



## NOTICE OF MEETING

# ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that an Ordinary Meeting of the Environmental Management Committee will be held on:-

**DATE:**        **Tuesday,        8 July 2003**                                **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.

3 July 2003

Owena Schuster  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

### MEMBERSHIP:

Councillors	PA	Hulse (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	CA	Stone

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

(Quorum 5 members)

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

**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON TUESDAY, 8 JULY 2003,  
COMMENCING AT 9.30 AM.**

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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 JULY 2003, COMMENCING AT 9.30 AM.**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

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



**3 CONFIRMATION OF MINUTES**

Ordinary - Tuesday, 10 June 2003

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 10 June 2003, as circulated, be taken as read and now be confirmed.



**4 PRESENTATION**

Dr David Sinclair, from the Auckland District Health Board will make a presentation regarding the monitoring and health issues relating to the Painted Apply Moth.



## **PART I - REGULATORY / ENFORCEMENT**

### **5 LEGAL UPDATE (AS AT 30 JUNE 2003)**

#### **INTRODUCTION**

The following is a list of legal actions in respect of matters within the scope of the Environmental Management Committee, which are currently before the Courts and which are ongoing or have been commenced since the date of the preceding report. The list does not include minor prosecutions for dogs, swimming pools, health and litter although advice on any particular such prosecution can be provided to the Committee if it wishes. The dates referred to in the headings are the dates on which appeals, informations or proceedings were first filed in Court.

#### **ENVIRONMENT COURT**

##### **Birdwood Structure Plan**

##### **Kitewaho Bush Reserve Company Limited and Ors v Waitakere City Council**

This was an application by the Council to strike out Kitewaho, Mr Mawhinney and associated entities reference on Variation 87 (Birdwood Structure Plan). The reference had sought that the Birdwood structure plan be extended to allow extensive subdivision rights throughout the entire non-urban parts of Waitakere City, including land holdings owned by Kitewaho et al in the Bethells/Waitakere area. The Court upheld Council's application and has struck out the entire reference by Kitewaho et al on the basis that it is an abuse of process. An application for costs against Kitewaho has now been filed with the Court and a decision will be released in due course.

#### **APPEALS**

##### **Waitakere City Council v Auckland Regional Council (SH16/18) (14 March 2002)**

Appeal filed by Waitakere City Council against decision of Auckland Regional Council on earthworks, stormwater and related resource consents sought by Transit for SH16/18.

Several other parties have also filed appeals (namely Transit, John Boyle, Ockleston Family Trust). It now appears that the appeals aside from Waitakere City Council's appeal will soon be settled. Transit has now settled its appeal with Auckland Regional Council, by entering into a consent memorandum that confirms that the total amount to be spent by Transit on mitigatory measures for the entire SH16/18 project is \$768,000. Waitakere City Council is continuing with ongoing settlement negotiations with Transit. Waitakere City Council has recently agreed to resolve that part of its appeal that relates to the Greenhithe side of the motorway project. The basis upon which settlement has been reached is that Transit has agreed to consult with both Waitakere City Council and the North Shore City Council prior to the allocation of the mitigation package of \$768,000. This will ensure that Waitakere City Council has some input into the allocation of the funds. The remainder of Waitakere City Council's appeal remains live.

##### **Selak v Waitakere City Council (7 March 2002)**

##### **Collett and Nye v Waitakere City Council (8 March 2002)**

Appeals filed by the applicant Messrs Selak and their neighbours, Messrs Collett and Nye. Both appeals relate to the operation of the Selaks' Go-kart track on their property at Kennedy's Road, Whenuapai. The Selaks have appealed a condition disallowing use of the track on Sundays and public holidays. The Colletts and Nyes have appealed Council's decision to allow the Go-Kart activity. Mr Selak has put forward a new proposal, involving additional mitigation of the noise impacts of the Go-Kart track, which is to be considered by all parties and may result in settlement of these appeals.

**Mobil Oil New Zealand Limited v Waitakere City Council (Appeal filed late September/early October 2001)  
Henderson Valley Developments Limited v Waitakere City Council (12 October 2001)**

Both the above appeals relate to the proposed 264 residential unit development intended for 2-6 Henderson Valley Road. Henderson Valley Developments Limited has now withdrawn its appeal. The Court has asked Mobil if it intends to pursue its appeal.

**Abacus Developments Limited and Ors v Waitakere City Council (February 2000)**

This was an appeal by Abacus, Kitewaho and related entities (Mr Mawhinney) against subdivision consent conditions imposed for a subdivision at Bethells/Waitakere. The appeal was to be heard in February 2003 but has been adjourned pending the outcome of the High Court appeal referred to in this report. It is expected to proceed to a hearing in the last quarter of 2003.

**Estate Homes Limited v Waitakere City Council (31 August 2001) (Sturges Road)**

Estate Homes has appealed the financial reserves contribution assessed as payable for the second stage of its subdivision at 13-15 Sturges Road. A cash bond of the amount of the contribution in dispute has been paid and on that basis Council has consented to an Order allowing the subdivision to proceed. The matter has been adjourned at the request of Estate Homes Limited, with a further report date of 27 August 2003. High Court proceedings have been issued by Estate Homes Ltd relating to a contested reserves contribution assessment.

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

Appeal against consent conditions imposed for proposed subdivision at Ranui Station Road. The appeal primarily relates to financial contribution conditions imposed, as well as certain conditions relating to the provision of infrastructure (water mains and roading). The parties have been involved in negotiations over the appeal, but have not resolved matters. At present Council is preparing evidence for exchange in June 2003. Settlement discussions remain ongoing.

**Coastal Environments Limited v Waitakere City Council - Coastal Subdivision at Piha (5 March 2001)**

This is an application for subdivision consent lodged by Coastal Environments Limited, which was declined by the Council. The Waitakere Ranges Protection Society and several residents groups are parties to the appeal. A judicial conference took place on 15 April 2003. Coastal confirmed that they intend to present the parties with a re-design of its development proposal. It indicated that it would present the parties with the new plan within 6 weeks and allow a further four weeks for the parties to discuss whether it resolves the concerns.

On 27 June 2003 Coastal withdrew its appeal, and has indicated it will 'start again' with a fresh resource consent application to Council.

**Spencer v Waitakere City Council - Lone Kauri Road, Karekare (29 August 2000)**

This is an appeal by Mr Spencer against a decision of the Council to refuse consent to allow a subdivision of his property located at Lone Kauri Road, Karekare. Both Waitakere Ranges Protection Society and several residents groups are parties to the appeal. An on-site meeting between all parties took place a proposal has been put forward and negotiations are continuing. Mediation took place on 29 March 2003, resulting in an agreement in principle being reached (the agreement will be forwarded for approval by this Committee shortly).

**Richmond Eden Limited v Waitakere City Council (4 February 2003)**

**Waitakere Ranges Protection Society Incorporated v Waitakere City Council and Richmond Eden Limited (3 February 2003)**

**Pradhir and Others v Waitakere City Council (February 2003)**

The above appeals relate to a decision granting resource consent to Richmond Eden Limited for a 12 Lot subdivision of a site at 39 Landon Road, Titirangi. The Waitakere Ranges Protection Society have opposed the decision, Pradhir and Others have opposed a condition that relates to parks and walkways and Richmond Eden Limited (the applicant) has appealed a number of the conditions. A mediation date will be allocated for July/August 2003.

**Poll v Waitakere City Council (January 2003)**

Vicki Poll has appealed Council's decision refusing an application for a land use consent to operate a café/restaurant and a wedding reception/private function centre from existing building and gardens at 164 Brigham Creek Road, Whenuapai, known as "Surreal Café". A number of surrounding residents have registered an interest in the appeal with the Environment Court as Section 271A parties.

Both Council and the appellant indicated a willingness to enter into mediation but the surrounding residents (Section 271A parties) did not wish to enter such discussions and therefore the matter has been set down for hearing during the fortnight beginning 11 August 2003. It is anticipated that the hearing will take two days.

**Cornerstone Limited v Waitakere City Council (February 2003)**

Cornerstone Limited has appealed the decision by the Council to refuse an application for a land use consent to develop 6 office units at 120 Titirangi Road, Titirangi. This matter is set down for mediation before an Environment Commissioner on 13 May. As of 29 April there were 21 parties who had filed Section 271A or Section 274 notices. Cornerstone has provided its initial evidence and Council is required to file reply evidence by July 2003.

**8 Wallace Road Limited v Waitakere City Council (November 2002)**

The company has appealed Council's costs and charges in respect of an application that was made for resource consent to develop 31 residential units on land situated at 8 Wallace Road, Ranui. The application was refused.

This matter has been listed for hearing during the fortnight beginning 11 August 2003. It is anticipated that the hearing will take two days.

**Waitakere Ranges Protection Society v Waitakere City Council  
R and L Thompson v Waitakere City Council**

These proceedings involve two references, concerning subdivision, filed in relation to Variation 87 of the Waitakere City Council Proposed Plan. The reporting date to the Court on this matter is 7 July 2003. Waitakere Ranges Protection Society have proposed a meeting to attempt to resolve all matters including the Thompson reference and those of the Juderon Family Trust (a s271A party to the Waitakere Ranges Protection Society appeal). Council and the Thompsons have almost finalised terms for an agreed settlement of the Thompsons' site specific reference, but Waitakere Ranges Protection Society, a Section 271A party to the Thompsons' reference have sought to have this settlement included in the overall resolution of Waitakere Ranges Protection Society's reference. It is hoped that the Thompson matter can be resolved without being held up by the Waitakere Ranges Protection Society reference and that with further discussion the Waitakere Ranges Protection Society (and Juderson) matter can be resolved by agreement.

**Bay Olympic Sports and Soccer Association v Waitakere City Council (March 2003)  
Friends of Crum Park Incorporated v Waitakere City Council (March 2003)**

These are two appeals relating to Council's decision to partially grant consent to night light fields at Crum Park, Green Bay subject to conditions. Bay Olympic have appealed the restrictions imposed by Council and Friends of Crum Park have contested the lack of further restrictions.

With Council's assistance Bay Olympic and Friends of Crum Park have completed a number of discussions in an attempt to reach agreement. If agreement cannot be reached then Council intends to suggest that the parties undertake Environment Court assisted mediation.

**HIGH COURT APPEALS**

**Waitakere City Council v Kitewaho Bush Reserve Company Limited and Ors (Filed  
22 January 2002)  
Kitewaho Bush Reserve Company Limited and Ors v Waitakere City Council  
(February 2002)**

These proceedings involve applications for declarations and enforcement orders by Kitewaho and associated companies relating to eight different subdivision applications and related applications for certificates of compliance. On 18 October 2001 Judge Treadwell released an interim decision rejecting Kitewaho et al's declaration and enforcement applications, and essentially finding in Council's favour.

In December 2001 the Court released its final decision. In that decision the Court found that the proceedings issued by Kitewaho and related companies were an abuse of process and largely misconceived. Costs were reserved. In other words, Council was successful in its defence of all aspects of these proceedings (other than certain findings by the Court in relation to Section 91 and Section 92 RMA).

At a meeting of Council on 19 December 2001, it was resolved that an appeal should be lodged to the High Court to clarify the Court's decision in relation to matters of interpretation of the Resource Management Act. That appeal was filed on 22 January 2002 and has been served on the other parties involved (ie. Kitewaho and related entities and the Auckland Regional Council). Kitewaho and related entities served its own appeal on Council that was voluminous.

Separate to the above High Court appeals, both Waitakere City Council and the Auckland Regional Council have applied to the Environment Court for substantial costs against Kitewaho and related entities. The Court has deferred any decision on the costs application pending the outcome of the above High Court appeals.

There have been a number of preliminary steps required in these proceedings to address the voluminousness and imprecision of Kitewaho's points on appeal. This has resulted in a number of re-pleadings.

