for hearings on the Rodney Plan.

DATED at CHRISTCHURCH this 19th day of July 2007

J A Smith
Environment Judge



Issued: 20 July 2007

Rodney Proposed District Plan – Waitakere City Council’s appeal and s 274 interests

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
Group A – Non-Rural Matters (Stream 1)					
4	2007-AKL-212	2007-304-143 (A) FUZ - Subdivision	WCC		Consent order received – awaiting Waitakere City Council authority to sign-off.
Group B – Rural Matters (Stream 1)					
99	2007-AKL-185	2007-304-117 (C) Rural Objectives	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Winstone Aggregates Rodney Co-operative Lime Co Ltd Waitakere City Council	Opposes – no s32 analysis carried out. (NB: This may follow through to all issues of this appellant).

169

A70

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
100	2007-AKL-185	2007-304-208 Rural Policies	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Winstone Aggregates Rodney Co-operative Lime Co Ltd Waitakere City Council	
101	2007-AKL-229	2007-304-208 Rural Policies	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Limited Federated Farmers of NZ Inc. Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ	Opposes – relief sought by appellant of removing “over protection” of rural amenity and restrictions on ability of landowners to change landuse, and of protection of such in special character areas.

12/1

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Te Arai Coastal Lands Ltd Waitakere City Council	
103	2007-AKL-185	2007-304-207 Rural Strategy	DJ Scott & BW Putt	Rodney Co-operative Ltd Waitakere City Council P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Haka International Ltd Horticulture NZ Winstone Aggregates	
104	2007-AKL-229	2007-304-207 Rural Strategy	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd	

A72

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Horticulture NZ Federated Farmers of NZ Inc Waitakere City Council Environmental Defence Society	
106	2007-AKL-185	2007-304-184 Rural Issues	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Citadel Towers Ltd Winstone Aggregates Williams Capital Ltd Haka International Ltd Horticulture NZ DJ Scott & BW Putt Rodney Co-operative Lime Co Ltd Waitakere City Council	
109	2007-AKL-185	2007-304-113 (B) Rural -	DJ Scott & BW Putt	P & R Salmon	

473

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
		Appendix 7B		Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Winstone Aggregates Waitakere City Council	
110	2007-AKL-185	2007-304-115 (A) Rural – Appendix 7E	DJ Scott & BW Putt	Progressive Enterprises Ltd Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Rodney Aggregate Supplies Ltd	

APPY

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Warkworth Grange Property Investments Ltd Winstone Aggregates Waitakere City Council Rimanu Farms Ltd D J Scott & B W Putt Rodney Co-operative Lime Co Ltd	
112	2007-AKL-229	2007-304-144 Rural Overview	Fed Farmers NZ Inc.	Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council	

175

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Environmental Defence Society	
113	2007-AKL-229	2007-304-206 (D) Rural – General Rural	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence Society	
115	2007-AKL-229	2007-304-118 Rural – Appendix 7C	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd	Opposes – amendment to definition of wetland, as it would exclude majority of remaining wetlands in Rodney.

A-26

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Williams Capital Ltd Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence Society	
116	2007-AKL-236	2007-304-246 Rezoning – General Rural	The Campbell Family Trust	V Elias The Campbell Family Trust Federated Farmers of NZ Inc Waitakere City Council	See (generally) other Campbell issues below.
117	2007-AKL-166	2007-304-088 (A) Rural activities	A Wiltshire & Ors	Auckland Regional Council Citadel Towers Ltd The Laminex Group A Wiltshire & Others Federated Farmers of NZ Inc	WCC opposes construction of farm roads as a permitted activity. Policies protecting rural landscape and amenity to be kept.

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Waitakere City Council	
118	2007-AKL-236	2007-304-354 (C) Rural activities – buildings	The Campbell Family Trust	B Cowan V Elias The Campbell Family Trust Federated Farmers of NZ Inc Waitakere City Council	Opposed – potential to create adverse effects on rural landscapes if erection, demolition, alteration or addition to any building be a permitted activity.
120	2007-AKL-236	2007-304-166 Rural activities – health & welfare services	The Campbell Family Trust	B Cowan V Elias Auckland Regional Council The Campbell Family Trust Federated Farmers of NZ Inc Waitakere City Council	Opposed – potential to create adverse effects on rural character if health and welfare services are to be either a permitted activity in existing building or a limited disc. activity in new buildings.
122	2007-AKL-236	2007-304-158 Rural activities – household units	The Campbell Family Trust	B Cowan V Elias Auckland Regional Council The Campbell Family Trust	Opposed - New or existing sites allowed dwellings of any size in Landscape Protection Rural Zone would create adverse visual effects on rural landscapes & amenity.

