



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, 10 June 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.

4 June 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)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(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, 10 JUNE 2003,
COMMENCING AT 9.30 AM.**

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE NO.</u>
1 APOLOGIES	1
2 URGENT BUSINESS	1
3 CONFIRMATION OF MINUTES	1
<u>PART I - PRESENTATION</u>	2
4 TWIN STREAMS	2
<u>PART II - REGULATORY / ENFORCEMENT</u>	3
5 LEGAL UPDATE (AS AT 30 MAY 2003)	3
6 REVIEW OF WAITAKERE CITY BYLAWS	9
7 MOTOR VEHICLE SALES ACT 2003	11
<u>PART III - DISTRICT PLAN / STRUCTURE PLANS</u>	16
8 PROPOSED PLAN CHANGE 3 - DELETION OF THE PROVISIONS RELATING TO SPECIAL SOILS IN THE DISTRICT PLAN	16
9 CLASSIFICATION OF SWANSON RESERVES	22
10 DEVELOPMENT CONTRIBUTIONS PROJECT OUTLINE	27
<u>PART IV - ENVIRONMENTAL MANAGEMENT</u>	31
11 SHOPPING TROLLEYS IN STREAMS	31
12 AIR, LAND AND WATER PLAN	34
13 PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY	36
14 UPDATE ON ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS FOR COUNCIL	39
15 WAITAKERE RANGES PROTECTION - TIMEFRAME	41
<u>PART V - SUBCOMMITTEE REPORTS</u>	44
16 KAY ROAD BALEFILL SITE MANAGEMENT COMMITTEE	44

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, 10 JUNE 2003, COMMENCING AT 9.30 AM.

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, 13 May 2003

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 13 May 2003, as circulated, be taken as read and now be confirmed.



PART I - PRESENTATION

4 TWIN STREAMS

Kevin Healy and Bob Jessopp will make a presentation on behalf of the Project Twin Streams Community Steering Group. Project Twin Streams aims to rehabilitate the major streams in Waitakere City, and their catchments - the Oratia, Opanuku and Swanson Valleys. Community participation is crucial to this major environmental initiative that will develop over the next eight years.



PART II - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 30 MAY 2003)

INTRODUCTION

The following is a list of legal actions in respect of matters within the scope of the 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 will be made for costs against Kitewaho et al shortly.

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 NZ 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. There are on-going negotiations with the applicant/developer and valuations are currently under consideration. The parties reported to the Environment Court on 10 September 2002 that negotiations were continuing and requested that the appeals be set down for the next call-over. A further report date of 2 June 2003 has been requested by the Court.

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 Ltd, 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 six weeks and allow a further four week for the parties to discuss whether it resolves the concerns. The Court required Coastal to file an amended notice of appeal to support its new proposal by 30 May and has set the matter down for a judicial conference on 27 June to assess progress.

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 has now been allocated for 30 June 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 and so a timetable will be set for the exchange of evidence between the parties in anticipation of a hearing either later in the year or early next year.

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. A judicial conference has been scheduled for 2 June 2003 to make timetabling orders for this matter to be set down for hearing. A proposal for mediation has been placed on hold by the appellant Cornerstone.

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. The Court has allocated this matter a back-up fixture date during the week of 9 June and made a timetable for the exchange of evidence leading up to that date. 8 Wallace Road has also made an application for discovery in respect of accounting information lying behind Council's costs and charges. Council is in the process of complying with that order.

**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 2 May 2003. A further month has been requested for reporting to allow Council to complete discussions is presently holding with the parties concerned, including the Juderon Family Trust a Section 271A party to the Waitakere Ranges Protection Society appeal. It is hoped that the Thompson matter can be resolved by consent. When preparing consent documentation Council determined that there were irregularities with the Thompsons' original appeal. In response to this an application was made by the Thompsons for waiver of these irregularities. This has now been granted and directions given for further service of their appeal. The Thompsons are attending to this. Once this is completed it is hoped resolution of the matter can be completed.

**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. The appeal is relatively new and has been allocated a preliminary Court reporting date of 30 May 2003.

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 which 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.

The appeals were reviewed in the High Court on 9 September 2002 and Kitewaho were been directed to file an amended appeal. On 14 January 2003, outside the time allowed, Kitewaho filed its further amended points on appeal. Again this too was voluminous. 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 ambit of Kitewaho's broad reaching appeal to a point where it is more coherent and will take less time to ultimately determine. The strike out application was also helpful in that it introduced Justice Randerson to this matter and he has indicated he will take the matter through to hearing.

Following a judicial conference before Justice Randerson the appeal and cross-appeal have been set down for a four day hearing, likely to be in the week of 11 August 2003.

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 with a third mediation proposed for 24 June 2003.

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 to 30 April 2003 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 not progressed his subdivision plan due to difficulties with his waste water disposal and so the Crown Prosecutor advise that sentencing has been further adjourned until 28 May 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 intimated a not guilty plea to all charges. The matter was adjourned to depositions hearing on 27 November 2002 for a one-day hearing but this did not proceed as Mr Gordon claimed to be unprepared. The matter was set down for a depositions hearing on 26 and 27 March 2003.

After initial complications with Mr Gordon's availability, he conceded that there was a case to answer and the Court committed him for trial. An indictment was been filed by the Crown prosecutor. The matter had been set down for a pre-trial conference on 30 April 2003 but the presiding Judge has indicated that he has reservations about Mr Gordon's absence at the depositions hearing and this call over was postponed. The Crown prosecutor is currently seeking a new call-over date.

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 Mr Lorenzen agreeing that there was a case to answer. Pre-conference trial will occur on 19 June 2003.

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

Informations have been laid against Mr Kearney in relation to breaches of the Building Act. Council alleges that unauthorised building work occurred on the Property. Building consent was granted for the construction of an additional dwelling and a double garage on the property and Code Compliance Certificate issued for that completed work. It was subsequently found that three dwellings and a carport instead of the two dwellings and the garage had been developed. The matter is to be called on 28 March 2003 but has been adjourned to enable Mr Kearney to obtain legal advice.