Council made an application to strike out the appeal and this was heard on 18 March 2003 before Justice Randerson. His Honour has ultimately decided not to strike out the points on appeal but this process was useful as it allowed further narrowing of the scope of Kitewaho's appeal. Justice Randerson has indicated he will personally manage this matter through to hearing.

Notification has now been received that this matter is to be heard in the week beginning 17 November 2003. It has been set down for a four day hearing.

## **ENFORCEMENT ORDERS**

### **Waitakere City Council v Borrett - Sunnyvale Road, Red Hills**

Application for Enforcement Orders in relation to an alleged illegal landfill site in Sunnyvale Road. A search warrant and an Order to inspect the property were obtained from the Court in September 2001 and Council officers have since inspected the property. As a result of that inspection, amendments to the Enforcement Orders being sought were made. Mediation was held on 1 May before an Environment Commissioner with a further on-site mediation held in late May 2003. A settlement is now likely. A third mediation date is to be allocated by the Court.

## **PROSECUTIONS**

### **Barry Cargill - 58A Rauhuia Crescent, Huia (17 May 2001)**

Informations have been laid against Mr Cargill under CRN Nos.1090017265 & 66 in relation to the clearance of bush in the Coastal Natural Area. The matter was set down for a depositions hearing on 14 June 2002, at which time the defendant conceded that he had a case to answer and he was committed for trial. The defendant's representatives and Council are finalising a replanting plan to remedy the damage caused on the property. Mr Cargill has pleaded guilty. Sentencing submissions had been made and the hearing adjourned on a number of occasions for a remediation to be progressed. The remediation package includes the gifting of land to the Auckland Regional Council that requires a subdivision consent, that has been granted by the Waitakere City Council and then a 224c certificate. Mr Cargill has had difficulty progressing his subdivision plan due to difficulties with his wastewater disposal. In these circumstances the Court has further adjourned sentencing until 10 September 2003.

### **Graham Gordon - 202 Shaw Road, Titirangi (16 November 2001)**

A number of informations were served on Mr Gordon in relation to breaches of the Resource Management Act for allowing car bodies to be stored on his property and allowing multiple household units to be established. Council alleges that these activities are contrary to the District Plan and to Enforcement Orders made against Mr Gordon by the Court in 1993.

Mr Gordon has entered not guilty pleas to all charges and elected trial by jury. He has been committed to trial after conceding that there is a case to answer. The Court has indicate that the matter will be heard in November 2003. It is anticipated that it will take approximately three days to hear.

**Borrett Prosecution - 49 Sunnyvale Road, Red Hills (3 June 2002)**

Breach of alleged vegetation clearance, earthworks and interim enforcement orders. The Borretts have entered a plea of not guilty and requested trial by jury. The Borretts have been committed to a jury trial, following depositions in February 2003.

**Lorenzen Prosecution - 91 Kaurilands Road, Swanson (27 November 2003)**

Informations have been laid against Mr Lorenzen in relation to the clearance of bush in the Riparian Margin and General Natural Area. The matter was set down for a first call on 29 November 2002 but adjourned to enable Mr Lorenzen to seek legal advice, with a further date of 28 March 2003. Mr Lorenzen has entered a plea of not guilty and requested trial by jury. Depositions occurred on 14 May 2003 with the defendant agreeing that there was a case to answer. The pre-conference trial occurred on 19 June 2003 and Council is waiting to receive notification of the next call over date from the Crown prosecutor.

**Kearney - 6 Dawnhaven Drive, Te Atatu (January 2003)**

Informations were laid against Mr Kearney in relation to breaches of the Building Act. The matter was called on 12 June 2003 the defendant pleaded and guilty and was fined \$3,500.00. At the meeting on 25 June 2003 Council resolved to appeal the District Court's decision as to the quantum of the fine imposed. Kensington Swan is to review the sentencing notes and report back to the Legal Services Manager.

**Columbus Academy and Katsuo Kanamori - 113 - 117 West Harbour Drive (May 2003)**

Informations have been laid against the Columbus Academy and Katsuo Kanamori as a director of the Academy. Council alleges that unauthorised building work has been undertaken on the Property and that the Property was unsafe and without sufficient sanitary facilities. Council further alleges that the Property was not used in accordance with the definition of dwelling unit under the District Plan. This matter is scheduled for plea and sentencing on 3 July 2003.

**Covich - 40 Sunnyvale Road, Massey (May 2003)**

Informations have been laid against Mr and Mrs Covich. Council alleges that the Covich are operating a landfill without a resource consent and therefore in contravention of the District Plan and the Resource Management Act 1991. The matter was called on 30 June 2003 - the defendants pleaded not guilty and elected trial by jury. A pre-depositions conference is scheduled for 30 July 2003.

**HIGH COURT/APPEAL COURT - APPEALS FROM PROSECUTIONS**

**Aik Law & Kim Lai - 34 Rathgar Road, Henderson (21 August 2001)**

These defendants rented an unsanitary building, previously a garage, to a family of 6 for a period of four years and three months. On 25 May 2001, they were convicted in the Waitakere District Court pursuant to CRN Nos.0090028151 & 52 and sentenced to total fines of \$40,500. The defendants subsequently appealed the conviction and sentence and were granted leave by the High Court to produce a significant amount of new evidence during the course of the appeal. Council also produced evidence in response to this at the hearing, which took place in the Auckland High Court over three days from 24 to 26 July 2002.

On 16 August 2002 Justice Harrison gave a decision in Council's favour, and he dismissed the appeal both in relation to conviction and sentence. The High Court found that the new evidence did not affect the fact that the building was unsanitary for the time that it was occupied, and that those conditions must have been obvious to the owners of the property. Accordingly, the High Court upheld the full level of the sentence that had been imposed in the lower Court, even though it was and remains the highest imposed under the Building Act.

At a hearing in the Auckland High Court on 20 September 2002, before Justice Harrison, the defendants were refused leave to appeal to the Court of Appeal on sentence. Subsequently three more applications were made, as follows:

- (a) An application to the Court of Appeal for further leave to appeal against the substantive decision of Justice Harrison;
- (b) An application to the High Court for leave to appeal against the order for costs;
- (c) An application to the High Court to suspend the order for costs pending determination of the ongoing appeals.

The applications were heard in the High Court in December 2002. Justice Harrison ordered that memorandums be filed as to means and an amended application for leave to appeal against costs. The matter went before the High Court on 20 February 2003 and Justice Harrison refused leave to appeal. Subsequently, an application was made to the Court of Appeal for further leave to appeal against the order for costs.

The Court of Appeal has granted leave to Law and Lai to the appeal to the Court of Appeal against the convictions, sentences and the order for costs made by the High Court (17 June 2003). Special leave was granted for the following reasons:

- (a) The way in which an appellate court should dispose of an appeal when it has received fresh evidence, and whether the test is the same in respect of appeals from the verdict of a jury or a judge, are questions of general or public importance;
- (b) There may have been the possibility of a defence under s83 of the Building Act;
- (c) If a wrong legal test was applied the applicants may have been deprived of a fair trial and a substantive appeal;
- (d) The matter was of considerable concern to the applicants.

The CA also noted a concern about the "extraordinary level of costs imposed on personal appellants for seeking redress in the [High Court]".

*A1-A5*

A copy of a report from Matthew Casey, senior counsel for Council in these proceedings, is attached to this report as attached at pages A1 to A5.

### **RECOMMENDATION**

That the information be received.

Report prepared by: Brigid McDonald and Catherine Knight, Contract Solicitors.



## 6 SUBMISSION ON PROPOSED DOG CONTROL LEGISLATION

### **PURPOSE OF THE REPORT**

To seek endorsement on the dog control submission submitted by the Animal Welfare Manager to the Central Government's Local Government and Environmental Select Committee into Dog Control and to update the Environmental Management Committee in relation to the Central Government initiatives in relation to dog control.

### **BACKGROUND**

At the May 2003 meeting of the Environmental Management Committee it was resolved that when the Government called for submissions relating to the proposed dog control reforms that the Animal Welfare Manager prepare submissions for the Environmental Management Committee's consideration and approval so that these could then be forwarded to the Government Select Committee for due consideration. Due to timing issues the deadline for presenting the submissions to the Environmental Management Committee could not be met. The submissions have been forwarded from an Officer's perspective in order to meet 20 June 2003 Government deadline for providing submissions but only after perusal by the Committee Chair and circulation to Committee Members.

The submissions are intended to cover key areas only. Other detail has been discussed at length in the Local Government New Zealand Dog Project group which has, among other things, given consideration to the idea of a brightly coloured dog collar which would be worn by any dog classified as dangerous to assist others in recognising a potential threat. The matter of dogs used for commercial possum or pig-hunting having a discounted registration was considered a moot point given that as a tool of the trade tax discounts may possibly apply to the keeping of such dogs. Local Government New Zealand has placed a submission to central Government based on the local government sector Dog Project Team input covering detailed comment on the proposed reforms.

### **CURRENT SITUATION**

*A6-A9*

This report seeks approval of the submission, as attached at pages A6 to A9. In addition to the Government Select Committee process occurring, the Local Government Sector Dog Project Team is currently working on the creation of a "Best Practice Guide" relating to implementation of the Dog Control Act. Once completed this will be distributed to all Territorial Authorities for use as a recommended resource to promote consistent and effective practices within the industry. In addition the Dog Project Team is working with Local Government New Zealand to develop a National Education Campaign to assist in the promotion of public safety around dogs.

### **CONCLUSION**

The Select Committee submission process marks a further progression towards the Dog Control Act 1996 being amended within the next few months. It remains to be seen precisely what modifications occur to the proposed reforms as a result of the submission process.

### **RECOMMENDATIONS**

1. That the information on the submission on proposed Dog Control Legislation be received.
2. That the submissions on the proposed amendments to the Dog Control Act 1996 as prepared by the Animal Welfare Manager and as attached to this report be endorsed as those of Waitakere City.

Report prepared by: Tom Didovich, Animal Welfare Services Manager.

## 7 INTERNET CAFES

### **PURPOSE OF THE REPORT**

At the Henderson Community Board meeting held on Thursday, 3 April 2003 it was resolved that “the Chief Executive bring a report back to the Environmental Management Committee regarding what parameters would be around a liquor ban in the Henderson Business District, what impact this would have on the local businesses and also relating to the standards and regulations around internet cafes in our town centres”.

The purpose of this report is to provide information to the Committee on legislation applicable to internet cafes. A separate report will deal with the issues relating to a liquor ban.

### **BACKGROUND**

Internet cafes are a relatively new phenomenon that began appearing in cities around the world from around 1994. They basically consist of a number of personal computers hooked up to the internet, to which customers pay a fee to use. The initial focus was on providing individuals with ready and convenient access to the internet (eg. the information highway, email, cyber shopping, etc).

Until recently, Internet cafes were not noted to be well established in Waitakere City.

### **ISSUES**

Council’s Bylaw No.20 1990 Amusement Galleries, came into force on 13 March 1990 with the object to “define, licence and control public billiard rooms, amusement galleries and shooting galleries”.

The Bylaw defines an Amusement Gallery to include “... all buildings in which more than two amusement devices are operated ...” and defines an Amusement Device to include “... electronic games or devices ... or other similar games of skill, recreation or entertainment.”

Essentially this Bylaw was designed to control the billiard halls and “space invader type game” arcades consisting of rows of large console type electronic games, that were then in vogue.

Following complaints to Council concerning Internet cafes, enforcement staff investigated Internet Cafes within the City and formed the view that a primary attraction provided by internet cafes, especially amongst youth, appeared to relate to the playing of computer games for recreation or entertainment.

Consequently, it was concluded that Bylaw No.20 is applicable to Internet Cafes on the basis that the personal computers used in these establishments fall within the definition of amusement devices in that they clearly provide electronic games of skill, recreation or entertainment. Accordingly any Internet Café with more than two computers would be classed as an amusement gallery and be required to comply with Bylaw No.20.

