

Appendix 4 – Waitakere City Council Agenda Reports and Minutes

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- Agenda Report - 8 April 2003
 - Minute - 8 April 2003
 - Agenda Report - 13 September 2005
 - Minute - 13 September 2005
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**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 8 APRIL 2003,
COMMENCING AT 9.30 AM.**

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PART II - DISTRICT PLAN / STRUCTURE PLANS

8 PROPOSED PAKANUI STRUCTURE PLAN

PURPOSE OF THE REPORT

The purpose of this report is to:

- Present to the Committee the privately initiated Pakanui Structure Plan prepared by Cato Bolam Consultants;
- Identify the changes necessary to the Waitakere City District Plan (“the Plan”) to enable subdivision and development in accordance with the proposed Pakanui Structure; and
- Recommend that the Pakanui Structure Plan be publicly notified as a “change” to the Plan.

BACKGROUND

The Pakanui Structure Plan has been developed by Cato Bolam Consultants over the last three years on behalf of landowners in the Pakanui Structure Plan area. The Waitakere City District Plan anticipates that parties other than the Council will initiate structure plans but that these will be developed in close partnership with the Council. In this regard Section 6.2.1 of the Plan states:

“It is expected that structure plans initiated by any parties other than Waitakere City Council will be undertaken in close partnership with the Waitakere City Council and in consultation with residents, the Regional Council and other interested parties.”

A17-A63

The Pakanui Structure Plan is the first privately initiated structure plan that the Council has received. A copy of the Section 32 report (without the technical appendices) is attached at pages A17 to A63.

This report is comprehensive out of necessity in order to satisfy Resource Management Act 1991 requirements to carry out a Section 32 analysis. The report relies on technical information that has been provided by Cato Bolam consultants and reviewed by Council officers. It is intended that this report along with the accompanying technical information, provide sufficient information to enable the Committee to reach a decision in relation to the above matters. The Council decision on submissions will be made at a hearing following notification of the Plan change.

Pakanui Structure Plan area

The Pakanui catchment is a discrete north facing catchment located at the northern end of the foothills of the Waitakere Ranges. The Pakanui catchment is approximately 700 ha, of which 180 ha comprise the Pakanui Structure Plan area. The structure plan area is bounded by Rodney District in the north, McEntee Road in the south, Amriens Road in the west and Sunnyvale Road in the east.

The Pakanui Structure Plan area is a typical foothills catchment. Its topography ranges from gently undulating land in the north to steeply rolling land in the southern upper reaches of the catchment. The majority of the catchment is in pasture with pockets of native and exotic vegetation found throughout. The most significant area of native vegetation is found on the Luckens Block at the southern end of the catchment and on land comprising the upper reaches of the Pakanui Stream. Both areas of bush are identified as Managed Natural Area in the Plan.

There are two major watercourses within the Pakanui catchment including the Pakanui and Copedo streams. The confluence of these two streams is in the northern part of the catchment. Beyond their confluence, these two streams form a large artificially formed pond at the northern boundary of the structure plan area. The stream system within the Pakanui catchment is relatively degraded. There is very little riparian planting and weed species are prevalent.

The Pakanui Structure Plan area is unserviced apart from reticulated water supply provided to the southwest part of the catchment.

Existing land uses within the structure plan area are a mix of rural and rural-residential. The most significant rural land use within the structure plan area is the Bromley Hatcheries that occupies a 30-hectare land holding in the central southern part of the catchment.

Visually, the Pakanui Structure Plan area is self-contained. Views from the main roads from surrounding roads are limited by the topography of the catchment and existing vegetation along the road frontage. There are currently no roads passing through the structure plan area that provide extensive views into the catchment.

STRATEGIC CONTEXT

The Pakanui Structure Plan area is identified as Foothills Environment in the Waitakere City District Plan. The District Plan management approach to protecting the integrity of the foothills as a visual and ecological buffer to the bush-clad Waitakere Ranges and establishing a permanent settlement pattern is via structure plans. Structure plans allow development to be determined by the capacity of the land and the cumulative impacts of settlement as well as providing opportunities for greater environmental protection and enhancement through the regulatory process.

The structure plan approach is consistent with regional expectations about how demand for countryside living will be managed. The Regional Growth Strategy identifies the majority of the foothills (including the Pakanui Structure Plan area) as existing "Countryside Living". The Regional Policy Statement states that in some circumstances provision for countryside living will be consistent with the regional strategic direction, which is to accommodate future population growth primarily within the existing metropolitan area. Countryside living is subject to constraints as to location, scale and extent to avoid remedy or mitigate adverse effects. It is expected that significant adverse effects on the environment including rural character will be avoided.

The Pakanui Structure Plan is one of four structure plans that have been developed for foothills catchments. Other structure plan areas include Oratia, Swanson and Birdwood. The District Plan provides for the development of structure plans throughout the foothills initiated either by the Council or by private individuals.