127

A78

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Waitakere City Council	
124	2007-AKL-236	2007-304-218 (B) Rural activities - farm roads	The Campbell Family Trust	B Cowan V Elias Auckland Regional Council The Campbell Family Trust Federated Farmers of NZ Inc Waitakere City Council	Opposes farm roads as permitted activity, potential to create adverse effects.
127	2007-AKL-236	2007-304-167 Rural activities -- forestry	The Campbell Family Trust	B Cowan V Elias Auckland Regional Council The Campbell Family Trust Federated Farmers of NZ Inc Waitakere City Council	Opposes formation of forestry roads outside of exotic forests as permitted activity. Potential for adverse effects.
129	2007-AKL-218	2007-304-170 Rural activities -- EW, veg & wetland mod	Citadel Towers Ltd	Auckland Regional Council Citadel Towers Ltd Federated Farmers of NZ Inc	WCC opposes increase in permitted veg clearance levels, levels proposed in plan change already significant. Could effect amenity, rural landscapes, erosion, ecologies, and (especially) water quality (cross boundary).

1779

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Taumata Plantations Ltd Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence Society	
130	2007-AKL-229	2007-304-170 Rural activities – EW, veg & wetland mod	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence Society	Opposes EW etc as permitted activities. Cross boundary issues re: catchments, ecological, landscape and stormwater resources they contain.

A80

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
143	2007-AKL-218	2007-304-356 Rural subdivision – general status	Citadel Towers Ltd	Auckland Regional Council Citadel Towers Ltd The Merton Family Trust Prime Resources Ltd L & J Robins Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council	
150	2007-AKL-185	2007-304-142 Rural subdivision – enhancement planting	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ	

A81

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Rodney Aggregate Supplies Ltd Warkworth Grange Property Investments Ltd Winstone Aggregates Rimanui farms Ltd D J Scott & B W Putt Rodney Co-operative Lime Co Ltd Waitakere City Council Environmental Defence Society	
155	2007-AKL-185	2007-304-102 Rural subdivision – limitation on numbers	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ	

A82

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Rodney Aggregate Supplies Ltd Warkworth Grange Property Investments Ltd Winstone Aggregates Rimanui Farms Ltd D J Scott & B W Putt Waitakere City Council Environmental Defence Society	
158	2007-AKL-218	2007-304-102 Rural subdivision -- limitation on numbers	Citadel Towers Ltd	Taumata Plantations Ltd Auckland Regional Council Citadel Towers Ltd Prime Resources Ltd Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council	
162	2007-AKL-218	2007-304-171	Citadel Towers Ltd	Auckland Regional Council	

AG3

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
		Rural subdivision – rehabilitation		Citadel Towers Ltd Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council	
164	2007-AKL-185	2007-304-185 Rural subdivision – ratios	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Rodney Aggregate Supplies Ltd Warkworth Grange Property Investments Ltd Winstone Aggregates Rimaniui Farms Ltd	

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				D J Scott & B W Putt	
166	2007-AKL-218	2007-304-185 Rural subdivision - ratios	Citadel Towers Ltd	Rodney Co-operative Lime Co Ltd Te Arai Coastal Lands Ltd Waitakere City Council	
167	2007-AKL-185	2007-304-355 Rural subdivision - TTR	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Rodney Aggregate Supplies Ltd Warkworth Grange Property Investments Ltd Winstone Aggregates Rimanui Farms Ltd D J Scott & B W Putt	

AS4

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Rodney Co-operative Lime Co Ltd Waitakere City Council Environmental Defence Society	
170	2007-AKL-185	2007-304-128 Rural subdivision – catchment management analysis	DJ Scott & BW Putt	P & R Salmon Tui Awa Ltd Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Rodney Aggregate Supplies Ltd Warkworth Grange Property Investments Ltd Winstone Aggregates Rimanu Farms Ltd	