Internet cafes if viewed as primarily providing a communication and information service to the public, do not fall within the scope of Bylaw 20 or any other statutory regulations administered by Council other than the normal district plan rules that would apply to all businesses.

## **BYLAW NO.20 1990 AMUSEMENT GALLERIES**

Council's Bylaw No.20 1990 Amusement Galleries, places controls on amusement galleries through a mandatory annual licensing and inspection regime, and stipulations on the hours of operation, the right of inspection by Council or Police, the standard for cleanliness and sanitary facilities and the responsibilities of managers. The Bylaw requires that no person shall use any land or buildings as an amusement gallery unless he/she has first obtained a licence to do so from Council.

Matters that Council may consider with respect to any application for a licence, include the suitability of its location (ie. Council refuse to grant a licence if it considers that it is undesirable that the amusement gallery licence be granted within that locality), the good character of the applicant and the general standards of the amusement gallery (ie. space, lighting, seating, and the age requirements of entry).

The major controls stipulated in Bylaw No.20 include:

- A limitation of the opening hours to between 7.30am and 11.00 pm Monday to Saturday inclusive. The premises must be closed outside these hours including the whole of Christmas Day, Good Friday and every Sunday.
- A ban on any person under the age of 15 years from remaining on the premises during normal school hours.
- A ban on intoxicated persons or persons under the influence of drugs from entering or remaining on the premises.
- A ban on any gambling or wagering on the premises.
- The requirement that the premises are maintained in good repair and in a clean and well ventilated condition.
- The requirement that the premise have sanitary facilities in accordance with the Building Act 1991.

Field Services has inspected all known internet cafes within the city and begun the process of enforcing the licence holding of operators, the general standards and the major controls.

## **CONCLUSION**

Personal computers provided in Internet cafes are used for electronic games of skill and amusement such that Internet Cafes will fall within the scope and controls of Waitakere City Council Bylaw No.20 1990 Amusement Galleries.

However, while the behavioural issues may be of concern internet cafes perhaps needs to be seen in the broader context of the City's technology and educational objectives.

## **RECOMMENDATION**

That the information on Internet Cafes be received.

Report prepared by: Alan Ahmu, Team Manager Environmental Compliance.



8 **THE PARAMETERS AROUND A LIQUOR BAN IN THE HENDERSON CENTRAL BUSINESS DISTRICT**

**PURPOSE OF THE REPORT**

The purpose of this report is to respond to a request received from the Henderson Community Board for the parameters around a ban on the consumption and possession of alcohol in the Henderson Central Business District area. On 3 April 2003, Constable Brendon Stewart made a presentation to the Henderson Community Board. Constable Stewart is the Henderson Community Constable. He pointed out that there were problem areas within the Henderson Business District, especially areas around Catherine Place Mall, and also noted that there was a notable increase in the amount of people consuming alcohol in this area.

Past liquor bans were introduced under section 709A-H of the Local Government Act of 1974. This Act has been repealed by the Local Government Act of 2002 and from 1 July 2003 all liquor bans will be required to have a bylaw relating to the control of liquor in public places. From 1 July 2004 any existing Liquor Bans (Piha) would require such a bylaw if the city wishes to continue to provide the Police with these additional powers for the control of liquor in public places.

The Local Government Act 2002 sets out the procedure and process that Waitakere City has to follow in order to create a bylaw for the control of liquor in a public place. Developing the liquor ban bylaw will require at least three meetings of full Council, to determine if a bylaw is the most appropriate way of addressing the perceived problem (Section 155), to commence the special consultation process (Section 83), and to revoke existing bylaws and make a resolution to introduce the proposed liquor ban bylaw.

**BACKGROUND**

Waitakere City has introduced liquor bans in the past to assist the Police in managing disorderly behaviour and criminal offences, linked to the consumption of alcohol. An example of such a ban is the liquor ban in Piha.

The liquor ban at Piha has been very effective in maintaining law and order over the periods of:

- Guy Fawkes, and the day after
- Christmas / New Year period between 24 December to 2 January
- Waitangi Day, and the day after
- Easter period - from Good Friday to Easter Monday
- Queens Birthday - and the day after

The ban applies from 5.00 pm on each day until 5 am the following morning. The Police are responsible for any enforcement issues, which include reacting to complaints received from the public in connection with the ban. No other areas have been identified as being problem areas in Waitakere City.

## **STRATEGIC CONTEXT**

The availability and use of alcohol has strong links to many of Council's key objective areas: community safety, economic development, urban villages, health and well-being, and first call for children. Council has a range of relevant responsibilities and overall a major impact on the drinking environment, including its role as District Licensing Agency, developing District Plan regulations, making and enforcing bylaws and public health inspections.

Council also wishes to encourage vitality and activity in its town centres. In the future, this will potentially include on-street dining within town centres. Council's regulatory framework needs to be such that it provides for these activities while managing impacts of alcohol abuse in public places.

## **CURRENT STATUS**

At its December 2002 meeting, the City Development Committee endorsed a two-stage process of policy development and consultation to develop a Sale of Liquor Policy and identify and address wider alcohol-related issues for Waitakere City.

Since then a Reference Group comprised of representatives from Waitakere City Police, Alcohol Healthwatch and the Safe Waitakere Alcohol Project have been working together with the Sale of Liquor Inspector and Council Staff to develop a Sale of Liquor Policy and to identify wider alcohol issues that could be addressed through other citywide policies and practices. A workshop for interested parties was held on 4 April 2003.

A report on the outcome of the workshop will be presented to the City Development Committee in July 2003, together with some of the key elements of the draft Sale of Liquor Policy and proposed issues that could be addressed through a wider set of strategies. Liquor Bans are considered to be one of the key issues.

A draft Sale of Liquor Policy and "roadmap" for a citywide alcohol strategy will be brought back to the City Development Committee in August 2003 before final public consultation.

As soon as the Council has approved the Policy and Roadmap, work can begin on a citywide alcohol strategy.

## **ISSUES**

The Local Government Act 2002 sets out the procedure and process that Waitakere City has to follow in order to create a bylaw for the control of liquor in a public place. At least three meetings of full Council will be required to consider the proposed bylaw.

### **Determination**

Section 155 requires that Council make a determination that a bylaw is the most appropriate way of addressing the perceived problem. As bylaws are powers, which require people to do certain things, and if breached, penalties may be imposed, it is important that alternative mechanisms for dealing with a problem are carefully considered. Fully informed policy decisions, based on good consultation with all stakeholders and the community are less likely to be challenged and more likely to lead to successful operational decisions. The Local Government Act of 2002 contains principles of decision making (Section 76) and five specific decision making requirements set out in Sections 77, 78, 80, 81, and 82.

The five requirements are:

- Identify and Assess options (Section 77)
- Consider the views and preferences of affected or interested people (Section 78)
- Identify and explain any decisions inconsistent with council policy or plan (Section 80)
- Provide Maori with opportunity to contribute (Section 81)
- Promote compliance with principles of consultation (Section 82)

Council has a process underway to review its Bylaw requirements and it would seem appropriate to incorporate this issue into that process.

#### *New Zealand Bill of Rights Act-*

Under Section 155 Council must also determine whether the proposed bylaw is the most appropriate form of bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 as bylaws cannot be inconsistent with this Act. The New Zealand Bill of Rights Act 1990 affirms a number of human rights and fundamental freedoms - for example the freedom of peaceful assembly, the freedom of movement and the freedom from discrimination on the grounds set out under section 12 of the Human Rights Act. These prohibited grounds of discrimination include disability, illness, employment status and indirect discrimination. The appropriateness and Bill of Rights test, as well as the common law principle that bylaw-making powers should be exercised reasonably, indicate that a blanket prohibition on liquor in all public places in the district would be invalid.

#### **Special Consultative Procedure**

Section 86 of the Local Government Act of 2002 requires a resolution of full Council to commence the special consultative procedure process. The special consultative procedure in the Local Government Act of 2002 differs from the Local Government Act of 1974, in that the new procedure has increased requirements relating to the provision of information about the proposal, and for replying to submitters giving reasons for any decision that Council makes using this procedure (Section 83). The special consultative process will involve:

- Notifying the public of the proposed bylaw.
- Providing a draft copy of the bylaw, the reasoning for the bylaw and other options considered.
- Making the draft bylaw available for public inspection at the principle public office and other places considered necessary to provide all ratepayers and residents with reasonable access to the proposed bylaw.
- Providing the public with the opportunity to make submissions on the proposed bylaw.
- Hearing oral submissions on the proposed bylaw.

The Environmental Management Committee or a sub-committee will be required to hear oral submissions and make a recommendation to Council. If the Environmental Committee decides in favour of the introduction of the proposed liquor ban bylaw, the committee will then make a recommendation to Council for the introduction of the liquor ban bylaws.

### **Introducing the Bylaw**

Council will then be required to make a resolution to introduce the proposed liquor ban bylaw.

The bylaw can then be implemented. As soon as practicable after the bylaw is made, Waitakere City must give public notice (three public notices in a local newspaper) of the making of the bylaw, stating:

- The date on which the bylaw will come into operation.
- That copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.

Waitakere City must:

- Keep copies of all its bylaws at the office of the local authority.
- Make its bylaws available for public inspection, without fee, at reasonable hours at the office of the authority.
- Supply to any person, on request and on payment of a reasonable charge, a copy of any of its bylaws.

### **Type of Bylaw**

The type of bylaw that Waitakere City creates will need to ensure that Council has reasonable but sufficient power to address the liquor-related problems faced by Waitakere City. The Local Government Act of 2002 contains several specific provisions guiding the bylaw making process, which must be complied with.

Section 147 of the Local Government Act of 2002 provides the Council with the specific power to make bylaws prohibiting, regulating or controlling, either generally or for one or more specified periods, the consumption or possession of liquor in, or the bringing of liquor into, a public place or, in conjunction with the prohibition relating to liquor, the presence or the use of a vehicle in that public place. This does not limit the Council's general power to make bylaws under Section 145 (bylaws to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise the potential for offensive behaviour in public places). Section 151(2) provides that a bylaw may leave any matter or thing to be regulated, controlled, or prohibited by the local authority by resolution, either generally, for any specified classes of case, in a particular case.

### **OPTIONS**

The options are as follows:

- 1) Proceed with the process to explore the appropriateness of a liquor ban bylaw as part of Council's Bylaw Review.

or

- 2) Maintain the status quo and explore other options in solving the problems of the Henderson Central Business District.

or

- 3) Address the general issue of liquor bans as part of a citywide strategy for addressing alcohol-related issues that have been identified through the process of developing the Sale of Liquor Policy. This option is consistent with the two-stage approach approved by the City Development Committee in December 2002.

## RESOURCES

Staff time for finalising the Sale of Liquor Policy and roadmap for a Citywide Strategy is provided for in the 2003/2004 Annual Plan. The process for review of Bylaws is also provided for in the 2003/2004 Annual Plan.

## CONCLUSION

It must be kept in mind that a liquor ban should be considered to be a last resort and not a quick fix. If it is decided that a liquor ban in the Henderson Central Business District is the best option, the Local Government Act of 2002 allows Waitakere City to determine the type and scope of the liquor ban bylaw. Council must ensure that it strictly adheres to the bylaw process to ensure that the bylaw is legally binding. The process to develop the bylaw must be thorough and coherent to ensure that no 'loop-holes' are created, and to ensure that the bylaw is legally sound.

## RECOMMENDATIONS

1. That the information on Parameters Around Liquor Bans in the Henderson Central Business District be received.
2. That the general issue of liquor bans are addressed as part of a citywide strategy for addressing alcohol-related issues that have been identified through the process of developing the Sale of Liquor Policy.

Report prepared by: Collett Taylor, Sale of Liquor Inspector.