Recent Council processes to introduce other structure plans into the Waitakere City District Plan have raised issues in submissions around the extent to which structure plans establish a permanent pattern of settlement for the foothills, retain the rural character of the foothills, deal with cumulative environment effects and maintain the integrity of the foothills as a buffer to the Ranges. These issues form the basis of a number of references (appeals) before the Environment Court in respect of the Swanson and Birdwood Structure Plans and associated rule changes. It is the Council's current view that structure plans are an appropriate tool for managing subdivision and development in the foothills. However it is recognised that further work is required to assess the extent to which the structure plan provisions are delivering the kind of environmental outcomes anticipated by the District Plan. A recent resolution of this Committee has been to support references that seek to make subdivision beyond that provided for by a structure plan a prohibited activity rather than non-complying. The Environment Court has not yet heard these references.

The Pakanui Structure Plan is possibly one of the least contentious given its geographical location at the northern end of the foothills and that is a relatively degraded landscape that could benefit from environmental enhancement. While the Pakanui Structure Plan is physically contiguous with the landform that comprises the foothills, it is some distance from that part of the Ranges that have high ecological value. For this reason, the Waitakere Ranges Protection Society has indicated that it has no interest in further subdivision of this area, providing it is subject to the prohibited activity subdivision status. The ARC has indicated its ongoing strategic concerns about cumulative effects resulting from the scale and extent of potential countryside living in the foothills and cross-boundary issues with Rodney District, in particular stormwater management. It is in the context of these strategic issues that the Committee must make its decision regarding progressing the Pakanui Structure Plan.

ISSUES

Pakanui Structure Plan Methodology

The Pakanui Structure Plan has been prepared in accordance with an established structure plan methodology consistent with other structure plan areas. The consultants who have prepared the technical studies that form the basis of the structure plan are qualified experts who are familiar with Council structure plan processes.

Assessment of Environmental Constraints

A number of technical studies have been undertaken to identify the existing natural and physical constraints to development within the Pakanui Structure Plan Area. These include:

- A Landscape and Visual Assessment - Boffa Miskell Limited
- An ecological study - Boffa Miskell Limited
- A Geotechnical Study - Ormiston Associates & Soil & Rock Consultants
- A Catchment Analysis & Stormwater Management Study - Applied Geographics
- An Archaeological Study - Clough & Associates
- A Wastewater Assessment - Soil & Rock Consultants
- A Traffic Impact Assessment - Traffic Planning Consultants

Landscape Study

Boffa Miskell has undertaken a landscape and visual assessment of the Pakanui catchment. The Pakanui catchment is considered to have a low visual quality and high visual absorption capability. The key local landscape features of this area include the areas of significant vegetation in the central southern part of the catchment, the existing watercourses, the steep land and existing ridgelines.

The report states *“the existing pattern of landform and vegetation creates a landscape character which has the ability to accommodate additional built development and, with appropriate siting and enhancement planting, lead to better landscape and visual outcomes for the area.”*

However it is noted that despite limited constraints with the catchment *“care is required with siting of additional dwellings and their access to ensure an overall rural-residential character is maintained”*

The report identifies opportunities for landscape enhancement including weed removal, riparian planting to strengthen the natural pattern of the landscape, and planting in gullies and to link existing treed areas. These are reflected in the Bush Protection, Revegetation and Streamside Enhancement Areas identified on the proposed structure plan map.

Ecological Study

Boffa Miskell has also completed an ecological study of the Pakanui catchment. The Pakanui catchment comprises three distinct ecological units including bush land, rural-residential farmland and land based industry. The existing bush areas within the catchment comprise mainly remnant manuka-kanuka shrub lands. The most significant areas are contained within the Luckens Block in the southern central part of the structure plan area and land comprising the headwaters of the Pakanui Stream.

The existing stream network within the structure plan area is in poor condition, with limited aquatic function, low biodiversity, heavy sedimentation resulting mainly from grazing practices, and fish passage barriers (caused by the existing pond at the northern end of the structure plan area).

The report identifies opportunities for limited rural-residential development subject to the implementation of the revegetation and restoration recommendations. This will result in long term ecological benefits through the protection of riparian margins and significant improvements in water quality, stream habitat and protection of locally significant vegetation.

The report recommends increases to the existing riparian margins. The District Plan currently identifies 7 metre riparian margins for both the Copedo and Pakanui Streams. There is no recommendation for riparian margins in respect of existing non-riparian streams shown on the District Plan Natural Area maps. Council officers have considered these recommendations and are of the view that increases in riparian margins should be consistent with other structure plan areas where riparian widths are based on stream orders. This ensures that riparian margins serve a stormwater management (erosion control) function as well as an ecological function.

For this reason, this report recommends that riparian margins on the main stream channel increase from the Boffa Miskell recommended 10 metres to 15 metres and that all existing non-riparian streams within the structure plan area shown on the District Plan maps adopt a 5 metre riparian margin. This proposed increase will not compromise any of the identified building platforms.