AB5

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				D J Scott & B W Putt Rodney Co-operative Lime Co Ltd Waitakere City Council Environmental Defence Society	
172	2007-AKL-217	2007-304-180 (A) Rural subdivision controls -- riparian margin	Auckland Regional Council	Haka International Auckland Regional Council Citadel Towers Ltd Williams Capital Ltd Horticulture NZ Waitakere City Council	Supports -- 3m would not be sufficient to adequately protect a stream of any width from effects of subdivision & development.
173	2007-AKL-229	2007-304-213 (C) Rural subdivision -- reverse sensitivity	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd	Supports -- inclusion of advisory note warning of use of farm machinery in area (reverse sensitivity issues from urban sprawl).

A87

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
				Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence Society	
179	2007-AKL-218	2007-304-186 (A) Rural subdivision controls - site size	Citadel Towers Ltd	Auckland Regional Council Citadel Towers Ltd Federated Farmers of NZ Inc Waitakere City Council	
183	2007-AKL-236	2007-304-094 Rural Controls & Standards - height	The Campbell Family Trust	V Elias Auckland Regional Council Campbell Family Trust Federated Farmers of NZ Inc Waitakere City Council	Opposes -- max. height provisions increase could create adverse effects on WCC/RDC interface.
185	2007-AKL-218	2007-304-168	Citadel Towers Ltd	Auckland Regional Council	

ASB

List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
		Rural Controls & Standards -- coverage		Citadel Towers Ltd Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence Society	
190	2007-AKL-229	2007-304-210 (B) SNA regime	Fed Farmers NZ Inc.	Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Te Arai Coastal Lands Ltd Waitakere City Council Environmental Defence	Opposed – protection of SNA will be voluntary if it is landowners choice as appellant seeks. High possibility of failure if this is the case.

A89

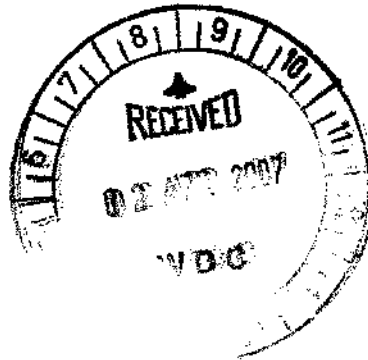
List No.	Court ref. ENV-	Topic & Topic No.	Appellant	S 274 parties	WCC Reasons for Interest
191	2007-AKL-229	2007-304-205 (A) Outstanding features	Fed Farmers NZ Inc.	Society Auckland Regional Council Citadel Towers Ltd Green & McCahill Holdings Ltd Williams Capital Ltd Haka International Ltd Horticulture NZ Federated Farmers of NZ Inc Waitakere City Council Environmental Defence Society	Opposes – amending definition to limit it to outstanding landscapes and features only. Features may be valued for cultural, social, economic etc on local scale.



Hon David Benson-Pope

Member of Parliament for Dunedin South
Minister for Social Development and Employment
Minister for the Environment

30 MAR 2007



Dr Kerry Grundy
Team Leader (Monitoring)
Whangarei District Council
Private Bag 9023
WHANGAREI

Doc ID

Dear Dr Grundy

Thank you for your letters of 21 December 2006 and 1 March 2007 concerning Local Government and management of genetically modified organisms (GMOs). I am aware of the ongoing discussion among northern councils in this regard and the work of the Inter-Council Working Party and am pleased to clarify the Government's position on the matters you raise.

The Government's position that genetically modified organisms (GMOs) are strictly controlled by national legislation, the Hazardous Substance and New Organisms Act 1996 (HSNO), has not changed. The Government's view on the interface of the HSNO Act, the Resource Management Act (RMA) 1991 and the Local Government Act (LGA) 2002 as they relate to GMOs is consistent with the two Crown Law Office opinions the Ministry for the Environment obtained in August 2003 and November 2004. These opinions are available on the Ministry for the Environment website at

www.mfe.govt.nz/issues/organisms/regulation/crown-law-opinion.html; and
www.mfe.govt.nz/issues/organisms/regulation/crown-law-opinion-council-liability.html

In 2003, following extensive consultation and consideration of the recommendations of the Royal Commission on Genetic Modification, significant amendments were made to the HSNO Act. The Government is not currently proposing any further legislative amendments in relation to GMO outdoor activities.