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

### **9 PROPOSED PLAN CHANGE 6 - RE-IDENTIFICATION OF BURBERY RESERVE, TITIRANGI, FROM TRANSPORT ENVIRONMENT TO OPEN SPACE ENVIRONMENT**

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

The purpose of this report is to seek the Environmental Management Committee's approval to publicly notify a proposed change to the District Plan in relation to a portion of legally stopped road at the corner of Pleasant and Atkinson Roads in Titirangi. The proposed Plan Change would remove the Transport Environment identification of this land and replace it with an Open Space Environment identification.

A10

A copy of the proposed Plan Change, including the change to the Planning Maps are attached at page A10.

#### **BACKGROUND**

The subject land consists of 911m<sup>2</sup> of legal road that has been stopped through a formal process. The Council advertised its intention to declare these areas as reserve. No objections were received and this matter was referred to the New Lynn Community Board at its December 2001 meeting. The New Lynn Community Board resolved:

*“That it be recommended to Council that the area shown as Section 1 on Survey Office Plan 69923 be stopped as road pursuant to Section 342 of the Local Government Act and the tenth schedule thereto.*

*That it be recommended to Council that Section 1 on Survey Office Plan 69923 be declared to be a reserve within the meaning of the Reserves Act 1977 to be held for the purposes of a recreation reserve.*

*That it be recommended to Council that the area of land shown as Section 1 on Survey Office Plan 69923 be named Burberry Reserve.”*

2757/2001

A11-A12

Council approved the classification of these areas of reserve at its December 2001 meeting (resolution 2942/2001). Subsequently this road stopping was advertised and a gazette notice registered declaring the land to be recreation reserve and also naming it as Burberry Reserve. A copy of this gazette notice is attached at pages A11 to A12. These documents have been registered with Land Information New Zealand and consequently the land is now gazetted as reserve under the Reserves Act 1977. The one remaining issue that should be resolved is the re-identification of land from Transport Environment to Open Space in the District Plan.

#### **STRATEGIC CONTEXT**

The Long Term Community Consultation Plan has nine pathways that set out the Council's goals and actions for managing the social, economic and environmental wellbeing of the City. The nine pathways are: urban villages, passenger transport, sustainable business, wellbeing support, green network, water, solid waste, democracy and investing. The urban and rural villages pathway identifies that the Council will need to review its planning processes to support integrated planning. The proposed Plan Change will ensure that the District Plan as a strategic document is accurate and based on the most up to date information. The natural environment is considered to be a 'taonga' or treasure that is highly valued by the community. The environment also plays an important role in creating an innovative economy by raising the level of amenity and providing a marketing advantage through its location in a unique City that is one third urban, one third rural and one third wilderness. The green network pathway should continue to protect and enhance the City's landforms and landscapes and provide people friendly green spaces in urban and rural areas.

## STATUTORY CONSIDERATIONS

### District Plan Changes

Section 73 of the Resource Management Act 1991 provides for changes to the District Plan. The First Schedule of the Act sets out the process, which must be followed for plan changes. The Council must have regard to Section 74, matters to be considered by territorial authority:

- “(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.*
- (2) In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to -*
  - [(a) Any -*
    - (i) Proposed regional policy statement; or*
    - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part IV; and]*
  - (b) Any-*
    - (i) Management plans and strategies prepared under other Acts; and*
    - (ii) Relevant planning document recognised by an iwi authority affected by the district plan; and*
    - [(iia) Relevant entry in the Historic Places Register; and]*
    - [(iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing)],-*  
*to the extent that their content has a bearing on resource management issues of the district; and*
  - (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- [(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.]*

Section 5 of the Act sets out its purpose as follows:

- “(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*
  - (i) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (ii) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
  - (iii) Avoiding, remedying or mitigating any adverse effects of activities on the environment.”*

Section 75 requires consistency with the regional policy statement. The proposed Plan Change is considered to be consistent with the Auckland Regional Policy Statement as the subject land is a natural and physical resource that can provide valuable open space in an urban environment and enhance the amenity values of the area.

The site consists of “stopped road” that is currently identified as Transport Environment, although it has been gazetted as a recreation reserve under the Reserves Act 1977. There are several policies that are relevant to the Proposed Plan Change in the District Plan. Policy 5.3 states:

*“Activities on any public land should be carried out in a way that promotes and enhances regeneration and the re-establishment of linkages between areas of native vegetation and fauna habitat within the Green Network, and the effectiveness of any adjacent Ecological Linkage Opportunities and Restoration Natural Areas in protecting the stability of native ecosystems.”*

This policy highlights the role that the City’s parks and reserves play by providing for green spaces particularly within the urban area that create linkages for native vegetation and fauna.

Policy 10.7 refers to new public spaces and sets out key factors that are relevant to achieving safe spaces and states:

*“New public and semi-public spaces should be designed in a way that ensures the safety of all users and, in particular, should provide for:*

- *Overlooking (surveillance) of public and semi-public spaces from surrounding buildings during the day and where possible at night;*
- *Direct and efficient movement routes through such spaces;*
- *Adequate signage indicating connections with other routes, and the location of the space within the surrounding area for public reserves, walkways,, and within Community Environments;*
- *Adequate lighting;*
- *Integration of pedestrian systems with vehicle routes;*
- *The minimisation of any physical barrier to the reasonable movement of people within any public space.”*

Policy 11.5 re-inforces the fact that public open space influences the amenity values of the urban area and can be adversely affected by the bulk and location of buildings around it. In particular, the isolation of public open spaces, can mean that their full potential is not realised, or that people are discouraged from using them:

*“New public open space should be designed and located in a way that:*

- *Minimises isolation and separation of such space from public roads;*
- *Maximises access to local neighbourhoods (where that is compatible with the role such open space may have within the Green Network);*
- *Where possible, creates or contributes to a neighbourhood focal point;*
- *Ensures, where appropriate, integration with the objectives and policies relating to the Green Network;*
- *Enhances practical public access linkages between areas of public open space, roads, and to and along waterways and the coast;*
- *Enhances the amenity values of the surrounding environment and neighbourhood character.”*

The District Plan defines Open Space as areas of publicly owned open space ranging from the large park areas in the Waitakere Ranges to the small local parks in the urban area. The bulk and location rules relating to the Open Space Environment have been developed to ensure that buildings relating to recreational activities should be generally consistent with reserve management plans.

Objective 5 in the District Plan relates to the proposed Plan Change because the reduction in environmental quality, biodiversity and extent of habitat mean that public open space and ecological linkages are vitally important. Objective 5 states:

*“To protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced.”*

In this particular instance, the re-identification of the subject land would enable it to be used for active and passive recreation.

### Section 32 Analysis

Section 32 of the Act States that:

“In achieving the purpose of this Act, before adopting any objective, policy, rule, or other method in relation to any function described in subsection (2), any person described in that subsection shall -

- (a) *Have regard to -*
  - (i) *The extent (if any) to which any such objective, policy, rule, or other method is necessary in achieving the purpose of this Act; and*
  - (ii) *Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information services, or incentives, and the levying of charges (including rates); and*
  - (iii) *The reasons for and against adopting the proposed objective, policy, rule or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and*
- (b) *Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy, rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and*
- (c) *Be satisfied that any such objective, policy, rule, or other method (or any combination thereof) -*
  - (i) *Is necessary in achieving the purpose of this Act; and*
  - (ii) *Is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.”*

In summary, Section 32 of the Resource Management Act 1991 requires a rigorous test to ensure that before any objective, policy, rule or other method is adopted, a local authority has had regard to:

- The necessity of the objective, policy or rule or other method;
- Other means of achieving the purpose of the Resource Management Act 1991;
- Reasons for and against adopting the proposed objective, policy or rule or other method;
- Evaluation of the likely costs and benefits of the principal alternative means;
- Consideration of effectiveness and efficiency.

### **The Extent to Which the Proposed Plan Change is Necessary in Achieving the Purpose of the Act**

It is considered that the existing identification of the land as Transport Environment is not appropriate for any recreational and public access of the land, which would not be related to vehicular activities. Given that the areas of land in question abuts residential land and does not function as road, the Open Space identification, is more appropriate given its reserve status under the Reserves Act 1977. The Transport Environment does not generally contemplate passive and active recreational use and the District Plan as a strategic document should be as accurate as possible.

The proposed plan change to re-identify a portion of stopped road on the corner of Pleasant Road and Atkinson Road in Titirangi would not involve the adoption of any new objective, policy or method. The existing framework of policies and rules within the District Plan is adequate to address any adverse effects on natural and physical resources arising from land and resource use within the site being identified as Open Space. In fact, the Open Space Environment contemplates recreational use of the land that would be "low impact" in terms of effects generated.

### **Other Means Apart From Regulation to Achieve the Purpose of the Act**

Council is required to have regard to other means other than regulation, which may be used in achieving the purpose of the Act. This includes non-statutory means such as education, provision of services, incentives and levying of charges. Other means could be taking no action at all or retaining the existing rules.

In this instance the re-identification of the land would provide a clearer direction to the community on the future use of the land as recreational/Open Space. If the existing identification and rules relating to the Transport Environment were retained then the purpose of the Act would not be achieved and there may be a degree of uncertainty over the future of the land and whether it may be re-opened at some stage for vehicular access.

### **Principal Alternative Means**

The following alternative means to re-identifying the subject land Open Space have been identified as being the main alternative means and are considered below:

- Retain the existing identification (the status quo option);
- Schedule the site;
- Designate the site as a reserve.

### **Reasons For and Against Adopting the Proposed Plan Change and the Principal Alternative Means, Cost/Benefit Analysis**

- Re-identifying the land from Transport Environment to Open Space - the Proposed Plan Change.

Changing the identification of the subject land is consistent with the policies and objectives of the District Plan and would bring the District Plan identification into line with the reserve status. The proposed Plan Change would clarify the position for the community or anyone selling or purchasing land adjacent to the subject sites. The Plan Change is consistent with the policies of the District Plan in terms of enhancing recreational opportunities for the community in the urban and coastal areas. The proposed Plan Change would add an important resource to the City's Open Space.

The policies and objectives of the Transport Environment are not consistent with stopped road and land that has been gazetted as reserve. Sustainable management of the city's resources cannot be achieved through regulation based on inaccurate zonings and it would be inappropriate to do so. Re-identification of the subject land would ensure that more appropriate rules would apply to the land and clarify an anomaly in the District Plan.

- Retain the existing rules.

Retaining the existing Transport Environment would not be an effective or efficient use of resources. Although this method would not incur any costs to Council, it may create some uncertainty amongst people who are selling or purchasing land adjacent to the stopped road about the status of the stopped road. Retention of the current identification would also prevent the Council from consistently administering Open Space and implementing its Parks Strategy.

- Designate the subject land.

In this option the Council would designate the land as reserve and it would involve a similar process to notifying a Plan Change. There are two main disadvantages to this option: firstly the designation process would take a similar length of time to become effective with the risk of potential appeals to the process. Secondly, the incorrect underlying zoning would still apply to the land after it had been designated as reserve.

It is considered more efficient to pursue the proposed Plan Change given that the Council intends the land to be used for reserve purposes and has legally stopped the portions of road and gazetted them as reserve.

## RESOURCES

No specialist reports are required for the proposed Plan Change. Processing the Plan Change through the statutory process can be adequately resourced from existing budgets. No additional staff funding or resources are required.

## CONCLUSION

The proposed Plan Change would alter the Human Environment identification of reserve land on the corner of Atkinson and Titirangi Roads from Transport Environment to Open Space Environment. This would clarify an anomaly as the former road has been legally stopped and gazetted as reserve already.

The current identification of the land does not meet the District Plan policies for Transport Environment as it no longer serves vehicular traffic but is used in most instances as passive reserve areas.

## RECOMMENDATIONS

1. That the information be received.
2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to publicly notify Proposed Plan Change 6 to the Operative Waitakere City District Plan to re-identify the following parcels of land (areas of land shown in Sections 1 on Survey Office Plan 69923 adjoining Lot 12 DP48606 CT5C/1077) from Transport Environment to Open Space Environment as attached at pages A11 to A12.