Geotechnical Study

Ormiston Associates have completed a geotechnical study for the Pakanui catchment. The report states that the Pakanui catchment shows some evidence of both relict and recent slope instability. Evidence of both shallow and deep-seated instability was also observed.

The presence of shallow and deep-seated instability is typical of foothills catchments. Generally, development can be accommodated within these areas with minimal stabilisation and remedial work. The geotechnical study provides a useful guide as to where land is most suitable for additional buildings and access. Where land is identified with more severe stability constraints, more detailed investigations are required to demonstrate that the development will not pose a future risk to property or human life and do not require stabilisation works that would significantly modify the foothills landscape, destabilize surrounding land or lead to sediment contamination of waterways.

The geotechnical study divides the structure plan area into three main 'zones'. Zone A is land suitable for development, Zone B is land suitable for development subject to specific geotechnical input, and Zone C is land that is probably unsuitable for development. A further Zone D is identified as land excluded from development for reasons such as bush or riparian protection. This primarily relates to land shown on the structure plan as Bush Protection or Streamside Enhancement Areas.

The majority of the structure plan area is within Zone B. Some land is identified as Zone C. These areas include land comprising the upper reaches of the Pakanui Stream, existing gullies along the western part of the structure plan area and land within the northeast part of the structure plan area. Landowners of three properties (28, 30 and 32 Sunnyvale Road) identified as Zone C have chosen to undertake more detailed geotechnical investigations to identify suitable building platforms. This work has been undertaken by Soil & Rock Consultants who has confirmed an additional two building platforms on each of the three sites subject to some stabilisation engineering works.

The Covich landfill site on Sunnyvale Road has also been classified as Zone C. While the assessment of development opportunities shows that in terms of landscape constraints, further development is possible, no detailed geotechnical information has been provided regarding the suitability of this site.

Stormwater Catchment Study

A stormwater catchment study has been carried out by Applied Geographics. The sub-catchments that comprise the Pakanui Structure Plan area are part of a larger catchment that is approximately 900 hectares. The Pakanui Structure Plan sub-catchments are within Waitakere City and form the upper reaches of the Pakanui and Copedo Streams.

The wider Pakanui catchment is a sub-catchment of the Kumeu River catchment. The majority of the Kumeu River catchment is within Rodney District. Existing flooding problems in the Kumeu River catchment are well known and documented. For this reason it is critical that any new development within the Pakanui structure plan area does not exacerbate these existing problems.

The analysis undertaken by Applied Geographics based on the Auckland Regional Council TP108 guideline indicates that to achieve hydrological neutrality 5.5m² of compensatory bush planting should be provided for every 1m² of impervious surface. In addition, the report recommends that all stream channels should be left in their existing state and runoff discharged to streams as dispersed flows.

In respect of the required area of compensatory bush planting, this has been the subject of some debate. The Countryside & Foothills Code of Practice for Stormwater Management developed for the Council by URS New Zealand Limited indicates that a ratio of 2000m² bush planting per 600m² of impervious surface is sufficient to achieve hydrological neutrality, depending on the location of the planting and the spacing of plants. The discrepancy in the required planting results from the underlying assumptions made when developing the stormwater model. It is clear from correspondence from Auckland Regional Council sent to Cato Bolam Consultants that it will accept a planting ratio somewhere between 2000m² and 3500m². The details of this requirement will be determined at the time of subdivision.

Archaeological Study

Clough & Associates has undertaken an archaeological and waahi tapu study of the Pakanui Structure Plan area. No archaeological sites relating to pre-European Maori occupation have been recorded in the general Swanson/Birdwood area including Pakanui. While some archaeological sites relating to post-European history have been found in the wider Swanson area, none of these sites are located in the Pakanui structure plan area.

Wastewater Study

An assessment of the onsite wastewater disposal capabilities of land within the Pakanui structure plan area has been prepared by Soil & Rock Consultants. The report notes that the sub-soil conditions of the Pakanui catchment a mix of sandy clay, non-swelling clay and silty clay, all being slow draining. It is likely that the uppermost clayey soils have poor permeability with an increased risk of slope instability if wastewater is disposed of via soil percolation with conventional trenches. The report recommends that systems that dispose of treated effluent via evaporation and evapo-transpiration, such as treatment plants or sand filters are used.

Recommendations for the design and appropriate type of wastewater disposal system are set out in the Soil & Rock Consultants wastewater report that accompanies this structure plan.

Traffic Impact Assessment

Traffic Planning Consultants have undertaken a traffic impact assessment of the Pakanui structure plan area having regard to possible future development potential. The generation of additional traffic was assessed in terms of the capacity of the existing roading network, in particular the McEntee/Amriens Road and Sunnyvale/Redhills intersections.