As provided for in the 2003 amendments, the Environmental Risk Management Authority (ERMA) is required under the HSNO Act to notify any local authorities that it considers are likely to have an interest in a particular application. While there is no obligation on councils to participate, the issues raised in your letter highlight the need for councils to engage with ERMA to ensure that the specific local interests can be

appropriately taken into account when applications for outdoor GMO use are considered.

ERMA is an independent, quasi-judicial body responsible, under the HSNO Act, for considering applications for the release of any GMO. I consider that it would be difficult for councils to identify issues associated with GMOs that would not be adequately and most appropriately addressed by the HSNO Act and the Environmental Risk Management Authority.

The HSNO Act contains strict civil liability provisions for any breach of the Act. It also contains a civil penalty regime, whereby the Crown can take proceedings against persons breaching the Act, regardless of whether harm is caused.

Therefore in response to your first three questions, the Government has no intention to amend these provisions further at this stage.

Your fourth and fifth questions refer to the financial fitness of applicants to ERMA and the ability for ERMA to impose bonds under the HSNO Act.

In recent years Ministers have considered in detail whether it would be appropriate to require ERMA to impose insurance or bond requirements, as a condition of approving release of a new organism to address liability concerns. Such an amendment was not supported.

Assessing when and how to use such discretion and the amount of any insurance or bond would, generally, be a highly speculative exercise. It would involve consideration of a range of difficult issues that ERMA may not be well placed to undertake. There is a risk that socially beneficial activities might be deterred and capital would be tied up when it could be put to more productive uses.

Your sixth and eleventh questions refer to indemnity deeds and possible claims against councils.

Under both the Resource Management Act (RMA) 1991 and the Local Government Act (LGA) 2002, regional councils and territorial authorities have independent statutory roles and are required to exercise a duty of care in the performance of their statutory responsibilities. It is not appropriate for Government to dictate the manner in which individual councils may wish to exercise that duty of care. I consider it is equally inappropriate for Government to enter into indemnity deeds with Councils to indemnify them against potential costs that might be incurred by Councils through the exercise of those independent roles, or in relation to potential law suits that may arise in respect of a Council's independent statutory roles and responsibilities.

As noted above, the legislation provides for compensation in respect of losses incurred through official enforcement actions. Such compensation could be available to local authorities that met the specified criteria.

The requirement for precaution under the HSNO Act is a statutory obligation; the Authority is obligated to apply this approach, taking into account related uncertainties

and risks. Only the level of caution considered appropriate is open to discretion, as ERMA assesses risks and levels of scientific uncertainty on a case-by-case basis.

The HSNO Act has a number of safeguards to ensure the appropriate level of precaution in ERMA's decision-making process. For example, the minimum standards in section 36 of the Act specify that ERMA must decline a release application if it is likely to cause any significant adverse effects on native species, natural habitats, human health, New Zealand's inherent genetic diversity, or cause disease or be a vector for disease (unless that is the purpose of the application). In addition, section 38 of the Act requires ERMA to decline a release application if the risks outweigh the benefits or insufficient information is available to enable ERMA to assess the adverse effects of the GMO.

Your eighth and ninth questions refer to options for preventing GMO use in specified areas, in particular, in relation to options for amending the Methodology.

The HSNO Act is a risk management regime, managing risk by focusing on the effects of hazardous substances and new organisms. The purpose of the Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new and genetically modified organisms. The Methodology outlines how the Authority will act when it encounters scientific and technical uncertainty and details how uncertainty will be addressed.

The Methodology Order is subordinate to the primary legislation (the HSNO Act). Hence the Methodology Order can neither expand on nor limit the provisions of the primary legislation.

Nonetheless, it is important to note that ERMA may impose controls such as an obligation to comply with relevant codes of practice or standards (e.g. to meet particular coexistence requirements) and controls aimed at limiting the proximity of a conditionally-released organism to other organisms, including, but not limited to, those which could be at risk from the conditionally released organism.

It is already possible for local authorities to use mechanisms under the Resource Management Act (RMA) 1991 to address land use relating to GMOs. However, such restrictions must meet the purposes of that Act and must be imposed consistent with the Act's requirements, notably the necessity test under section 32.