HIGH COURT/APPEAL COURT - APPEALS FROM PROSECUTIONS

Aik Law and 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 have been made as follow:

- (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 has been made to the Court of Appeal for further leave to appeal against the order for costs.

The Court of Appeal is to sit in Auckland on 30 April 2003 to hear first the requests for leave to appeal and then should leave be granted the substantive hearing would follow immediately.

RECOMMENDATION

That the information be received.

Report prepared by: Catherine Knight, Contract Solicitor.



6 REVIEW OF WAITAKERE CITY BYLAWS

PURPOSE OF THE REPORT

This report addresses the current status of Council's bylaws and issues surrounding bylaw enforcement. It also sets out the process for reviewing Council's Bylaws in accordance with the provisions of the Local Government Act 2002.

BACKGROUND

A1-A4

Waitakere City Council has passed a number of bylaws in force. These are listed and described attached at pages A1 to A4.

A Review of Council's Bylaws is timely. The Local Government Act 2002 requires Council to review its Bylaws within five years of 1 July 2003. The Act also provides revised powers and penalties in relation to bylaws made under it. Members of Council have been keen to review the adequacy of Council's existing Bylaw framework and examine the need for amendments or new Bylaws under the new legislative regime.

STRATEGIC CONTEXT

Council has a range of functions and duties that it performs either under specific legislative authority or requirement or on behalf of its community. Through the Long Term Council Community Plan, Council sets out the outcomes the community desires and the activities it will undertake to contribute to these outcomes.

The power to make Bylaws is provided to enable Council to regulate specific activities and to protect the public from nuisance, protect, promote and maintain public safety, and minimise the potential for offensive behaviour in public places. Bylaws are one of the tools available to Council in contributing to the community outcomes and aspirations set out in the Long Term Council Community Plan.

ISSUES

Council, through the Environmental Management Committee has previously raised the need for Council to review its Bylaws. This is in accord with the officer view that a review is both timely and necessary. The draft Long Term Council Community Plan and Annual Plan includes a project aimed at reviewing Council's Bylaws.

Initial scoping of the issues relating to a review of Bylaws have highlighted the following:

1. There is some question as to whether some bylaws are still required or relevant. Some bylaws have been superseded by subsequent legislation, rendering them of little practical use, and it is often more practical to enforce other bylaws (eg. Bylaw 16 - Fencing of Swimming Pools) under an Act of Parliament instead. There may be opportunity to rescind some bylaws should they prove to be obsolete. There is also an opportunity to simplify and rationalise the current form of our Bylaws.
2. It is often impractical to bring prosecutions to Court for bylaw infringements because the maximum fine the Courts can impose under our current bylaws is \$500 per offence. The *Local Government Act 2002* enables Council to increase fines for offences against Bylaws to up to \$20,000. Offences against Trade Waste Bylaws can carry fines of up to \$200,000 per offence. This provides some incentive for Council to review its Bylaws at the beginning of the five year review period rather than at the end of it.
3. Section 155 of the *Local Government Act 2002* requires Council to be satisfied that a bylaw is the most appropriate avenue available for addressing a particular issue. It also requires that the bylaw must be in the most appropriate form, and not be inconsistent with or give rise to implications under the New Zealand Bill of Rights Act 1990.
4. There is an initiative from the CEO Forum to try to address the question of "appropriate form" of Bylaws. This work will inform the Council's own programme.
5. Unlike the old process that allows Council to pass bylaws by Special Order, the *Local Government Act 2002* requires this to now be done via a Special Consultative Procedure Council would ideally wish to cover all of its Bylaws under one such process.
6. There is a more detailed process for passing Trade Waste bylaws. This requires a consultative process of two months before Council can begin the process of drafting a Trade Waste bylaw.
7. The review will provide opportunities for significantly strengthened fines and remedies against offences such as litter and graffiti.

RESOURCES AND TIMELINE

A significant amount of specialist effort from the Legal Services team (with potentially the need for external assistance) will be required to conduct this review, as each bylaw will require review against resolutions passed by Council since 1990, the *Local Government Act 2002*, and other relevant legislation enacted since each bylaw was created.

Resources have been provided in the Legal Services area to commence this review in 2003/2004. This initial work will address the need for each Bylaw, any gaps in the Bylaw framework and any amendments and modifications required to meet needs and/or new legislative requirements. It is possible that further resource may be required in the 2004/2005 financial year, once the full extent of the work required has been identified.

One area that may require significant work is the potential need for Council to put in place a Trade Waste Bylaw. The drafting of such a bylaw would require an additional \$50,000 over and above the resources discussed above. It is proposed that the need for such a Bylaw be confirmed or otherwise through this initial work in conjunction with relevant staff from around the Council.

Initial estimates of the timeframe for this project indicate that the review should be able to be completed, with a revised set of Bylaws in place, by the end of the 2004 calendar year. The project is being scoped on the basis of this timeline.

Reporting of this project will be via the Environmental Management Committee, with exercise of the Council's formal Bylaw making powers required to be carried out by the Council itself.

RECOMMENDATIONS

1. That the Review of Waitakere City Bylaws be received.
2. That the Council's Bylaw review be approved to be commenced on the basis outlined above.

Report prepared by: Denis Sheard, Legal Services Manager.



7 MOTOR VEHICLE SALES ACT 2003

PURPOSE OF THE REPORT

This report briefs the Environmental Management Committee on the effects of the Motor Vehicle Sales Act 2003, and discusses the adequacy of Council's existing regulatory framework to control the activities of motor vehicle traders under the new legislative framework.

BACKGROUND

Currently the activities of motor vehicle dealers are regulated under the Motor Vehicle Dealers Act 1975, a complex piece of legislation of 150 sections. The Act established the Motor Vehicle Dealers Licensing Board, required all car dealers to be both licensed and members of the Motor Vehicle Dealers Institute which was also established under the Act. All dealers were required to contribute to a fidelity guarantee fund. All salespersons had to be approved and registered and approved. The Act set up a motor vehicle Disputes Tribunal with wide powers in relation to disputes over motor vehicles and there were detailed provisions relating to the conduct of and disciplinary proceedings in respect of dealers. A key feature of the statute was that the dealer had to have suitable retail sales premises before a licence was granted. Business could only be transacted from the approved premises. A critical part of the licensing process was the issue of a certificate by the local authority confirming whether the conduct of a motor vehicle dealer's business from the proposed premises was either a permitted use under the District Plan or authorised by a resource consent.