The development potential identified for the catchment will result in the order of 600-750 additional vehicle trips per day, once fully developed. Of this volume, approximately 10% would occur during peak hours. The impact of this volume of traffic was assessed against traffic flow counts for the morning and afternoon periods of the day. This assessment found that the key intersections presently perform well, and that additional traffic generated by future development would have no more than minor effects on the safety and efficiency of this network.

The report notes that in general, vehicle entry site lines are adequate for the majority of properties. However, at the time of future subdivision, when vehicle access ways are confirmed, regard should be given to visibility and remedial measures such as trimming of vegetation.

CONSULTATION

Cato Bolam Consultants have consulted with a number of different parties including:

- Existing landowners within the structure plan area and the surrounding area;
- Te Kawerau A Maki and Ngati Whatua;
- Auckland Regional Council;
- Rodney District Council;
- Royal Forest & Bird Protection Society;
- Waitakere Ranges Protection Society.

All landowners within the structure plan area appear satisfied with the process and have had an opportunity to participate in the development of the structure plan including funding the necessary technical studies.

Surrounding landowners were invited to a drop-in-day that was held on 22 July 2002. The draft structure plan was made available at this meeting in order to provide feedback. Approximately 10 people attended this meeting. No significant concerns were raised at this meeting.

A64-A87

Cato Bolam has received written feedback from Rodney District Council, Auckland Regional Council, and the Royal Forest and Bird Protection Society. Copies of these responses are attached at pages A64 to A87. Key concerns raised by Rodney District Council include consistency with the Regional Growth Strategy and the Northern & Western Sector Agreement and future management of stormwater in terms of avoiding downstream flooding. The written response from Cato Bolam to these issues appear to have satisfied the concerns Rodney District Council has expressed, however this council may wish to lodge a submission when the structure plan is publicly notified.

The issues raised by the Auckland Regional Council are similar to those expressed in its submission on the Swanson Structure Plan. Amongst other things, these issues includes concerns about the cumulative effects arising from the scale and extent of provision for countryside living in the foothills as well as the management of stormwater in wider Kumeu River catchment (of which the Pakanui Structure Plan area is a sub-catchment) and protection of natural heritage. The Auckland Regional Council make reference to an agreement by Waitakere City Council to consider the cumulative effects of structure plans throughout the foothills and that the Pakanui Structure Plan should await the outcome of this study. The Committee will be aware of the current debate around structure plans in the foothills and the extent to which they are delivering the kind of environmental outcomes anticipated by the Plan. It should be noted however that there are a number of structure plans that have been in the development stages for quite some time having been based on the management approach that currently exists in the District Plan. The Pakanui Structure Plan is one of those structure plans.

A88

The response from Royal Forest & Bird Protection Society supports the structure plan and the level of restoration that will occur within the catchment as a result of subdivision. In terms of the Waitakere Ranges Protection Society, a recent email confirms that the Waitakere Ranges Protection Society has no interest in the Pakanui Structure Plan proposal provided the prohibited activity status applies as per their appeal on the Birdwood Structure Plan. It would appear from this the Society is mainly interested in securing a permanent settlement pattern for the whole of the foothills rather than the details of the Pakanui Structure Plan itself. A copy of the email from Waitakere Ranges Protection Society is attached at A88.

No written or verbal responses have been received from either Te Kawerau A Maki or Ngati Whatua. However, consultation on previous structure plans has shown both iwi to be comfortable with the methodology adopted by Clough Associates in identifying pre and post European sites of archaeological significance and the structure plan approach to managing effects relating to water quality and protection of significant bush areas.

Cato Bolam Consultants have sought feedback from Waitakere City Council officers on various aspect of the Pakanui Structure Plan including stormwater and wastewater management, identification of ecologically significant areas, land stability and traffic impacts, as well as the structure plan methodology. It is considered that the approach taken by Cato Bolam is consistent with the structure plan methodology that is established in the District Plan. Feedback on the ecological study has been provided by Carol Bergquist and satisfactory amendments incorporated into the structure plan. Similarly, feedback on stormwater and wastewater management has been provided by EcoWater. EcoWater support the use of the Countryside and Foothills Code of Practice for Stormwater Management in this area.

Consultation with Council's Transport Assets Section has not identified any significant traffic issues. In respect of land stability, Council officers have relied on the recommendations of Ormiston Associates and Soil & Rock Consultants, both of which are reputable geotechnical engineering firms. Ormiston Associates were engaged by the Council to peer review the work undertaken by Tonkin & Taylor in respect of the Birdwood Structure Plan so are very familiar with the area and structure plan processes.

Proposed Pakanui Structure Plan

A89

A copy of the proposed Pakanui Structure Plan is attached at page A89. Key features include:

- Bush Protection Areas;
- Revegetation Areas (total approximately 10.3 hectares);
- Streamside Enhancement Areas (total riparian planting approximately 5.25 hectares);
- Provision for 71 additional sites;

Necessary changes to the existing Human Environment and Natural Area maps include changes to the riparian margins that apply to the Pakanui and Copedo Streams. It is recommended that these increase from 7 metres to 15 metres and that 5 metre riparian margins apply to all non-riparian streams within the Pakanui catchment currently identified on the District Plan maps. In respect of the Human Environment maps, an outline showing the location of the Pakanui Structure Plan should be included.