Finally, you raise concerns over the need to take account of the views of tangata whenua.

In 2003 the HSNO Act was amended to better provide for consideration of Maori perspectives in decision-making under the Act. First, the Act was amended to add knowledge of the Treaty of Waitangi and tikanga Maori to the knowledge and experience that the Minister considers when appointing members of the Authority.

To further improve knowledge of Treaty of Waitangi and tikanga Maori elements in decision-making by ERMA, provision was made to formalise in statute the role of the ERMA's Maori advisory committee, Nga Kaihautu Tikanga Taiao. Nga Kaihautu

Tikanga Taiao's role is to provide advice and assistance to ERMA to contribute to the quality of the Authority's policy and decision-making from a Maori perspective.

Additionally, applicants are required to consult with Maori before they lodge an application with ERMA. In particular, applicants that wish to use genetic modification processes on native species or use human genes are required to consult with Maori and to provide information on the potential effects on Maori.

Ministers have agreed that the terms of reference of Nga Kaihautu Tikanga Taiao should be reviewed on a regular basis. Should local authorities consider that the perspectives of their Maori constituents are not being provided for adequately in ERMA's decision-making process, they should discuss such concerns directly with ERMA.

In conclusion, I can but reiterate that at this point in time there is no Government intention to amend the legislation further in relation to the matters you raise. As you will know, however, all Government policies are monitored for their effectiveness and this also applies in this matter.

I trust this letter has clarified the Government's position on the matters you raise. If you need further information on this matter you may like to contact Riki Ellison, Manager of the Environmental Stewardship Team at the Ministry for the Environment (telephone 04-439-7400 or email riki.ellison@mfe.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to be 'David Benson-Pope', with a long horizontal line extending to the right.

Hon David Benson-Pope
MINISTER FOR THE ENVIRONMENT



NEW ZEALAND DEFENCE FORCE 3 JUL 2007
Te Ope Kaatua o Aotearoa

HEADQUARTERS NEW ZEALAND DEFENCE FORCE
 Private Bag, Wellington, New Zealand
 Telephone: (04) 496 0999, Facsimile: (04) 496 0859, Email: hqnzdf@nzdf.mil.nz

703969

7808/6/PLAN

11 July 2007

Waitakere City Council
 Private Bag 93109
 Henderson
 Auckland

Attention: Phillip Brown (Group Manager Planning and Community Services)

Dear Sir

HOBSONVILLE AIRFIELD – REMOVAL OF DEFENCE PURPOSES DESIGNATION – LOT 1, DP 317419

Please find enclosed a notice from the Minister of Defence pursuant to Section 182 of the Resource Management Act 1991, uplifting the Defence Purposes designation applying to an area of former defence land at the Hobsonville Airfield from the Waitakere City District Plan.

Yours faithfully

G.M. PENNEFATHER
 Environmental Planner

Tel: (04) 819 2354
 Fax: (04) 819 2390
 Email: g.pennefather@nzdf.mil.nz

Chief Executive	
Corporate Services	
City Services <i>Projects</i>	<input checked="" type="checkbox"/>
Consultancy Services	
600 - 619 1500	
Strategic Group	
General Services	
Field Services	

A94

**NOTICE TO THE TERRITORIAL AUTHORITY
OF REMOVAL OF DESIGNATION
UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991**

To: The Waitakere City Council

1. I, PHIL GOFF, Minister of Defence, Parliament Buildings, Wellington, give notice that I no longer require the "MD 1 Defence Purposes designation applying to the following area of land:

SITE	WORK
Being Lot 1, DP 317419, North Auckland Land District, (Certificate of Title identifier 68319),	Military Airfield

comprising approximately 12.1572 hectares

and shown highlighted in yellow on the attached plan.