A11-A12

Report prepared by Alina Hughes, Service Planner, Resource Management.



10 **PROPOSED PLAN CHANGE 5 - RE-IDENTIFICATION OF SEVERAL PIECES OF STOPPED ROAD IN PIHA FROM TRANSPORT ENVIRONMENT TO OPEN SPACE ENVIRONMENT**

**PURPOSE OF THE REPORT**

The purpose of this report is to seek the Committee's approval to publicly notify a Proposed Plan Change to the District Plan to remove the Transport Environment identification and replace it with an Open Space Environment identification for several pieces of stopped road in Piha.

A13

A copy of the proposed Plan Change, including changes to the Planning Map, as attached at page A13.

**BACKGROUND**

The subject land consists of eight pieces of legal road that have been stopped through a formal process. The Council advertised its intention to declare these areas as reserve. No objections were received and this matter was referred to the Waitakere Community Board at its June 2001 meeting. The Waitakere Community Board resolved:

*"That the areas of land shown as Sections 1 and 2 on Survey Office Plan 70265, Section 1 on Service Office Plan 70241, Sections 1 and 2 on Survey Office Plan 70252 and Section 1 on Survey Office Plan 70155 be stopped as road.*

*That it be recommended to Council that Sections 1 and 2 on Survey Office Plan 70265, Section 1 on Survey Office Plan 70241 and Section 2 on Survey Office Plan 70252 be declared to be a reserve within the meaning of the Reserves Act 1977 to be held for the purposes of a local purpose-esplanade reserve.*

*That it be recommended to Council that Section 1 on Survey Office Plan 70252 be declared to be a reserve within the meaning of the Reserves Act 1977 to be held for the purposes of a local purpose- community buildings reserve.*

*That it be recommended to Council that Section 1 on Survey Office Plan 70155 be declared to be a reserve within the meaning of the Reserves Act 1977 and be held for the purposes of a scenic reserve."*

1233/2001

A14-A18

Council approved the classification of these areas of reserve at its June meeting (1509/2001). The classification was then published in the New Zealand Gazette. A copy of this gazette notice and plans are attached at pages A14 to A18. The one remaining issue that should be resolved is the re-identification of land in the District Plan.

**STRATEGIC CONTEXT**

The Human Environments are defined around the City's landscapes and local areas. The Human Environment Rules form the basis for managing the effects of activities on landscape, amenity values, neighbourhood character and heritage. They also form the basis for managing the effects of activities on human health and safety. The Transport Environment consists of roads, access ways and road reserve. Policy 10.7 in the District Plan encourages design that ensures the safety of all road users and should provide for the following matters:

- Direct and efficient movement routes through such spaces;
- Adequate signage indicating connections with other routes, public reserves and walkways; and
- Adequate integration of pedestrian systems with vehicle and public transport routes.

Open Space consists of publicly owned land ranging from the large park areas in the Waitakere Ranges to the small local parks in the urban area.

Council has for a number of years supported the concept of a Green Network to support biodiversity, protect landscape, provide clean streams and harbours, environmental protection, urban amenity and public access linkages. The strategic goals for the Green Network include permanent protection of the Waitakere Ranges and West Coast, restoration of the green network, protecting and enhancing the range of native plants, wildlife and ecosystems and our harbours and oceans. Parks and green assets play an important role in the Green Network as well as being an important component of Urban and Rural Villages. The proposed Plan Change would have the effect of enhancing the Green Network by protecting these parts of the city's landforms.

## STATUTORY CONSIDERATIONS

### District Plan Changes

Section 73 of the Resource Management Act 1991 provides for changes to the District Plan. The First Schedule of the Act sets out the process, which must be followed for plan changes. The Council must have regard to Section 74. Matters to be considered by territorial authority:

- “(1) *A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.*
- (2) *In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to -*
- [(a) Any -*
    - (i) Proposed regional policy statement; or*
    - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part IV; and]*
  - (b) Any -*
    - (i) Management plans and strategies prepared under other Acts; and*
    - (ii) Relevant planning document recognised by an iwi authority affected by the district plan; and*
    - [(iia) Relevant entry in the Historic Places Register; and]*
    - [(iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing)], -*  
*to the extent that their content has a bearing on resource management issues of the district; and*
  - (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- [(3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.]”*

Section 5 of the Act sets out its purpose as follows:

- “(1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -*

- (iii) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (iv) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (v) *Avoiding, remedying or mitigating any adverse effects of activities on the environment.”*

It is considered that the re-identification of the land as Open Space is appropriate given that the roads have been stopped and gazetted as reserve. The subject land is a natural and physical resource that can provide valuable open space and enhance the surrounding environment. Section 75 of the Act requires consistency with the Regional Policy Statement.

The Plan Change is consistent with the Auckland Regional Policy Statement to the extent that the re-identification seeks to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development. The subject land is not required for roading purposes. The proposed Plan Change would be consistent with Policy 7.4.4 in the Auckland Regional Policy Statement that states:

- “1 *The natural character of the coastal environment shall be preserved, and protected from inappropriate subdivision, use and development by -*
- (i) *In areas of high natural character, avoiding adverse effects on -*
    - (a) *The natural functioning and natural processes of sediment transport, substrate composition and movement of biota;*
    - (b) *Areas of indigenous vegetation and habitats of indigenous fauna and associated processes;*
    - (c) *The physical integrity of coastal landforms and geological features and associated natural processes;*
    - (d) *Features, elements and patterns which contribute to landscape value and scenic and visual value;*
    - (e) *Natural features, sites and natural areas of historic, aesthetic, cultural & spiritual value;*
    - (f) *Water or air quality;*
    - (g) *Habitat important for preserving the range, abundance and migratory coastal species;*
    - (h) *Habitat important for breeding and feeding of coastal species;*
    - (i) *The healthy functioning of estuaries, coastal wetlands, mangroves, dunes, sand spits and their margins.*
  - (ii) *In all other areas, avoiding any adverse effects which result in the significant reduction in habitat important for preserving the range and diversity of indigenous and migratory coastal species within the Auckland Region.*
  - (iii) *In areas which are not of high natural character, avoiding where practicable or remedying, or mitigating the adverse effects of subdivision, use and development on the elements of natural character outlined in Policy 7.4.4-1(i)(a)-(i) except those adverse effects which are to be avoided in 7.4.4-1(ii) above.*
2. *Where appropriate, the natural character of the coastal environment shall be restored and rehabilitated.”*

Appendix D of the Auckland Regional Policy Statement describes natural character as meaning:

*“Those qualities and values of the coastal environment which derive from the presence of natural features and natural processes. These qualities include the presence of indigenous vegetation and habitats, landforms, landscapes, the historic, aesthetic, cultural and spiritual value of natural features, the functioning of natural processes and the maintenance of water quality. Although not excluding structures and human activities, areas of natural character derive their predominant influence, character or identity from the presence of natural values and processes.”*

Although there is no proposal to subdivide the land, the proposed Plan Change does offer the opportunity for enhanced recreational use of the coastal marine area.

The sites are various parcels of land that are “stopped road” and are currently identified as Transport Environment. The most relevant policies concerning the Transport Environment are Policy 11.6 and 11.9. Policy 11.6 states:

*“New roads must be designed and constructed in a way that is consistent with:*

- *The integration with safe and efficient pedestrian and cycle routes;*
- *The enhancement of the surrounding streetscape;*
- *The provision of planting;*
- *The protection of the amenity values and neighbourhood character of the surrounding area.”*

Policy 11.9 is concerned with the design of structures and access ways in the Transport Environment. It states:

*“Structures and access ways should be placed in such a way that they do not encroach visually on those natural landscape elements that have been identified as contributing to the amenity of an area. Particular regard should be had for the placement of structures so that intrusion above any sensitive ridgeline when viewed from a public place is voided, or where unavoidable, remedied or mitigated.”*

The District Plan defines Open Space as areas of publicly owned open space ranging from the large park areas in the Waitakere Ranges to the small local parks in the urban area. The bulk and location rules relating to the Open Space Environment seek to ensure that buildings relate to recreational activities and are generally consistent with reserve management plans that have been developed. In this particular instance, the re-identification of the subject land would enable it to be used for active and passive recreation and provide public access to coastal areas where appropriate.

### **Section 32 Analysis**

Section 32 of the Act States that:

“In achieving the purpose of this Act, before adopting any objective, policy, rule, or other method in relation to any function described in subsection (2), any person described in that subsection shall -

- (a) *Have regard to -*
  - (i) *The extent (if any) to which any such objective, policy, rule, or other method is necessary in achieving the purpose of this Act; and*
  - (ii) *Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information services, or incentives, and the levying of charges (including rates); and*

- (iii) The reasons for and against adopting the proposed objective, policy, rule or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and*
- (b) Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy, rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and*
- (c) Be satisfied that any such objective, policy, rule, or other method (or any combination thereof) -*
  - (i) Is necessary in achieving the purpose of this Act; and*
  - (ii) Is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.”*

Section 32 of the Resource Management Act 1991 requires a rigorous test to ensure that before any objective, policy, rule or other method is adopted, a local authority has had regard to:

- The necessity of the objective, policy or rule or other method;
- Other means of achieving the purpose of the Resource Management Act 1991;
- Reasons for and against adopting the proposed objective, policy or rule or other method;
- Evaluation of the likely costs and benefits of the principal alternative means;
- Consideration of effectiveness and efficiency.

#### **The Extent to Which the Proposed Plan Change is Necessary in Achieving the Purpose of the Act**

It is considered that the existing identification of the land as Transport Environment is not appropriate for any recreational and public access of the land, which would not be related to vehicular activities. Given that the areas of land in question about residential land, roads or coastal areas and are no longer used for vehicular access, the Open Space identification, policies and objectives are more appropriate. The Transport Environment does not generally contemplate passive and active recreational use and there could be an expectation that the roads would be re-opened at some stage for vehicular traffic.

The proposed Plan Change to re-identify the portions of stopped road in Piha would not involve the adoption of any new objective, policy or method. The existing framework of policies and rules within the Proposed District Plan is adequate to address any adverse effects on natural and physical resources arising from land and resource use within the site being identified as Open Space. In fact, the Open Space Environment contemplates recreational use of the land that would be “low impact” in terms of effects generated.

#### **Other Means Apart From Regulation to Achieve the Purpose of the Act**

Council is required to have regard to other means other than regulation, which may be used in achieving the purpose of the Act. This includes non-statutory means such as education, provision of services, incentives and levying of charges. Other means could be taking no action at all or retaining the existing rules.

In this instance the re-identification of the land would provide a clearer direction to the community on the future use of the land as recreational/Open Space. If the existing identification and rules relating to the Transport Environment were retained then the purpose of the Act would not be achieved and there may be a degree of uncertainty over the future of the land and whether it may be re-opened at some stage for vehicular access.

### Principal Alternative Means

The following alternative means to re-identifying the subject land Open Space have been identified as being the main alternative means and are considered below:

- Retain the existing identification (the status quo option);
- Schedule the sites;
- Create a Piha Special Reserve Area.

### Reasons For and Against Adopting the Proposed Plan Change and the Principal Alternative Means, Cost/Benefit Analysis

- Re-identifying the land from Transport Environment to Open Space – the proposed plan change.

Changing the identification of the subject land is consistent with the policies and objectives of the District Plan and would bring the District Plan identification into line with other actions taken to date through stopping portions of land and gazetting them as reserve. The proposed plan change would clarify the position for the community or anyone selling or purchasing land adjacent to the subject sites. The Plan Change is consistent with the policies of the District Plan, Auckland Regional Policy Statement and Regional Plan: Coastal in terms of enhancing recreational opportunities for the community in the coastal marine area. The proposed Plan Change would add an important resource to the City's Open Space. It would also be consistent with the Parks Strategy, which states:

"There are quiet places, places of contemplation, places to soak in the views and vistas of the West Coast, Waitakere Ranges, wetlands, streams and the Waitemata Harbour."