There are no changes proposed to the existing objectives, policies or rules.

RESOURCES

Ongoing staff resources will be required to progress the Pakanui Structure Plan through the statutory plan change process.

CONCLUSION

The purpose of this report is to present the Pakanui Structure Plan that has been privately initiated by Cato Bolam Consultants on behalf of landowners in the structure plan area. The structure plan has been developed in accordance with an established structure plan methodology and is based on technical studies carried out by qualified experts. Council officers are satisfied that the structure plan is consistent with the approach taken to other structure plans in the Foothills environment.

This report recommends that the Council resolve to publicly notify the Pakanui Structure Plan as a change to the District Plan. However it is recognised that this would need to be done in the context of current debate around the scale and extent of structure planning in the foothills and delivery of desired environmental outcomes.

Council officers consider the Pakanui Structure Plan to be one of the least contentious, particularly given that it is some distance from the bush-clad Waitakere Ranges. Furthermore, development of the Pakanui Structure Plan has happening over a number of years, and there is an expectation from landowners that Council will support the existing management approach within the District Plan that provides for structure plans as a tool for managing subdivision and development in the foothills environment.

RECOMMENDATIONS

A89

1. That the information be received.
2. That pursuant to Part I of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to change the Waitakere City District Plan to include the Pakanui Structure Plan as attached at pages A89.

Report prepared by: Deanne Rogers, Locality Planner.



**MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 8 APRIL 2003,
COMMENCING AT 9.33 AM.**

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**MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 8 APRIL 2003,
COMMENCING AT 9.33 AM.**

PRESENT: Councillors PA Hulse (Chairperson)
DA Yates, JP (Deputy Chairperson)
DQ Battersby, JP (from 9.36 am)
BA Brady, JP (until 1.11 pm)
JM Clews, QSO, JP (from 11.55 am)
RP Dallow, QPM, JP (until 11.14 am)
AC Fenton
OE Hoskin, MNZM, JP (from 9.39 am until 12.30 pm)
JP Lawley
GE Nash, JP
VS Neeson, JP
GW Russell (from 9.41 am)
CA Stone

Mayor Bob Harvey, QSO, JP (ex officio) (until 11.20 am)

IN ATTENDANCE: Group Manager: City Development Projects
Group Manager: Asset Management
Group Manager: Regulatory
Group Manager: Planning & Community Services
Strategic Partnerships and Advocacy Manager
Strategic Leader: J Macdonald
Senior Analyst Environmental Policy: C Bergquist
Manager: Resource Consents
Senior Policy Adviser: J Fuller
Acting Manager: Strategic Policy and Monitoring: J Macdonald
Acting District Plan Co-ordinator: P Reaburn
Locality Planner: D Rogers
Landscape Planning Co-ordinator: K Bodmin
Communicator - Strategic Planning & Monitoring: K Morresey
Project Manager: Revitalisation: S Wilcox
Project Manager: Sustainability Projects: K Lietz
Team Manager Environmental Compliance: A Ahmu
Project Content Manager (Hobsonville)
Mayoral Executive Officer: A Rogers-Smith
Committee Secretary: O Schuster

1 APOLOGIES

763/2003

MOVED by Cr Neeson, seconded Cr Nash:

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

CARRIED

PART II - DISTRICT PLAN / STRUCTURE PLANS

9 STRUCTURE PLANNING REVIEW

776/2003

MOVED by Cr Fenton, seconded Cr Yates:

1. That the information be received.
2. That Council Officers co-ordinate a review of structure planning as the preferred method for managing development and enhancement of the Foothills and Countryside Environments.
3. That funding for the review be sourced from the budget originally intended to undertake the technical studies directed at identifying the physical constraints to development in the Opanuku Catchment.

CARRIED

NOTE: Pursuant to Standing Order 32.11 Cr Battersby requested that his vote against the motion be recorded.

The Order of Business resumed at Item 8: Proposed Pakanui Structure Plan.

8 PROPOSED PAKANUI STRUCTURE PLAN

777/2003

MOVED by Cr Battersby, seconded Cr Russell:

That the information be received.

CARRIED

778/2003

MOVED by Cr Clews, seconded Cr Yates:

That consideration of the Pakanui Structure Plan be deferred pending the outcome of the Structure Planning Review.

CARRIED

NOTE: Pursuant to Standing Order 32.11 Crs Battersby and Neeson requested that their vote against the motion be recorded.



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, 13 September 2005** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

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

8 September 2005

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

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

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

(Quorum 5 members)

★★★★★★★★★★

(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 IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
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PART C - ENVIRONMENTAL MANAGEMENT

5 PAKANUI STRUCTURE PLAN - UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to update the Planning and Regulatory Committee on issues relating to the Pakanui Structure Plan. A proposed course of action is recommended in order to progress this matter.