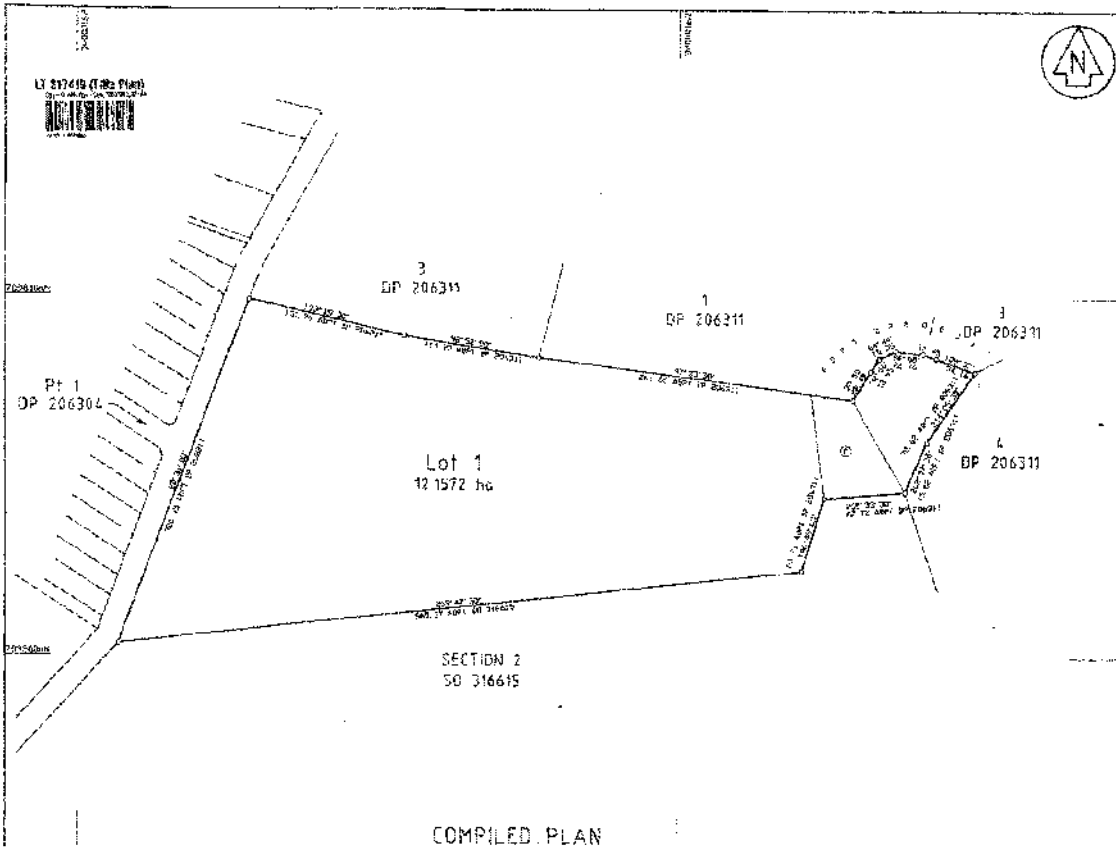
2. I now request the Territorial Authority to amend the Waitakere City District Plan as required by Section 182 of the Resource Management Act 1991.



Hon Phil Goff
MINISTER OF DEFENCE

July 2007

A95



EXISTING EASEMENT		
SHOWS	PURPOSE	CREATED BY
⊗	RIGHT TO DRAIN WATER	D649758.2

NEW CT ALLOCATED LOT 1 6810
 OF 198400 DATUM, TIE TO THE 1949
 CLASS SURVEY

Total Area 12.1572 ha
 Completed 13/11/2013

1. WARREN BRUCE GUNN
 Being a survey entitled by creation as a Class of
 Conditional Surveyor, capacity there
 and the survey is valid the district council and authority, has been
 validated by the 10th section of the Validation of
 the Conditional Survey Act 2003 and the Surveyor
 General's Notice for Conditional Survey 2003/11
 All this subject is shown, and has been created in accordance
 with the 10th section of the
 Survey Act 2003. Date 11/11/2013

Area 12.1572 ha
 Reference Plan: DP 206311, 50.316615

Appointed 13/11/2013
 30/7/2003
 Deposited By: Class Information 3/2 on

DISTRICT NORTH AUCKLAND
 SURVEYOR & MGR XI WAITEMATA
 10/15/2013 13/11/2013

COMPILED PLAN
 LOT 1 BEING PT LOT 2 DP 206311

REGULATED AUTHORITY WAITAKERE CITY
 Surveyed by CKL SURVEYS LTD [31:6
 Scale 1:2000 Date DEF 2010

15/11/2013
 Deposited By: Class Information 3/2 on
 DP317419

A96