The policies and objectives of the Transport Environment are not consistent with stopped road and land that has been gazetted as reserve. Sustainable management of the City's resources cannot be achieved through regulation based on inaccurate zonings and it would be inappropriate to do so. Re-identification of the subject land would ensure that more appropriate rules would apply to the land and clarify an anomaly in the District Plan.

- Retain the existing rules.

Retaining the existing Transport Environment would not be an effective or efficient use of resources. Although this method would not incur any costs to Council, it may create some uncertainty amongst people who are selling or purchasing land adjacent to the stopped road about the status of the stopped road. Retention of the current identification would also prevent the Council from consistently administering Open Space and implementing its Parks Strategy.

- Schedule the subject land.

In this option the Scheduled Sites Rules would replace those rules that would normally apply to the relevant Human Environment that the site is located within. This effectively allows for a spot zoning to occur with most of the activity complying with the underlying Human Environment Rules. There are additional scheduled site rules permitting specific activities or exemptions from design criteria. In this instance, if the sites were to remain as Transport Environment with a "scheduled site" identification that specifically provided for recreational land use, this would still require a Plan Change. Scheduled sites normally also apply to existing activities. It would be simpler and more transparent to re-identify the land for the intended recreational land use rather than try to achieve the same end through a scheduled activity.

- Create a Piha Special Recreation Area.

Special Area Rules provide for activities particular to the individual site. The “Special Areas Definitions” give meanings of the various activities provided for, and the rules specify the specific standards to be applied. Other standards also need to be met, which generally are those standards applying in the Human Environment nearest to the Special Area. Creating a Piha Special Recreation Area may have an advantage in terms of making rules fit a local situation, it would create an anomaly to the extent that the Open Space Environment already has the appropriate rules, policies and objectives to secure recreational use of land.

It is considered more efficient to pursue the proposed Plan Change given that the Council intends the land to be used for reserve purposes and has legally stopped the portions of road and gazetted them as reserve.

### **RESOURCES**

No specialist reports are required for the proposed Plan Change. Processing the plan change through the statutory process can be adequately resourced from existing budgets. No additional staff funding or resources are required.

### **CONCLUSION**

The proposed Plan Change would alter the Human Environment identification of portions of stopped roads from Transport Environment to Open Space Environment to enable the land to be used as reserve. This would clarify an anomaly as the portions of road have been legally stopped and gazetted as reserve already.

The current identification of the land does not meet the District Plan policies for Transport Environment as it no longer serves vehicular traffic but is used in most instances as passive reserve areas.

### **RECOMMENDATIONS**

1. That the information be received.
2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to publicly notify proposed Plan Change 5 to the Operative Waitakere City District Plan to re-identify the following parcels of land (areas of land shown in Sections 1 and 2 on Survey Office Plan 70265, Section 1 on Survey Office Plan 70241, Sections 1 & 2 on Survey Office Plan 70252 and Section 1 of Survey Office Plan 70155) from Transport Environment to Open Space Environment as attached at pages A14 to A18.

*A14-A18*

Report prepared by: Alina Hughes, Service Planner, Resource Management.



## **PART III - ENVIRONMENTAL MANAGEMENT**

### **11 HUIA VILLAGE WATER SUPPLY**

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

The purpose of this report is to enable the Environmental Management Committee to consider recommendations from the Huia/Cornwallis Local Water Agenda Group regarding the future upgrading of the Huia Village water supply.

#### **BACKGROUND**

A report on this issue was considered by the Waitakere Community Board at its meeting of 6 May 2003 whereby the Waitakere Community Board resolved as follows:

*“That the decision-making and consultation process set out in the agenda report be approved.”*

867/2003

Huia Village residents are currently supplied with water treated by Watercare Services Limited at a local small water treatment plant. The New Zealand Drinking Water Standards 2000 introduced new standards for water treatment which must be complied with by 1 January 2005, if the treatment plant is to maintain an ‘A’ grading with the Ministry of Health. Without an upgrade, the treatment plant would achieve only a ‘D’ grading

Furthermore, the water supply at Huia Village has not been fluoridated in accordance with the wishes of the community since the time that the original plant was constructed in 1971.

A survey was recently put to the local residents and ratepayers seeking their views on three possible options by Watercare Services Limited to resolve this issue. The options included in the consultation process are as follows:

- Option 1: Supply Huia Village with water treated at the Huia Filter Station (Woodlands Park Road) via a new pipeline extending the Council distribution network from Parau to Huia;
- Option 2: Upgrade the existing local treatment plant at Huia Village; and
- Option 3: Replace the reticulated supply with individual water tanks.

An open day was also held to answer questions regarding the survey.

#### **STRATEGIC CONTEXT**

The Council's strategic platform for the three waters is that Waitakere is a centre of innovative water management. Some of the success measures that contribute to this platform and which are relevant to this issue are as follows:

- Average domestic water use per person in the city is reduced to 160 litres or less per person per day.
- An ‘a’ grade of water supply is maintained, including compliance with the 2000 NZ Drinking Water Standards.
- 60% or more of residents are aware of actions they might take to conserve water or protect water quality in streams.

## ISSUES

Watercare received 37 replies to the questionnaire, of which 5 came from Parau and Cornwallis who mistakenly received the pamphlets.

32 replies were received from Huia Village (31 permanent residence, 29 property owners) of which:

- 2 prefer Option 1 (new pipeline from Parau);
- 28 (88%) prefer Option 2 (upgrade treatment plant) of which 12 specifically mentioned fluoride as a reason for their choice; and
- 2 prefer Option 3 (tank water).

On a separate but related matter, the issue of fluoridation was raised by some members of the community during the survey, and the Local Water Agenda Group agreed that it was timely for this matter to be brought to the community again.

The Huia/Cornwallis Local Water Agenda Group met to discuss the survey results and to agree on recommendations to be brought to the Environmental Management Committee. Unanimous agreement by the group was reached with the following recommendations.

1. That it be recommended to the Environmental Management Committee that upgrading of the Huia Village water treatment plant be confirmed by the Board as the preferred option for ensuring that the Huia Village water supply achieves an 'A' grading in terms of the New Zealand Drinking Water Standards 2000, based on the community survey and the recommendations of the Huia/Cornwallis Local Water Agenda Group.
2. That residents and ratepayers of properties supplied by the Huia Village treatment plant be surveyed as to whether they want the water supplied by the new plant to be fluoridated or non-fluoridated.
3. That this fluoridation survey be administered by the Huia/Cornwallis Local Water Agenda Group.

## RESOURCES

Upgrading of the Huia Village Water Supply Treatment Plant will be funded by Watercare Services Limited at no cost to Council.

## CONCLUSION

Watercare Services Limited has identified the need to upgrade the Huia Village water treatment plant to comply with new requirements of the New Zealand Drinking Water Standards. The Huia/Cornwallis Local Water Agenda Group has considered the submissions received by Watercare Services Limited. The Group recommends to the Environmental Management Committee that Watercare Services Limited be advised that Council supports the upgrade of the Huia Village Water Treatment Plant.

## **RECOMMENDATIONS**

1. The information on the Huia Village Water Supply be received.
2. That Watercare Services Limited be advised that upgrading of the Huia Village water treatment plant is Council's preferred option for ensuring that the Huia Village water supply achieve an 'A' grading in terms of the New Zealand Drinking Water Standards 2000, based on the community survey and the recommendations of the Huia/Cornwallis Local Water Agenda Group.
3. That the Huia/Cornwallis Local Water Agenda Group be authorised to carry out a survey of residents and ratepayers of properties supplied by the Huia Village treatment plant as to whether they want the water supplied by the new plant to be fluoridated or non-fluoridated, and that the results of this survey be reported back to the Environmental Management Committee.

Report prepared by: Richard Taylor, Assets and Network Manager.



## 12 **ASSESSMENT OF WASTEWATER SERVICES AND KUMEU, HUAPAI, WAIMAUKU AND RIVERHEAD WASTEWATER SERVICES OPTIONS**

### **PURPOSE OF THE REPORT**

The purpose of this report is to update the Environmental Management Committee on the assessment of wastewater services for Waitakere City in the context of Rodney District Council's proposals for Kumeu, Huapai, Waimauku and Riverhead wastewater services.

### **BACKGROUND**

The Rodney District Council is investigating options for wastewater services and these will have an impact on the future planning for wastewater in Waitakere City. Rodney District Council has carried out a number of investigations over a period of some twenty years into options for providing wastewater services to the townships of Kumeu, Huapai, Waimauku and Riverhead.

A presentation was provided on the options and relevant technologies at the Environmental Management Committee's meeting of 6 April 2003.

### **STRATEGIC CONTEXT**

The Council's three waters platform has the objective of establishing Waitakere as a centre of innovative water management. One of the success measures to indicate progress in this direction is that sustainable management solutions for stormwater, water and wastewater have been achieved in all new development areas. Thus, the consideration of new wastewater technologies is fundamental to the achievement of sustainable solutions.

Planning for wastewater and stormwater services is also included in the Sector Agreement developed with Rodney District Council, North Shore City Council and the Auckland Regional Council. This agreement states that Sector partners will share technical knowledge and work co-operatively on innovative approaches for managing stormwater and wastewater.

## ISSUES

The work programme is designed to address the following issues:

- Implementation of priorities under the Long Term Council Community Plan;
- The *Local Government Act (2002)* requires Council to complete an assessment of the 3-water services by 30 June 2005; and
- The Auckland Regional Council's Variation to the *Proposed Auckland Regional Plan: Air, Land and Water* and the *Proposed Auckland Regional Plan: Coastal* were publicly notified in June 2002 setting environmental standards for the performance of wastewater networks; and
- Enhancing the work programme to reduce infiltration and inflow, including public and private drains.

Traditional wastewater planning is based on a 20 year planning horizon. However, as the lifecycle of wastewater infrastructure typically exceeds 50 years, short term planning (ie. 1-20 years) may compromise longer-term development and a 50-year planning horizon is now considered more appropriate.

The assessment of wastewater services will need to include robust and flexible strategies that result in long-term management solutions that meet community outcomes and conform to Council's Vision of sustainability as conveyed by its strategic platforms.

In line with the Council's strategic direction 70% of growth over the next 20 years will be in existing urban areas and it will be necessary to ensure adequate capacity for growth.

Over the planning horizon green field expansion may occur in the following:

- Waitakere City Council's northern strategic growth area (NorSGA) of Whenuapai, Hobsonville Peninsula, Hobsonville Corridor and Massey North, Red Hills and the western areas of Babich and Penihana;
- The neighbouring Rodney District Council Kumeu and Riverhead townships; and
- The neighbouring North Shore City Council's Greenhithe area.

An integrated approach to development of these areas by Waitakere, Rodney and North Shore City may have economic, environmental, cultural and social benefits to the Northern and Western Regions as a whole, especially for wastewater treatment, disposal and re-use. Therefore the assessment will need to address cross boundary opportunities and issues and incorporate integrated management solutions where appropriate.

The new *Local Government Act 2002* requires the assessment to include the whole city (i.e. consideration of the performance of public and private drains and wastewater systems). This means that issues relating to small townships such as Whenuapai village and Waitakere Township, currently serviced by individual septic tanks, will need to be addressed.

## ASSESSMENT OF WASTEWATER SERVICES

The *Local Government Act 2002* Section 125 requires Council to undertake an assessment of water and wastewater (including stormwater) services. Section 128 of the *Local Government Act* also requires the Council to consider a holistic approach for the assessment.

In this context, wastewater technology considered by Rodney District Council and North Shore City Council can also be considered by Waitakere City Council. As well, there are now other wastewater technologies which provide efficient and effective wastewater services.