BACKGROUND

The Pakanui Structure Plan area comprises 180 hectares of a 700 hectare catchment that encompasses land in Waitakere City and Rodney District. The structure plan area is bounded by Amreins Road in the west, McEntee Road in the south, Sunnyvale Road in the east and Rodney District in the north. The Pakanui Structure Plan area is identified as Foothills Environment in the District Plan.

The Pakanui Structure Plan has been developed by Cato Bolam Consultants on behalf of landowners in the Pakanui Structure Plan area. The District Plan anticipates that parties other than the Council may initiate structure plans, but notes that these will be developed in close partnership with the Council. In this regard, Section 6.2.1 of the Plan states:

“It is expected that structure plans initiated by any parties other than Waitakere City Council will be undertaken in close partnership with the Waitakere City Council and in consultation with residents, the Regional Council and other interested parties.”

The Pakanui Structure Plan is the first privately initiated structure plan that the Council has received. If the Council is satisfied that the Pakanui Structure Plan accords with its objectives, then it may elect to adopt the Structure Plan and publicly notify it by way of a District Plan Change.

The Environmental Management Committee considered the Pakanui Structure Plan at its April 2003 meeting. The Committee resolved as follows:

“That consideration of the Pakanui Structure Plan be deferred pending the outcome of the Structure Planning Review.”

778/2003

As a result, the Pakanui Structure Plan has not been progressed further since that time. The issue was brought back before the Committee recently when the landowners' consultant made a brief presentation to the May 2005 meeting, requesting that the Council take steps to progress the Structure Plan. In response to that presentation, the Planning and Regulatory Committee passed the following resolution:

“That a comprehensive report be brought back to the July meeting of the Planning and Regulatory Committee, updating the Committee on all aspects of the Pakanui Structure Plan, related issues, any changes as required, and recommending a course of action.”

807/2005

Unfortunately, staff workloads have prevented this report being prepared until now.

STRATEGIC CONTEXT

The Council's Long Term Council Community Plan sets out nine strategic platforms that provide a basis for the development of a city that is vibrant, environmentally responsive and sustainable. The Urban and Rural Villages platform signals the Council's intention to build a city that is socially inclusive, environmentally sound, economically viable and leading edge in design. Further strategic direction is provided by the Green Network platform, which records Council's objective of protecting and enhancing the City's important landforms, landscapes, range of native plants, wildlife and ecosystems.

Structure plans provide a method for giving effect to these strategic outcomes. The District Plan provides for the introduction of structure plans as a means of protecting the integrity of the foothills as a visual and ecological buffer to the bush-clad Waitakere Ranges, and in order to establish a permanent settlement pattern. Structure plans allow development to be determined by the capacity of the land and the cumulative impacts of settlement as well as providing opportunities for greater environmental protection and enhancement through the regulatory process.

ISSUES

The Pakanui landowners have invested time and financial resources in developing the Pakanui Structure Plan to its current state. It is understandable that they wish to see the Structure Plan progressed so that they can obtain an outcome for their investment. If the Pakanui Structure Plan is to proceed, the Planning and Regulatory Committee would need to agree to publicly notify the Structure Plan as a District Plan Change. This would commence the statutory process required under the Resource Management Act, and would represent an important milestone for the landowners.

However, there are number of unresolved issues that are likely to have some implications for the Pakanui Structure Plan. These issues have the potential to become significant obstacles to the successful navigation of the statutory Plan Change process. It is considered that further work should be undertaken to address these matters before public notification is contemplated. The relevant issues are discussed below.

Stormwater Management

There are a number of unresolved issues relating to stormwater management that may impact on the Pakanui Structure Plan.

Rodney District Council has recently completed a draft Catchment Management Plan for the Upper Kumeu / Kaipara catchment, which includes the Pakanui Structure Plan area. The work that has been undertaken has identified the potential for further development in the upper reaches of the catchment to exacerbate existing downstream flooding. Council's drainage engineers have been advised by their Rodney District Council counterparts that the stormwater modelling did not assume any provision for further development within the Pakanui Structure Plan area.

Clearly, revised modelling would be required in order to accurately assess the effects of the additional development that could occur under the Pakanui Structure Plan. This is work that the Auckland Regional Council would undoubtedly insist on, before they could be satisfied that the Pakanui Structure Plan could proceed without creating adverse effects in relation to stormwater runoff. It is also considered that this would be an important matter for this Council to address before public notification of the Pakanui Structure Plan could be contemplated. Furthermore, it is possible that the Auckland Regional Council would require that the Catchment Management Plan and the Structure Plan be heard jointly.

It is estimated that it could take up to six months to undertake the additional stormwater work, consider the implications of that work on the Pakanui Structure Plan, and liaise with the landowners, Auckland Regional Council and Rodney District Council to ensure that stormwater issues have been addressed and resolved to the satisfaction of all parties.