The Motor Vehicle Sales Act 2003 makes substantial alterations to that regime. The Act is a substantial measure (163 sections). The significant changes are that the Motor Vehicle Dealers Licensing Board, the licensing requirement for dealers, the registration of salespersons, the Motor Vehicle Dealers Institute and the fidelity fund are all done away with. The Disputes Tribunal is retained and has been beefed up. Most importantly in place of licensed motor vehicle dealers we now have registered motor vehicle traders. Registration can be obtained by almost any person who is a trader in motor vehicles with the exception only of persons convicted of offences under the Motor Vehicle Sales Act 2003 or of dishonesty. In addition a dealer is not restricted to selling vehicles from specified premises. It is this last point which is of significance to the Council.

STRATEGIC CONTEXT

Council's strategic objects signal a desire to maintain and enhance amenity in the urban areas of the City. The District Plan and bylaws are the regulatory means for achieving those objects.

DISCUSSION

The Motor Vehicle Dealers Institute has long been of the view that a number of dealers licensed under the 1975 Act are exceeded in number by unregistered dealers. Currently there are some 1,700 licensed motor vehicle dealers in New Zealand. As a consequence of this new legislation it is anticipated that there will be some 3,500 registered motor vehicle traders. Anecdotal evidence would suggest that, since half of the licensed dealers are located in the Auckland area, there are likely to be another 800-900 presently unlicensed dealers (but persons otherwise eligible for registration as motor vehicle traders) within the greater Auckland area.

Assuming that is correct, then formerly clandestine motor vehicle dealing activities from residential addresses is likely to become more overt behaviour. The issue is whether or not the rules in the Council's District Plan or any relevant bylaws, are sufficiently robust to respond to these new circumstances.

It is anticipated that the sort of pressures that relaxed trading in motor vehicles may bring include the following:

- (a) The use of residential premises for trading purposes.
- (b) Increased numbers of vehicles parked on the side of a road, or visible from the road, displaying "For Sale" signs.
- (c) Registered motor vehicle traders parking their trading stock on roads to the detriment of other users. The problem may arise in areas both residential commercial, with limited casual parking.
- (d) The use of the road or public car parks for trading purposes.

From a timing perspective it should be noted that while the Motor Vehicle Sales Act 2003 received the royal assent on 9 April 2003, the Act will not commence until such time as Regulations prescribing the registration processes have been drafted and promulgated. The Minister with responsibility for this task (Judith Tizard) has said publicly she wishes this to be achieved by 1 December 2003. Industry sources indicate that a commencement date of 1 February 2004 seems more likely, but this Government has demonstrated a great facility to push through legislation to tight timetables.

The significance of that observation is that if there are flaws in the District Plan then work would need to start sooner rather than later on any variation to the District Plan to make the appropriate changes to close down any "loop holes". Similarly, if there are matters which can be dealt with by way of bylaw, it will be a great deal easier for the Council to commence that process under the existing regime of the Local Government Act 1974 than it will be for the Council to do so under the 2002 Act. The bylaw review process and special consultative procedure required under the 2002 Act for the making of new bylaws is likely to mean that any bylaw review will not be completed prior to 30 June 2004.

Since the passage of the new Act, it has only been possible to undertake a cursory review of the District Plan and bylaw provisions which presently exist. Closer examination of those provisions will occur after the date of the preparation of this report and before the Committee Meeting. A further brief oral report may be necessary at the time of the meeting.

DISTRICT PLAN

Residential Environments

Two key definitions are “home occupation”, defined as “any commercial activity profession or service” which is secondary to the use of site for residential purposes and “retail sales”, defined as “goods offered for sale to the public”. Between these two definitions there is a nice balance. While “retail sales” would technically capture a one-off offering of a motor vehicle (or any other item of household furniture) for sale, the “home occupation” definition introduces the necessary element of commerciality (in the nature of a business) to the proposed activity.

In each of the relevant “residential” environments in the District Plan home occupations are permitted activities provided there are no more than five persons engaged in the business, they are carried on within an existing building and do not involve heavy traffic generation “involving a heavy traffic vehicle exceeding two movements per week”. However if there are retail sales associated with the home occupation the “retail sales (must) be of goods produced on site”.

It is also noted that a home occupation will be a permitted activity “where goods are primarily ordered by mail or electronic transmission and distributed by post or courier”. Motor vehicle trading will not fall within this exception if the delivery occurs at a residential address.

Prima facie therefore retail sales of motor vehicles, whether sourced by mail, electronic transaction, telephone or personal visitation and inspection will not be a permitted activity in the majority of the residential environments. The exception to that conclusion is the Rural Villages Environment. For a reason which cannot be explained the relevant Rural Villages Environment rule for permitted activities does not refer to any requirement for the retail sale of home occupation goods to be restricted to goods produced on site. It is not clear whether that omission is deliberate or accidental. It would follow that in the Rural Villages Environment it may be possible for a motor vehicle trader to operate as a permitted use, from a front site with individual driveway access, provided that the activities are screened from adjoining sites on the road “apart from the parking of one vehicle”. The position is idiosyncratic.

The rules for the residential environments also contain provisions about signage, both permanent and temporary. A “for sale” sign displayed on a motor vehicle parked on a residential site may be a permitted activity if reduced below 0.1 square metres in size, but as noted above any retail sale originating from such advertising by a registered motor vehicle trader which occurs within a residential environment is not permitted.

The Transport Environment (or road zone) rules also deal with signage, and effectively make street signs non-complying in roads within residential environments, except for temporary signs (the definition of which does not contemplate the sort of signage under discussion here).