Although responsibility for the operation of the Council and Watercare Services Limited wastewater networks is separate the networks in an integrated manner and modifications to one can have the potential to affect performance in the other. Hence there are mutual benefits to the Auckland region in undertaking an appropriate level of joint planning and information exchange in relation to their respective network upgrades, population forecasts, current and future flows and other relevant data.

Currently Council and Watercare Services Limited meet three monthly to discuss wastewater related issues. Consultation with Watercare Services Limited will take place throughout key stages and more frequent meetings may be necessary. Other stakeholder groups to be consulted as the need arises include the following:

- Iwi;
- Auckland Regional Council;
- Royal New Zealand Air Force; and
- Community groups.

### **Private Drains**

In order to reduce the volume of wastewater infiltration and inflow, leaky and faulty private drains must be repaired. The policy adopted by the Council requires property owners to carry out repairs at their cost in order to minimise the effects of infiltration and inflow. This policy could reduce infiltration and inflow volumes by at least 25% in target catchments, such as New Lynn

The assessment of wastewater services will also address the issue of private drains and infiltration and inflow control the Council's current policy with regard to the repair of private drains is as follows:

- That all property owners be required to repair drains contributing to infiltration and inflow.
- That all properties with drains which fail tests be recorded against the property file so that, in the event that a Land Information Memorandum is issued, prospective owners will be aware of the requirements.
- That property owners be given up to twelve months to repair faulty private drains and, if there is no action after this period, enforcement action be initiated.
- That, in order to keep costs to a reasonable level for property owners, no consent fees be charged for this work. This offer to not charge for consent fees would be limited to twelve months in order to provide an incentive to property owners to effect repairs as promptly as possible.
- In case of hardship with regard to connections Council's current policy on loans for drainage connection will apply.
- The authority to issue notices relating to private drains pursuant to Section 459 of the Local Government Act 1974 is delegated to the Chief Executive with the authority to delegate such powers and duties in accordance with the provisions of Section 716 of the Local Government Act 1974.

The following is the status of policy implementation:

- Private drains are being tested as part of the New Lynn infiltration and inflow control programme;
- All properties with drains that fail tests are recorded on the property file for notification in the Land Information Memorandum;
- Notices have been sent to owners with failed drains, together with an information pack;
- Consent fees have been paid by the Council; and
- No application for loans have been received.

However, significant number of property owners who have not repaired failed drains. Under the existing policy it is envisaged that if repairs have not been effected after twelve months enforcement would be initiated.

In view of the high level of non-compliance, it is recommended that no enforcement action be taken and in the meantime the process outlined in this report be implemented. The issue of private drains will also be included in the assessment of wastewater services.

### **Work Programme**

The programme for assessment of wastewater services is as follows:

- Review existing information;
- Take into consideration the “Creative Conversations” work undertaken by Council in 2002 and other community consultation to date;
- Identify options;
- Prepare a preliminary assessment and draft discussion document;
- Prepare wastewater network, environmental and financial models;
- Develop an appropriate community consultative process by 30 September 2003;
- Develop levels of service cost/benefits and feasibility studies by 30 September 2004; and June 2005.

At the same as the work programme for the assessment of wastewater services is being progressed, Council will promote new wastewater technologies and establish opportunities for implementation of these technologies through developers and Council's own projects.

### **RESOURCES**

Provision has been made as the Long Term Council Community Plan for the assessment of wastewater services. The funding allocation covers the cost of various models required and specialist technical input to the assessment.

### **CONCLUSION**

Investigations by the Rodney District Council for wastewater options and a range of new wastewater technologies will be included in Council's assessment of wastewater services. It is expected that the work programme to carry out the assessment of wastewater services will be completed by 30 June 2005.

A further progress report will be submitted to the Environmental Management Committee at its meeting of 9 December 2003, including opportunities for new wastewater technologies preliminary options being considered in the assessment of wastewater services, and private drains issues.

### **RECOMMENDATIONS**

1. That the information and presentations be received.
2. That a report be brought back to the Environmental Management Committee's meeting of 9 December 2003 updating the work programme for the assessment of wastewater services, including implementation of new wastewater technologies and private drains issues.

Report prepared by: Richard Taylor, Assets and Network Manager.



13 **AVONDALE STREAM (WAI TAHURANGI) CATCHMENT MANAGEMENT PLAN**

**PURPOSE OF THE REPORT**

The purpose of this report is to update the Environmental Management Committee on the draft Avondale Stream Catchment Management Plan and to seek approval to lodge a comprehensive discharge consent with the Auckland Regional Council.

**BACKGROUND**

A19

The Avondale Stream (Wai Tahurangi) catchment comprises most of the Whau River catchment and covers an area of 559 hectares, with 30% or 137 hectares of the catchment located in the Blockhouse Bay area of Auckland City, the remaining 70% of the catchment comprising parts of Titirangi and New Lynn in Waitakere City. The Avondale Stream itself runs parallel to Portage Road and discharges to the Whau Creek north of Clark Street, attachment A19 shows the catchment boundaries.

In 1997 the Auckland and Waitakere City Councils embarked on a joint initiative called Project Whau, administered through the Avondale and New Lynn Community Boards. The objective of Project Whau is "To improve and restore the Whau corridor through community participation".

Project Whau has improved the river corridor and its surrounding ecology through community planting and clean up days. However, an ecological assessment of the catchment has also been completed which has identified the need for additional programmes to improve water quality.

In parallel with the Project Whau initiatives, the two Councils have conducted investigations into existing drainage problems in the catchment. These have included flood mitigation studies in Blockhouse Bay and Green Bay Catchments.

In order to achieve an integrated solution to the drainage and water quality issues, the Avondale Stream Catchment Management Plan is being developed in partnership between the Auckland City Council, Waitakere City Council and Metrowater. The aim of this project is to apply for a comprehensive resource consent with the Auckland Regional Council for drainage and environmental improvements to the catchment. The outcome of this application is likely to significantly contribute to Project Whau initiatives and programmes.

**STRATEGIC CONTEXT**

The Avondale Stream Catchment Management Plan will contribute to the following Strategic Objectives:

- Implementation of the Council's strategic platforms for Urban Villages, the Green Network and the Three Waters;
- Compliance with the Local Government Act and the Resource Management Act; and
- Enabling sustainable development within the catchment.

The project promotes integrated management in line with the Resource Management Act particularly in terms of economic, social and environmental concerns. Furthermore, cross-Council co-operation and integrated stormwater management will facilitate protection and enhancement of the natural environment.

## ISSUES

The draft plan addresses three issues as follows:

- Catchment Overview;
- Waitakere City issues; and
- Auckland City issues.

The main issues in Waitakere City are as follows:

- There are 69 dwellings at risk of inundation in the 100-year flood; and
- There are 80 garages at risk of inundation in the 100-year flood.

The major areas affected by flooding are shown in the map in the Appendix and are as follows:

- Above Green Bay High School between Stottholm Road and Hilling Street;
- Below Green Bay High School and La Rosa Street;
- The lower end of La Rosa Street adjacent to La Rosa Gardens;
- Cliff View Drive through to Godley Road; and
- Bolton Street through to Shadbolt Park.

Stream water quality and habitat particularly in the lower reaches of the Avondale Stream is poor.

Heavily trafficked roads comprise only 2% of the catchment area, but contribute 30% of the major pollutants.

### Major Works Proposed

The major works required within the catchment to address stormwater flooding issues are:

- Detention storage at Crum Park;
- Detention storage at Rahui Kahika Reserve;
- A major pipe diversion at Cliff View Drive to the Manukau Harbour;
- Possible purchase of properties and flood walling at Bolton Street;
- A new culvert inlet structure and overland flow path above La Rosa Street adjacent to Green Bay High School. Diversion of stormwater from part of the catchment of Cliff View Drive into the Manukau Harbour; and
- A major overland flow path and possible purchase of 3 properties adjacent to La Rosa Gardens.

A series of stormwater quality devices are proposed throughout the catchment primarily to treat the road runoff from the major roads, together with improving the riparian margins along the main streams.

The estimated costs of all these works as outlined in the draft document is \$11,500,000.

## CONSULTATION PROCESS

A consultation programme has been developed to progress the draft plan through to the application for discharge consents. The key elements of the consultation programme are shown in the table below:

Task	Milestone
Draft plan to Auckland Regional Council for comment.	July 2003
Iwi Consultation.	August 2003
Special Interest Group consultation i.e. Titirangi Golf Club/Friends of the Whau/Green Bay High School.	September 2003
Individual consultation with affected property owners.	November 2003
Public notification by Auckland Regional Council to all owners/affected parties in the catchment.	February 2004
Discussion with formal submitters and resolution of issues.	April 2004

## RESOURCES

Funding has been provided in the 2003/2004 year to lodge the application with Auckland Regional Council and to carry out the consultation process.

Funding of \$11,500,000 over the next ten years has been included in the Long Term Council Community Plan to carry out physical works specified in Catchment Management Plans. Works will only commence after the resource consent has been granted by the Auckland Regional Council, probably in 2004/2005.

Once the scope of works has been defined through the resource consent process, further analysis will be carried out to establish cost recovery for the work programme.

## CONCLUSION

The draft Avondale Stream Comprehensive Management Plan provides a framework to address stormwater management issues within the catchment, and also provides a framework for Project Whau to continue to make a significant contribution within the catchment. The next steps in the process are the application for resource consents and consultation prior to formal notification of the consents.

## RECOMMENDATIONS

1. That the information on the Avondale Stream (Wai Taurangi) Catchment Management Plan be received.
2. That the Group Manager Asset Management be authorised to lodge an application for a comprehensive discharge consent for the Avondale (Wai Taurangi) Stream with the Auckland Regional Council.
3. That the consultation process as outlined in this report be approved.
4. That a copy of this report be forwarded to the New Lynn Community Board for information.

Report prepared by: Richard Taylor, Assets and Network Manager.



14 **DISTRICT PLAN DESIGNATION - 35 RANUI STATION ROAD, 33 RANUI STATION ROAD (ALSO KNOWN AS 2 CARLAS WAY) AND 4-6 CARLAS WAY, RANUI**

**PURPOSE OF THE REPORT**

This report seeks the confirmation by the Environmental Management Committee of the designation at 35 Ranui Station Road, 33 Ranui Station Road (also known as 2 Carlas Way) and 4-6 Carlas Way, Ranui, Waitakere City. The Council issued a notice of requirement for the designation for Rooding, Car Parking, and Access Purposes. The designation has been considered by an independent commissioner, who has recommended that the Council confirm the designation. Confirmation of this designation by the Committee will enable the designation to be included in the District Plan.

The land is identified as that which is legally described as Lots 1-4 inclusive shown on DP206904 being a subdivision of Lot 1 DP 156261. It has an area of 1433 square metres.

**BACKGROUND**

At its Special Meeting on 20 December 2002, the Environmental Management Committee resolved to publicly notify a notice of requirement for a designation for land situated at 35 Ranui Station Road, 33 Ranui Station Road (also known as 2 Carlas Way) and 4-6 Carlas Way, Ranui.

It was considered that the site to which this Notice of Requirement applies is the best location for roading, car parking, and access facilities, adjacent to the relocated Ranui Railway Station. This is particularly so given the relationship with the roading network, residential development and community facilities in the area. The facilities will seek to provide for optimal and safer pedestrian access than that which currently exists across the rail line. It is expected that the current single rail line will be upgraded by the installation of an additional line in the future. The existing station at Ranui is not designed to provide for a double track rail system, and so will be insufficient to meet the requirements of the integrated regional public transport system. The Council now owns the land that is subject to the Notice of Requirement.

**STRATEGIC CONTEXT**

Ranui is currently the third most highly patronised station in Waitakere City, and in the future patronage is expected to increase significantly. Achieving an optimum location for the railway station in 2003, with good amenity and the opportunity for future facilities and direct pedestrian linkages will have benefits for Ranui in the future. Ranui Station has been identified as being one of the first "Signature Stations" in the newly developing Regional Transport Network.