Changes to Regional Policy

The Auckland Regional Council has publicly notified a number of proposed changes to the Regional Policy Statement in recent months. These proposed policy changes (particularly proposed policies 2.6.17.3 and 2.6.17.6) seek to limit countryside living to that provided for by District Plan provisions existing or publicly notified prior to 31 March 2005. In addition, it is proposed that countryside living should only be provided where it can be demonstrated that insufficient capacity is available within the rural area to cater for anticipated growth. Council's population projection work indicates that the existing structure plans provide this capacity, although this is contingent on the future release of urban land in the north of the City. As a consequence, questions about the capacity of rural land to accommodate growth cannot accurately be determined until such time as the location of the Metropolitan Urban Limit at Westgate, Whenuapai and Hobsonville has been resolved.

Clearly, these proposed regional policy changes have the potential to be a significant obstacle for new structure plans. Waitakere City Council has lodged a submission regarding this aspect of the Regional Council's policy changes, and will actively participate in the statutory process in an attempt to resolve the Council's concerns.

The remaining statutory process is likely to take at least six months to reach the hearing stage, and decisions are not likely until at least one year from now.

City Growth Strategy

The Council is currently commencing work on a City Growth Strategy, covering both the urban and rural areas of the City. The intention of this work is to set some clear policy to guide the Council's approach to the management of urban intensification and pressures for growth in rural locations.

While a great deal of policy development work has been undertaken for the Waitakere Ranges and Foothills heritage area, the remaining area of the Foothills Environment (including the Pakanui Structure Plan area) is considered to exist in somewhat of a policy vacuum. It is anticipated that the City Growth Strategy will review existing policy and establish new development parameters for this area if it is determined that some change is required.

At this stage, the technical studies and analysis that would underpin this work are expected to be completed in approximately six months.

Swanson Structure Plan Appeals

The Swanson Structure Plan appeals are scheduled to be heard by the Environment Court in November this year. A decision would be expected sometime within the first three months of 2006.

There are a number of aspects of structure planning that will be debated through the Environment Court process and determined by the Court. In particular, mechanisms such as prohibited activity status for additional lots, greater landscape and ecological protection and enhancement, and financial contributions for off-site planting will be tested through the statutory process and all parties will be interested in the Court's view on these mechanisms.

At the current time, it is likely that the Council would want to incorporate some of these approaches into the Pakanui Structure Plan, if it is to proceed. However, it would be more than useful to obtain a decision on the Swanson Structure Plan first, so that the Council could be certain that these methods are viewed by the Court as being acceptable under the Resource Management Act.

Modifications to the Pakanui Structure Plan

Council staff are aware of modifications that may be required to the Pakanui Structure Plan. In particular, the owners of one large lot within the structure plan area have contacted Council to advise that they now seek some allocation of development potential under the Pakanui Structure Plan. These owners were not considered in the draft Structure Plan as they indicated that they were not interested in subdividing in the future, and the property was large enough for permitted subdivision to occur under the general District Plan standards in any event.

If the Council wished to progress the Pakanui Structure Plan, it would be appropriate for the Council to consider what revisions were necessary in order to update the Structure Plan and align it with Council's current approach. It is considered that this work could be completed in three months, subject to the other matters noted in preceding paragraphs.

Structure Planning Review

The work that was identified under the Structure Planning Review is now largely complete. Some of the findings of that Review would need to be woven into the Pakanui Structure Plan, but it is not considered that the Structure Planning Review has identified any fundamental reason to prevent the Council proceeding with a structure plan for Pakanui at the appropriate time. However, the Structure Planning Review does identify the need to undertake further policy work in this area of the Foothills Environment, and this could be done as a component of the City Growth Strategy. Ideally, this policy work should have been completed before a decision is made to proceed with the Pakanui Structure Plan.

Waitakere Ranges Heritage Area

The Waitakere Ranges and Foothills Protection Project does not give rise to any direct implications for the Pakanui Structure Plan. However, the Ranges Project has identified the extent of the Ranges heritage area and the Council can now be satisfied that the Pakanui Structure Plan area does not fall within the Waitakere Ranges or its foothills.

One relevant aspect to arise from the Ranges project relates to the use of Local Area Management Plans to more closely align strategic policy and implementation. It is conceivable that this approach could also be used in rural areas that fall outside of the Waitakere Ranges and Foothills, such as the Pakanui Structure Plan area.

RESOURCES

The resources required to progress the work identified in this report are provided through existing budgets.

CONCLUSION

There are a number of issues that need to be resolved before the Pakanui Structure Plan is able to be adopted by the Council and publicly notified as a proposed District Plan Change. The majority of these issues can be addressed within a period of approximately six months.