Finally it is noted that the Transport Environment rules only permit “street trading” associated with and subsidiary to an adjoining site “within a Community Environment or within a site scheduled for retail activity”. This appears to remove the risk of use of the public road within residential environments for motor vehicle trading purposes. However, “street trading” is defined as “retail sales conducted within a road and exceeding 1 hour duration in any one location”. This definition is poorly drafted. It is a definition trying to do the work of a rule which is always a dangerous practice.

The net result is that:

- (a) a retail sale undertaken on the road, either as a series of sales or a single transaction completed in a period of less than 1 hour is not "street trading" as defined by the district plan;
- (b) the activity described in (a) is therefore a permitted activity anywhere within the Transport Environment in the City.

The consequence of this conclusion is that, for example, a trader can advertise a car for sale and conclude a sale on the side of the road and if the total transaction lasts less than one hour there will be no breach of any rule in the District Plan. (However, it is not hard to imagine the hue and cry if a trader was to sign up a customer on the bonnet of a car outside another trader's commercial premises!) However, a breach will occur if the sale takes longer than an hour or is completed on a site within the residential environments. The position is unsatisfactorily inconsistent and the "one hour" test will make enforcement extremely difficult.

Finally a comment on the sale of cars from the corner dairy. The zoning of the site will determine whether that use is permitted. For those dairies within residential zones with existing use rights it will not be possible to argue that any motor vehicle trading was "lawfully established" before the plan became operative as the first step towards arguing similar character scale and intensity (under Section 10 RMA). A resource consent would be required.

BYLAWS

Clause 204A.1 of the Public Places Section of Bylaw No.4 contains a provision prohibiting "any vehicle carrying or displaying any advertising sign notice of placard and being used solely or principally for advertising or publicity purposes while so left or placed on such public place". Clause 215.1 contains general provisions relating to posting of advertising materials. Both of these bylaw provisions in their current form will be of some assistance to police advertising on the public road.

The issue of the parking of trading stock by registered motor vehicle traders however is somewhat more difficult. The Use of Public Roads Bylaw No.22 (1990) contains a prohibition against leaving "standing or lying any vehicle" on any grass plot or flower bed mentioned on the Second Schedule of the bylaw. The Second Schedule contains a long alphabetical list of streets, which may or may not (perhaps the latter) be up to date. The heading to the Schedule refers to "Grass Plots Flower Beds or Road Margin" but the relevant clause in the bylaw only refers to "Grass Pot or Flower Bed". In short I do not think this bylaw will be of much assistance in providing a means to police the activity under discussion. The Public Roads Bylaw does of course contain the normal provisions relating to obstruction of the public road, but the lawful parking of a motor vehicle on a side of a road (except where parking is prohibited) will not constitute an obstruction.

Drafting a bylaw to deal with this issue is problematic. A bylaw which singles out a registered motor vehicle trader may be seen as unreasonable. A registered motor vehicle trader who parks a couple of cars on the road outside his home on occasions should be in no different position than for example the landlord who lets a house with no onsite car parking to six University students each with a car, all of whom park their cars on the street. The parking is not of itself an obstruction, and there is an element of "commercial activity" underlying both of the activities. At the end of the day it could be that the policing of this problem will come indirectly through the policing of the retail activity within the residential environments. Shut down the retail activity from the residential location, and you will reduce (but not eliminate) the potential for parking cars on streets within the residential zone.

As an alternative Council may wish to investigate a “residents only” parking bylaw scheme. Such a scheme might for example limit parking on a specified portion of road between the hours of 10.00pm and 6.00am Sunday to Thursday and 12 midnight and 6.00am Friday and Saturday without a “residents” sticker displayed. The stickers could be issued on application on the basis of a maximum per household of 1 sticker for each person over the age of 15. A bylaw in this form would not prevent the use of the road for parking by visitors and workmen (which is the problem with a blanket prohibition), nor will it entirely eliminate the potential problem. A bylaw which established such a scheme could (just) be drafted and passed prior to 30 June and approved by Special Order before the end of August. The scheme could then subsequently be used on an “as required” basis.

CONCLUSIONS

1. The signage bylaws are in some conflict with the District Plan rules. Control of signage is best achieved through the district plan alone. The bylaw could be revoked, but there is no urgency for that to occur.
2. Some beefing up of the signage rules for the Transport Environment may be desirable to clearly capture signs within or upon motor vehicles. The rules presently appear to focus on the promotion of activities, rather than simple “for sale” signs.
3. The “street trader” definition in the District Plan needs to be reworked if it is effectively to prohibit intermittent and casual retail activity on the road.
4. The identification of a solution to the problem of parking of trading stock on the road is difficult. Perhaps a wait and see approach is recommended. The implementation of “residents only” parking zones is an option but implementation prior to 30 June may seem a bit rushed.

RECOMMENDATIONS

1. That the report on the Motor Vehicle Sales Act 2003 be received.
2. That the rules of the Transport Environment and the Rural Villages be reviewed in the light of the conclusions 2 and 3 in the report with a view to recommending changes to the District Plan if appropriate, with that review to be completed by 30 September 2003 so that any plan change can be approved by the Council and publicly notified no later than 30 November 2003.
3. That a “Residents Only” parking bylaw scheme be investigated on an urgent basis with a view to reporting either directly to the Council, with a proposed bylaw, at its meeting on 25 June 2003, or to this Environmental Management Committee after 30 June 2003 if it is felt that action can be deferred.

Report prepared by: Denis Sheard, Legal Services Manager.



PART III - DISTRICT PLAN / STRUCTURE PLANS

8 PROPOSED PLAN CHANGE 3 - DELETION OF THE PROVISIONS RELATING TO SPECIAL SOILS IN THE DISTRICT PLAN

PURPOSE OF THE REPORT

The purpose of this report is to present to the Environmental Management Committee a Proposed Plan Change relating to the deletion of the provision for special soils in the District Plan. The report seeks approval for the Proposed Plan Change to be publicly notified.

BACKGROUND

At its meeting of 11 December 2001, the Environmental Management Committee resolved:

- “2. That the identification of special soils in the Proposed District Plan be recognised as no longer being appropriate, relevant or accurate and should be removed from the Plan.
3. That a proposed plan change removing the special soils identification, including all map references, policy references and rules be brought back to this Committee for consideration once the Proposed District Plan has been made operative.”