The roading, car parking and access facilities that will be provided as a result of this requirement will help to achieve the purpose and principles of the Resource Management Act 1991. The facilities will enable people and communities to provide for their social, economic, and cultural well being, by having improved access to public transport facilities. The facilities will also seek to improve the health and safety of the adjacent residents, by ensuring that the interaction of railway and vehicular transport and pedestrians is appropriately designed.

## NEXT STEPS

Upon receipt of the Commissioner's recommendation, the requiring authority (the Council) has 30 working days to advise whether it accepts or that recommendation. Within 15 working days of the requiring authority's decision, a copy of that decision must be served on all those who made a submission and the land owners. That decision may then be appealed to the Environment Court by any person who made a submission on the designation. If no Environment Court appeals are lodged, (which is likely given that the Council received only one submission in support) the Council shall, without further formality, include the designation in the District Plan.

## COMMISSIONER RECOMMENDATION

*A20-A22*

The Commissioner provided his recommendations to the Council on 12 June 2003. The Commissioner has recommended to the requiring authority (the Council) that it confirm the requirement for the designation under section 171(2) of the Resource Management Act 1991. A full copy of the Notice of Requirement and the Commissioner's recommendation is attached at pages A20 to A22.

## RESOURCES

No additional resources are required to include the designation in the District Plan.

## CONCLUSION

The Council in its role as a requiring authority has received a recommendation from a Commissioner regarding the Notice of Requirement for the designation at Carlas Way. The acceptance of the Commissioner's recommendations will implement the designation for Roothing, Car Parking, and Access Purposes at Carlas Way in Ranui.

Acceptance of the Commissioner's recommendation will enable the designation to be included into the District Plan, without further formality. The Council will then be able to manage the development of the land at Carlas Way in accordance with the strategic direction envisaged for Ranui and in relation to the signature station on the rail corridor.

## RECOMMENDATIONS

1. That the information be received.
2. That pursuant to section 172 of the Resource Management Act 1991, the Council, in its role as requiring authority, accept the Commissioner's recommendation that the Notice of Requirement for land for Roothing, Car Parking, and Access Purposes identified as Lot 4 inclusive, shown on DP206904 being a subdivision of DP156261, be confirmed.

Report prepared by: Eryn Shields, Service Planner.



15 **MEMORANDUM OF UNDERSTANDING BETWEEN EARTHSONG ECO NEIGHBOURHOOD AND WAITAKERE CITY COUNCIL**

**PURPOSE OF THE REPORT**

*A23-A31*

The purpose of the report is to request the Environmental Management Committee's approval of a draft Memorandum of Understanding (Memorandum) between Earthsong Eco Neighbourhood (Earthsong) and the Council. The Memorandum is attached at pages A23 to A31.

**BACKGROUND**

Earthsong chose to locate in Waitakere City specifically because of the Council's Eco City policies. Earthsong's relationship with the Council has been developing since 1992. Over the past year, Council, represented by a Councillor, and senior officers have been meeting with Earthsong representatives to discuss issues related to the relationship between Earthsong and Council.

Over the past few years the level of interest in Earthsong from Council staff has escalated, resulting in an increase in the number of requests to visit the site and to "show case" Earthsong as an example of sustainable development.

Earthsong residents have been more than willing to share their experience and their homes as a contribution to the City's "Eco City" vision. One of many examples of the extent of this cooperation is Earthsong's agreement to allow 300 Council staff to visit the site as part of the Eco City Experience in April 2003. Another 300 staff may be visiting the site later on this year.

The purpose of the Memorandum is to recognise the Council's relationship with Earthsong and to set out how the future relationship is to be managed.

**STRATEGIC CONTEXT**

The Council's draft Strategic Plan sets the City's direction for sustainable management through to 2013. Earthsong's vision to establish a co housing neighbourhood based on the principles of permaculture that will serve as a model of a socially and environmentally sustainable community, aligns with all nine of the Council's strategic platforms underpinning the City's direction.

Earthsong's vision aligns particularly well with the Council's Three Waters objective to demonstrate innovative water management, and its Zero Waste, Sustainable Energy and Clean Air, Strong Communities and Active Democracy platforms.

**ISSUES**

The Memorandum sets out the framework for future cooperation between Earthsong and the Council. The Memorandum's key outcomes are:

- To establish a basis for the relationship, and to clarify common objectives.
- To establish formal processes for conducting the relationship, such as a Councillor to be nominated as Councillor representative to Earthsong, with an alternate, and a staff liaison person.
- To enable the Council, through Earthsong, to continue demonstrating today's and future practice for sustainable homes and communities and to draw from Earthsong's experience to further its strategic objectives.
- To allow for payment by the Council to Earthsong in return for services supplied, such as Council and community access.
- To enable Earthsong to have easier access to the Council's processes, information and resources

## RESOURCES

The Memorandum provides for regular formal meetings between Earthsong and the Council to negotiate terms of access to the Earthsong site and contracts to meet Annual Plan requirements. Any budget required will be subject to standard Annual Plan processes.

## CONCLUSION

The Earthsong vision of a socially and environmentally sustainable community aligns with all nine of the Council's strategic platforms underpinning the City's direction. Earthsong is a key partner in relation to the Council's strategic objectives.

The Memorandum recognises the Council's longstanding relationship with Earthsong and sets out how the future relationship is to be managed.

## RECOMMENDATIONS

1. That the information on the Memorandum of Understanding Between Earthsong Eco Neighbourhood and Waitakere City Council be received.
2. That the Environmental Management Committee approves that the Council enter into a Memorandum of Understanding between Earthsong Eco Neighbourhood and the Council.
3. That the Environmental Management Committee nominates a Councillor representative to Earthsong and an alternate.
4. That the Chief Executive be authorised to sign the Memorandum of Understanding on behalf of the Council

Report prepared by: Annika Lane, Senior Policy Analyst: Social Policy.



## 16 WAITAKERE RANGES PROTECTION - CONSULTATION AND RESEARCH / INFORMATION UPDATE

### PURPOSE OF THE REPORT

The purpose of this report is to gain approval for the proposed consultation process for the Waitakere Ranges Protection project and provide the Committee with an update on the research and information being gathered to support the project.

### BACKGROUND

The Council is currently undertaking a project to determine the long-term protection of the Ranges. A key part of this project is identifying if there are problems in the current management of the Ranges and if so what these are. This work includes identifying what tools currently are used in the protection of the Ranges, evaluating how they are working, and what are the gaps and potential solutions. The community consultation process would play a key part in the project. The 3 key purposes of the consultation would be to ensure all parties are starting with the same information base, provide the community the opportunity to work with the Council in developing options and provide the community an opportunity to have their say on their preferred options.

A number of reports on the Waitakere Ranges Protection project have been brought to this Committee, including a background report in September 2002, a report on issues and status of the Ranges and on the process in April 2003, and an update report in May, which discussed the study and the landscape Conference in July. At the June meeting the Committee resolved:

*“That the Environmental Management Committee approves the timeframe for the Waitakere Ranges project as set out on Page A1 to the agenda report.”*

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The timeframe saw investigation of the issues in the Ranges through to July, community consultation occurring through August to January with policy and options work evolving alongside. Identification of potential options throughout the process would culminate in specific options going out to the community for comment during April/May 2004.

### **STRATEGIC CONTEXT**

The Waitakere Ranges Protection project is a key project within the Green Network platform of the Long Term Council Community Plan. The ‘Green Network’ strategic platform contains a vision that would see streams and forests full of life, the Waitakere Ranges permanently protected and a Green Network in place linking the Ranges to the sea, connecting the everyday lives of the people of Waitakere with the natural world.

The Council has indicated a strong commitment to working on protection of the Ranges, while recognising that there are many different values relating to the Ranges that need to be protected, there is much that is already being done to achieve protection, the tools for protection are many and varied, and the community views diverse. A robust process is critical to achieving community understanding of, and long-term commitment to, solutions arising from the process.

### **ISSUES**

#### **Research and Analysis**

A key part of this project is identifying if problems exist in the Ranges, and if so the nature of these problems, what tools currently address these, how they are working and what are the gaps and potential solutions. A verbal update on the research and information gathering being undertaken to address these questions will be presented at the July meeting.

#### **Community Consultation**

The protection of the Ranges involves a diverse range of community and interest groups. To ensure that this process is as inclusive as possible a Community Process Group is being established. The first meeting of this group is being established to be held around mid July. This group will discuss the most effective ways of engaging their communities and assist in developing the public consultation plan and the material to be used for that consultation.

Community engagement is essential in this project, as some of the potential solutions will require voluntary participation from the community. For this to be the most effective, strong community buy in and ownership is needed. This is best achieved by going out early to the community and developing options in close association with them. To achieve this it is proposed that the community consultation be undertaken in three phases.

During phase one the Council would go out to the community during August and September to discuss the key issues identified from the Council research work. The major aim of this stage will be to present the Council's analysis to the community for comment and identification of any gaps. Preliminary discussions on options and solutions could also take place.

Phase one would be through interactive public workshops (approximately 10 - 15) throughout the City aimed at wide representation and would need to be supported by a publicity campaign. This stage will be an important check to ensure that all relevant information is captured, to ensure that the community is a part of the project from the outset and that all stakeholders in the process are starting with the same information base. For the community to be able to support this project it will be important that problems and the gaps in the current management regime are clearly demonstrated.

Phase two will support the development of potential solutions/options. Many ideas have already been put forward through, for example, the West Coast Plan, and these will be included from the start. The community, being in many cases most familiar with the issues, is likely to come up with more valuable ideas. Through October to January it is intended to run a series of small focus groups involving a smaller number of the community, to discuss and refine options. Work through December and January will enable bach owners at the coastal villages to take part in the process. Policy work will run alongside the consultation process with each informing the other. It is envisaged that the solutions/options discussions will become more refined and filtered during the process.

The Council would make decisions on preferred options in February, to go out for final consultation in March/April. Again this consultation will be aimed at wide representation and involve a greater number in the community. It is anticipated that the Council will be in a position to make a decision on its preferred option in May 2004.

### **West Coast Plan**

A key message through out the consultation will be that this project does not sit in isolation but builds on the work that has been previously undertaken with the community, particularly District Plan and West Coast Plan consultations. The West Coast Plan is a strategic plan for the west coast beaches and Waitakere Ranges, which was developed through an intensive community process from 1997 - 2001. This plan sets out a vision, guiding principles, priorities, responsibilities and actions. The Strategic Actions in the West Coast Plan support the current project and include:

1. Investigate ways to improve the co-ordinated management and protection of the Waitakere Ranges.
2. Continue to provide opportunities for debate on the different aspirations of stakeholders for both private and public land in the Waitakere Ranges and West Coast.
3. Encourage the further identification of the Waitakere Ranges as an area of national significance.
4. Encourage all relevant local and national agencies and authorities to investigate strategies to limit local and regional population growth pressures on the West Coast.

### **RESOURCES**

Budget for the Waitakere Ranges project is allowed for in the 2003/2004 annual plan.

## CONCLUSION

An update of the available research and information around the current protection of the Ranges will be presented to the Committee's July meeting. It is intended that this information will be presented to the Community Process Group later in July for comment. Following changes, as appropriate, a final summary of the key issues to be presented at the Phase one consultation will be presented to the Environmental Management Committee's 12 August meeting for sign off.

The three phase consultation process would allow the community to participate from an early stage and to have a meaningful input to the options, thus increasing the potential for community engagement in the debate and long-term ownership of any solutions emerging from the process.

## RECOMMENDATIONS

1. That the information on the Waitakere Ranges Protection - Consultation and Research / Information Update be received.
2. That the Council approve the consultation process for the Waitakere Ranges Protection Project.

Report prepared by: Kim Morresey, Partnerships and Advocacy - Environment and Jenny Macdonald, Strategic Leader.