It is recommended that staff actively attempt to progress these matters over the next six months and report back to the Committee on progress that has been made. At that stage, the Committee can decide whether it is appropriate to publicly notify a Plan Change comprising the Pakanui Structure Plan.

RECOMMENDATIONS

1. That the Pakanui Structure Plan - Update report be received.
2. That Council officers seek to address and resolve the identified issues and report back to the Planning and Regulatory Committee on progress that has been made in April 2006, or sooner if possible, to allow the Committee to consider whether it is appropriate at that time to proceed with public notification of the Pakanui Structure Plan by way of a District Plan Change.

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



6 STRUCTURE PLANNING REVIEW: 2005 UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to present to the Planning and Regulatory Committee an update of the actions relating to the Structure Planning Review that have occurred since the Review was considered by the then Environmental Management Committee on 16 December 2003. A previous update on progress on the Structure Planning Review was considered by the Environmental Management Committee in July 2004.

The Planning and Regulatory Committee will recall that the Structure Planning Review report was prepared by independent consultants, and was peer reviewed. It led to a significant number of Council resolutions that required further work by the Council.

BACKGROUND

The Foothills Environment is a sensitive rural environment adjacent to the bush clad Waitakere Ranges in the northwest of the City and outside the Metropolitan Urban Limits. Structure planning has been one method provided for in the District Plan and used by the Council to:

- assess the environmental capacity of the catchment and the role of land within that catchment;
- assess whether there is potential for any further development or not, taking into account the environmental capacity of the catchment and environmental constraints in the District Plan Foothills Environment of the Waitakere Ranges;
- assess the effects of any future development in relation to the Waitakere Ranges generally;
- assess the upstream, downstream and cumulative effects; and
- assess whether the land is able to absorb growth, to determine what the capacity is for the development of land within each catchment, and to provide for environmental enhancement, such as riparian margin re-vegetation and appropriate re-vegetation of sites.

**MINUTES OF A MEETING OF THE PLANNING AND REGULATORY COMMITTEE
HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON TUESDAY, 13 SEPTEMBER 2005
COMMENCING AT 9.30 AM**

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**MINUTES OF A MEETING OF THE PLANNING AND REGULATORY COMMITTEE
HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON TUESDAY, 13 SEPTEMBER 2005
COMMENCING AT 9.30 AM**

PRESENT: Councillors VS Neeson, JP (Chairperson)
RP Dallow, QPM, JP (Deputy Chairperson)
DQ Battersby, JP
PJ Booth, OBE
MFP Chan, JP
RI Clow (from 10.02 am)
AK Corban, OBE, JP
DE Gilmour
CA Stone

IN ATTENDANCE: Group Manager: Planning & Community Services
Group Manager: Regulatory
Manager: Legal Services
Team Leader: Legal Services
Manager - Field Services
Contract Solicitor: S Masoud-Ansari
Committee Secretary: O Schuster

PART A - OPENING OF MEETING

1 APOLOGIES

1771/2005

MOVED by Cr Booth, seconded Cr Gilmour:

That apologies from Mayor Bob Harvey, Crs Clews, Cooper, Flaunty, Hulse and Lawley for absence be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

1772/2005

MOVED by Cr Gilmour, seconded Cr Dallow:

That the minutes of the Meeting of the Planning and Regulatory Committee held on Tuesday, 9 August 2005, as circulated, be taken as read and now be confirmed.

CARRIED

PART B - REGULATORY / ENFORCEMENT

4 LEGAL UPDATE (AS AT 1 SEPTEMBER 2005)

1773/2005

MOVED by Cr Dallow, seconded Cr Booth:

That the Legal Update (As At 1 September 2005) be received.

CARRIED

PART C - ENVIRONMENTAL MANAGEMENT

5 PAKANUI STRUCTURE PLAN - UPDATE

1774/2005

MOVED by Cr Stone, seconded Cr Dallow:

1. That the Pakanui Structure Plan - Update report be received.
2. That Council officers seek to address and resolve the identified issues and report back to the Planning and Regulatory Committee on progress that has been made in April 2006, or sooner if possible, to allow the Committee to consider whether it is appropriate at that time to proceed with public notification of the Pakanui Structure Plan by way of a District Plan Change.

CARRIED

6 STRUCTURE PLANNING REVIEW: 2005 UPDATE

1775/2005

MOVED by Cr Battersby, seconded Cr Chan:

That the Structure Planning Review: 2005 Update report be received.

CARRIED

7 ISSUE REPORT AND PROPOSED PLAN CHANGE TO RE-IDENTIFY THE HUMAN ENVIRONMENT IDENTIFICATION OF TWO SITES

DECLARATION OF INTEREST

- 9.56 am Cr Neeson declared an interest and left the room taking no part in the discussion or decision on Item 7: Issue Report and Proposed Plan Change to Re-identify the Human Environment Identification of Two Sites.
- 9.57 am Cr Neeson vacated the Chair and left the meeting.
- 9.58 am Cr Dallow assumed the Chair.