2857/2001

A report prepared for the Environmental Management Committees' consideration, which led to the above resolution, outlined the difficulties of the special soils identification in the then Proposed District Plan. Highly fertile and “special” soils, are by District Plan definition, Class II soils under the Land Use Classification system, and were originally identified through the Land Use Classification maps, which are mapped at a 1:50,000 scales. However this broad scale approach does not accurately identify the classification of the soils as shown through site-specific soils mapping. To summarise, the inaccuracy of their identification was found to be the main issue relating to the District Plan provisions for special soils.

To resolve this a soils scientist, Dr Richard Chapman, was commissioned to reclassify all the soils in the special soils area and map them on a 1:5000 scale, which would give accurate soils information to “paddock level”.

The results of this analysis showed that of the 2311 hectares of land currently identified as special soils (Class II soils) only 191 hectares or 8% are in fact Class II soils. The majority of the land (74% or 1713 hectares) is Class III, and the remainder, 404 hectares or 18% is Class IV.

Thus with accurate identification, not only were the area of special soils significantly reduced but their location was found to be in small, spatially fragmented areas. In the opinion of Dr Chapman this reduced their versatility and usability. None of the remaining Class II areas of soil were over 4 hectares in area and/or within one certificate of title. Part of the versatility of soils arises from them being present in large contiguous lots. Furthermore Dr Chapman stated that:

“From a soil science point of view all soils are special, however LUC Class II soils are not the most versatile or elite and therefore in my opinion should be deleted from the outstanding natural feature category of the Resource Management Act...I don't know of any other council where Class II soils have such high ranking, including elite Class I soils of Waikato and Franklin”

The Environmental Management Committee noted the reduction in the amount of Class II soils and their lack of versatility due to spatial fragmentation and size. The Committee considered that the identification of special soils and their categorisation as an “outstanding natural feature” under section 6 of the Resource Management Act 1991 (the Act) was not valid or accurate and should be deleted from the District Plan.

Section 35 of the Act requires that Council monitor the suitability and effectiveness of its District Plan and take appropriate action to ensure that it can effectively carry out its functions under the Act where this is shown to be necessary. The study by Dr Chapman has highlighted that the special soils identification is inaccurate and the control is not appropriate, necessary or effective in achieving Council’s strategic objectives.

The attached map references identify all the areas on the planning maps of the District Plan from which the special soils identification should be removed and also all portions of District Plan text that need to be either deleted or amended to be consistent with this removal.

DISTRICT PLAN POLICY FRAMEWORK AND RULES

High fertility soils in the City are identified in the District Plan as an “Outstanding Natural Feature” on Map 3.5(e) of the Policy Section of the District Plan. In addition the areas of fertile soils subject to District Plan controls as “special soils” are also shown on a site-specific basis as an “additional limitation” on the Natural Areas planning maps. Special soils are identified on approximately 460 properties in the City located within the Hobsonville/ Whenuapai area. All these sites are within the General Natural Area of the City and the majority are within the Countryside Environment.

Protection of special soils under the District Plan is achieved through the Natural Area rules relating to impermeable surfaces, earthworks and the subdivision rules.

Policies seek to direct urban development away from areas containing high-class soils (Policy 6.1) and the rules relating to subdivision in the Countryside Environment (in which most of the special soils are to be found) limit subdivision to a four hectare minimum site size.

Although the Countryside Environment has a minimum site size it also allows some flexibility through the Structure Plan approach. In undertaking a structure plan the District Plan states that soil conservation, including productive soils, is an issue to be considered.

STRATEGIC CONTEXT

Recently, the preparation of the Waiarohia Structure Plan, the Auckland Regional Growth Strategy Northern and Western Sectors Agreement and the Hobsonville Airbase variation has highlighted the special soils provisions of the District Plan and the need to examine the special soils issue more closely.

The Auckland Regional Growth Strategy 2050 was developed by the Auckland Growth Forum, and recognises the importance and value of highly productive soils as a natural resource. To this end future urban growth is directed away from areas containing versatile high quality soils as it is recognised that urban development can have an adverse effect on the environment resulting in the destruction or fragmentation of the resource. It is also recognised that the values of productive soils must be taken into account when managing growth in rural areas.

The Regional Growth Strategy - Northern and Western Sectors Agreement sets out how the regional growth in these sectors can be accommodated in appropriate locations, form and sequencing over the next 20 years. It identifies the key issues associated with managing this growth and sets in place agreed principles and methods/ actions to address these issues. The area between the proposed State Highway 18 and the existing urban area has been identified for "Future Urban Expansion" with a 10-29 year sequencing timeframe. The Metropolitan Urban Limits would be extended to accommodate this future growth. The area to the north of the proposed State Highway 18 is recognised as being appropriate for rural structure planning. All of the areas marked for future urban growth or rural structure planning in the Hobsonville/Whenuapai area are identified as containing "special soils".

Auckland Regional Policy Statement

The Auckland Regional Policy Statement is now operative and identifies the Whenuapai/Hobsonville area on its maps (Map 6 Sheet 2) as being "Land Use Capability Class 2" land as recorded by the New Zealand Land Resource Inventory.

The Regional Policy Statement also has a definition of "prime agricultural land" which *"means land which has a high actual or potential value for sustainable agricultural production"*.

The reasons given for the protection of "prime agricultural land" (defined in the Regional Policy Statement, as including but not limited to, Classes I, II and III soils) is that it is an important resource in the Region due to its high versatility and productive potential. It is recognised that a significant portion of the region's prime agricultural land has already been lost through urbanisation, under roads or structures or compromised as a result of intense subdivision or development patterns.

The Regional Policy Statement acknowledges that *"At a scale of 1:50,000 it (the Land Use Classification maps) only allows indicative planning. It provides a tool for defining boundaries in principle. For decisions at the scale of individual property, more detailed survey using the NZLRI methodology would need to be undertaken."*

Section 75 of the Resource Management Act 1991 requires that a district plan should not be inconsistent with a regional policy statement. Removal of the special soils identification and their categorisation as "outstanding natural features" would not necessarily make the District Plan inconsistent with the Regional Policy Statement as the reclassification of the soils would not be put into the District Plan and all references to soil classes would be removed from the District Plan. Discussions held with the staff from the Auckland Regional Council have indicated that, based on the information from the study, they would not have an issue with the removal of special soils as an "outstanding natural feature". However the majority of the land is still classified as containing Class III soils, which by definition in the Regional Policy Statement falls into the classification of "prime agricultural land". This is an issue that would need to be further addressed through any structure planning or rezoning process.

Proposed Plan Change

A5-A12

The proposed plan change is attached at pages A5 to A12. The map and text references identify all the areas of the City from which the special soils identification should be removed from the District Plan maps and also all portions of District Plan text that need to be either deleted or amended to be consistent with this deletion. The proposed changes are summarised below:

Policy Section

- Remove all references to special soils in Objective 6 and Policies 6.1 and 6.3.
- Remove all references to special soils in Part 6 - Explanation.
- Deletion of all references to special soils and fertile soils as an “outstanding natural feature”, including the list of fertile soil sites (which identifies sites containing Class II (including the special soils)) as “outstanding natural features” and Map 3.5(e) which identifies the highly fertile soils in Waitakere City.
- Removal of all references to special soils in the Appendices and Glossary to the Policy Section of the Plan.

Rules Sections

- Remove all general references to special soils in District Plan Rules Volumes #1 and #2, including the Introduction to the Rules, the Schedule of Effects, the Definitions and the Information requirements for Land Use Consents.
- Remove all specific references to special soils in the General Natural Area Rules, the Restoration Natural Area Rules and the Countryside Environment Rules.

Maps Section

Remove all references to special soils and high fertility soils in the District Plan Maps including the key, data information and the Natural Area Maps.

RESOURCES

All specialist studies required for this proposed plan change have already been completed and no additional staff funding or resources are required to progress the plan change. Progressing the plan change through the statutory process can be adequately resourced from existing budgets.

STATUTORY CONSIDERATIONS AND SECTION 32 ANALYSIS

The purpose of a district plan, as outlined in Section 72 of the Act, is to assist Council to carry out its functions. Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. Council is to establish, implement and review the objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities.

Section 5 describes the purpose of the Resource Management Act:

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

Environment is defined in Section 2 of the Act as follows:

"Environment" includes -

- (a) Ecosystems and their constituent parts, including people and communities; and*
- (b) All natural and physical resources; and*
- (c) Amenity values; and*
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters."*

Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to its plan. Section 74(1) states that:

"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."

Section 32 of the Act 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.

A full Section 32 analysis has been prepared and is available. The analysis concludes that in order to ensure that Council meets its obligations under the Act it is necessary that the proposed plan change, which removes all regulation in relation to special soils, be undertaken. Under Section 35 of the Act, Council has an obligation to ensure that the District Plan remains relevant and accurately reflects the acquired knowledge of the district in order to achieve integrated management of its natural and physical resources. An in-depth study by a soils expert has revealed that the amount of Class II soils is significantly reduced from that shown in the District Plan. Not only is the amount reduced but also the remaining Class II soils are only in small discrete pockets, which significantly reduces their versatility and means that they could not be realistically justified as "special" or as an "outstanding natural feature".

Removal of the special soils category and fertile soils as an outstanding natural feature would not impact on the functioning of the District Plan and the integrated management of resources in the City. Soil is a natural resource with its own intrinsic values, including its productive capability, and as such is still a matter to be considered in any resource management matters and processes. All development would still be subject to the Natural Area rules, which manage the effects of earthworks and impermeable surfaces on soils in the City. Any future proposal to consider a change in zoning or intensification of settlement through a structure planning process, on the land currently identified as containing special soils would still need to consider the effects of that change on the productive capacity of the soil and take into account the Auckland Regional Policy Statement.

The continued identification of special soils in the City would place an unreasonable burden on ratepayers and residents, wanting to undertake development in the area, both financially and in terms of resource consent processing times.

Realistically there would be no other means of achieving the purpose of the Act. Sustainable management of the City's resources cannot be achieved through regulation and policies based on inaccurate information. The Act also requires that Council monitor the suitability and effectiveness of its plan in managing the City's environment. Council therefore has a duty and care to ensure that its District Plan remains relevant in order to achieve integrated management to its natural and physical resources.

CONCLUSION

The purpose of this report is to present to the Environmental Management Committee the proposed Plan Change 3 to remove all references to special soils and high fertility soils from the District Plan as a recent study has shown that they would no longer meet the District Plan definition of "special".

Bearing in mind the reduction in the amount of Class II soils and their lack of versatility due to spatial fragmentation and size, it is considered that the identification of special soils and their categorisation as an "outstanding natural feature" under Section 6 of the Act is not valid or accurate and should be deleted from the District Plan.

Section 35 of the Act requires that Council monitor the suitability and effectiveness of its District Plan and take appropriate action to ensure that it can effectively carry out its functions under the Act where this is shown to be necessary. The soil reclassification study has highlighted that the special soils identification is inaccurate and the control is not appropriate, necessary or effective in achieving Council's strategic objectives.

To meet the obligations of Section 35 of the Act, which requires Council to ensure its district plan is relevant and accurate, it would be appropriate to remove the identification.

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 3 to the Waitakere City District Plan to remove all references to "special soils" and "high fertility soils" in the District Plan and associated changes as attached at pages A5 to A12 to the agenda report.

A5-A12

Report prepared by: Elizabeth Wells, Principal Planner.



9 CLASSIFICATION OF SWANSON RESERVES

PURPOSE OF THE REPORT

The purpose of this report is to bring before the Environmental Management Committee the proposed new classifications for the Swanson Reserves under the Reserves Act.

BACKGROUND

In 2001, Council began preparing a Management Plan for all the reserves within the Swanson area. This Plan included Awhiorangi Reserve, Kitewaho Reserve, Kitewaho Road Plantation Reserve No. 1, Kitewaho Road Plantation Reserve No. 2, Robert Knox Memorial Park, Swanson Heritage Park, Swanson Oaks, Swanson Station Park, Swanson Scenic Reserve, Swanson Esplanade Reserve, Swanson Stream Reserve and Welsh Hills Reserve.

The Swanson Reserves Management Plan was publicly notified in October 2001 and submissions to the draft closed in February 2002. The publication of the draft Plan was subsequently delayed by the decision to include Kay Road Balefill and an adjacent Council-owned site in the draft Plan in order that they be considered in the consultation process and overall long-term planning for the Swanson reserves. The Draft plan has now been prepared and is awaiting the input of the Kay Road Balefill Site Management Committee before being presented to the Waitakere Community Board.

The administration and management of reserves is governed by the Reserves Act 1977. This Act requires that an administering body prepare a Management Plan for all reserves (other than esplanade reserves) under its authority. The Reserves Act also requires that all reserves are to be classified into one of a number of categories according to the primary values of the reserve. There are eight classifications, relating to the purpose of the reserve. These are: Nature, Scientific, Government Purpose, Historic, Scenic (1a) and (1b), Recreation and Local Purpose. A Local Purpose classification is always followed by a sub classification, which specifies the primary purpose of the reserve, for example Local Purpose (Esplanade).

Local Purpose is the most flexible of the classifications and the only one that allows the administering body to develop and manage the reserve as it sees fit without referring to the Minister of Conservation for approval.

The Reserves Act requires that classification be completed before a Management Plan can become operative. During the drafting of the Swanson Reserves Management Plan the titles of the reserves included in the Plan have been searched, and their classifications have come under scrutiny. It would appear that several of the reserves have been classified under legislation other than the Reserves Act, and these need to be updated and reclassified. In addition, the new township reserves, Swanson Station Park, Swanson Heritage Park and Swanson Oaks, are Council freehold land and have never been classified as reserves. These reserves are being developed and managed through a partnership between the community and Council. This partnership agreement requires that Council be responsible for the appropriate classification for these reserves.

Crows Park is situated in Swanson, adjacent to the Kay Road Balefill, which is included in the Swanson Reserves Management Plan. The Crows Park Reserve Management Plan was adopted in 2000. Crows Park is currently classified as a mixture of Recreation and Plantation reserve and freehold land. The Crows Park Reserve Management Plan recommends that all of Crows Park be classified as Scenic Reserve, a classification that would both recognise and protect the significant natural values of the reserve. This has not yet been carried out. Therefore, it is proposed to include Crows Park in this application for reclassification, as required by the Reserves Act and specified in the Management Plan. There are two sub classifications of Scenic Reserve, 19(1a) and 19(1b). It is considered that 19(1b) would be the most appropriate for Crows Park, as it refers to naturally regenerating indigenous revegetation, rather than mature self-sustaining bush, and allows the administering body greater flexibility for management and development.

A number of actions are required to complete the classification of the parcels of land that make up Swanson Heritage Park, Swanson Oaks, Swanson Station Park, Swanson Scenic Reserve, Swanson Esplanade Reserve, Swanson Stream Reserve, Awhiorangi Reserve, Kitewaho Reserve, Kitewaho Road Plantation Reserve No. 1, Kitewaho Road Plantation Reserve No. 2, Welsh Hills Reserve and Crows Park to enable the Management Plans to become operative.

STRATEGIC CONTEXT

The Swanson Reserves Management Plan is being prepared in the context of the Parks Strategy, which provides guidelines on the management of parks within the City.

ISSUES

Swanson Heritage Park

Swanson Heritage Park consists of a single parcel of land (Lot 2 DP 188043, CT 118A/506 comprising 3518m²) that was acquired by the Council for community purposes in 1998 pursuant to s20 and s50 of the Public Works Act 1981. It is necessary to formally declare this parcel of land to be Local Purpose (Community Purposes) Reserve in accordance with the requirements of s14 of the Reserves Act 1977. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Swanson Oaks

The Council acquired the land that makes up Swanson Oaks from Impact Landscapes Limited in 2000. No reason for the purchase was specified in the transfer. In order to comply with the requirements of the Reserves Act, Lot 1 DP 201213 CT 129D/873 comprising 405m² needs to be declared a Local Purpose (Community Purposes) Reserve pursuant to s14 of the Reserves Act. As this site is zoned residential it will be necessary to publicly notify the declaration. Should any objections be received these will need to be considered by Council.

Swanson Station Park

Swanson Station Park consists of a single parcel of land (Lot 1 DP 188043, CT 118A/505 comprising 8318m²), was acquired from the Crown in 1998. The transfer did not specify a reason for the purchase and accordingly, it also needs to be declared a Local Purpose (Community Purposes) Reserve pursuant to s14 of the Reserves Act. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Swanson Scenic Reserve

Swanson Scenic Reserve is made up of five parcels of land, two of which require formal classification under s16 of the Reserves Act. Lots 12 and 13 DP 40532, C's T 1000/300 (part) and 49C/130 (residue) comprising 1872m² and 563m² respectively originally vested in the Crown on subdivision under the Land Subdivision in Counties Act 1946. By s44(1) of the Counties Amendment Act 1961 these parcels of land vested in the Waitemata County Council. Both of these parcels need to be classified as Local Purpose (Esplanade) Reserve in accordance with the requirements of the Reserves Act. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Swanson Esplanade Reserve

It is necessary that all seven parcels of land owned by the Council that make up Swanson Esplanade Reserve are classified Local Purpose (Esplanade) Reserve in accordance with the requirements of s16 of the Reserves Act. Lot 3 DP 109320, CT 26A/1152 (part) comprising 5660m² and Lot 5 DP135381, CT 55B/1294 (part) comprising 2.3000ha both vested in Council as reserves upon subdivision under the Local Government Act 1974, while Lot 2 DP 161107, CT 98C/392 (part) comprising 9342m², Lot 4 DP 161107, CT 14B/743 (part) containing 1470m², Lot 3 DP 173199, CT 106B/102 comprising 3006m² and Lot 4 DP 173199, CT 14B/742 (part) comprising 326m² vested in Council under the Resource Management Act 1991 upon subdivision. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Swanson Stream Reserve

Swanson Stream Reserve consists of a single parcel of land (Part Lot 20 DP 46435, CT 871/166 (part)) comprising 2103m² (approximately) originally vested in the Crown on subdivision under the Land Subdivision in Counties Act 1946. By s44(1) of the Counties Amendment Act 1961 this parcel of land vested in the Waitemata County Council. Part of the area originally vested later had its reserve status revoked, and the balance (Part Lot 20 DP 46435, CT 871/166 (part)) now needs to be classified in accordance with s16 of the Reserves Act as Local Purpose (Esplanade) Reserve. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Awhiorangi Reserve

Awhiorangi Reserve is made up of a single parcel of land (Part Lot 68 DP 29870, CT 906/52 (part) comprising 1.4089ha) originally vested in the Crown as recreation reserve pursuant to s16(5) of the Land Act 1924. Section 44(3) of the Counties Amendment Act 1961 vested Awhiorangi Reserve in the Waitemata County Council. In order to comply with the requirements of the Reserves Act it is necessary to formally classify this parcel Scenic Reserve 19 (1b) in accordance with the requirements of s16. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Kitewaho Reserve

The two parcels of land that make up Kitewaho Reserve need to be classified as Recreation Reserve in accordance with the requirements of s16 of the Reserves Act. These two parcels (Lot 3 DP 86441, CT 38A/233 (residue) comprising 292m² and Lot 40 DP 44433, CT 714/85 (part) comprising 2.0695ha) vested upon subdivision, Lot 3 DP86441 in the Council pursuant to the Local Government Act 1974 and Lot 40 DP 44433 originally vested in the Crown pursuant to the Land Subdivision in Counties Act 1946. Lot 40 DP44433 has since vested in the Waitemata County Council by virtue of s44 of the Counties Amendment Act 1961. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Kitewaho Road Plantation Reserve No.1

Kitewaho Road Plantation Reserve No. 1 consists of a single parcel of land (Lot 156 44433, CT 714/85 (part)) comprising 2443m²) originally vested in the Crown as a plantation reserve under s13 of the Land Subdivision in Counties Act 1946. Lot 156 DP 44433 has since vested in the Waitemata County Council under s44(1) of the Counties Amendment Act 1961. It is proposed that this lot be formally classified as Recreation Reserve, pursuant to s16 of the Reserves Act. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Kitewaho Road Plantation Reserve No. 2

Kitewaho Road Plantation Reserve No. 2 consists of a single parcel of land (Lot 143 DP 44433, CT 714/85 (part) comprising 2886m² originally vested in the Crown as a plantation reserve under s13 of the Land Subdivision in Counties Act 1946. Subsequently in 1974 the reserve status on this parcel was revoked by NZ Gazette 1973 p 2762 (GN 057317.1). Accordingly, this area needs to be formally declared to be Recreation Reserve in accordance with the requirements of s14 of the Reserves Act. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Welsh Hills Reserve

Welsh Hills Reserve consists of a single parcel of land (Lot 15 Deeds Plan 1088, Deeds Index 26A.244 (residue) comprising 3125m²) originally vested in the Crown as a recreation reserve under s17 of the Land Laws Amendment Act 1920. Lot 15 Deeds Plan 1088 has since vested in the Council under s44(1) of the Counties Amendment Act 1961. This parcel needs to be classified as Recreation Reserve pursuant to s16 of the Reserves Act. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

Crows Park

The two parcels of land that make up Crows Park need to be classified as Scenic Reserve in accordance with the requirements of s16 of the Reserves Act. Lot 41 comprising 4.9184 ha and Lot 17 DP 21079 comprising 1012m² contained in CT 321/29 (part) make up Crows Park originally vested in the Crown as a Recreation Reserve under s16(5) of the Land Act 1924. These parcels of land subsequently vested in the Council under s44(1) of the Counties Amendment Act 1961 and need to be classified Scenic Reserve in accordance with s16 of the Reserves Act. Public notification will not be necessary as the open space zoning is appropriate for the proposed classification.

CONCLUSION

All reserves are governed by the provisions of the Reserves Act 1977. This Act requires that all reserves have a Management Plan and that all reserves included in a Plan are properly classified under the Act in order for the Management Plan to be operative.

During the preparation of the draft Swanson Reserves Management Plan, a search of the legal titles has revealed that many of the reserves included in the Plan are either inappropriately classified, or not classified at all, under the Reserves Act.

It is proposed that the classification process required under sections 14 or 16 of the Reserves Act be carried out in order that the above-mentioned reserves are properly classified according to their purpose under the Act.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee approves, subject in each instance to the completion of the necessary statutory processes, the following parcels be Declared or Classified appropriately under the Reserves Act 1977.
 - (a) The following parcels to be declared as Local Purpose (Community Purposes) Reserve:
 - 3518m² more or less being Lot 2 DP 188043 CT 118A/506 - Swanson Heritage Park
 - 405m² more or less being Lot 1 DP 201213 CT 129D/873 - Swanson Oaks
 - 8318m² more or less being Lot 1 DP 188043 CT 118A/505 - Swanson Station Park
 - (b) The following parcel to be Declared as Recreation Reserve:
 - 2886m² more or less being Lot 143 DP 44433 part CT 714/85 - Kitewaho Road Plantation Reserve No 2
 - (c) The following parcels to be Classified as Local Purpose (Esplanade) Reserve:
 - 1872m² more or less being Lot 12 DP 40532 part CT 1000/300 - Swanson Scenic Reserve
 - 563m² more or less being Lot 13 DP 40532 residue CT 49C/130 - Swanson Scenic Reserve
 - 5660m² more or less being Lot 3 DP 109320 part CT 26A/1152 - Swanson Esplanade
 - 2.3000ha more or less being Lot 5 DP 135381 part CT 55B/1294 - Swanson Esplanade
 - 9342m² more or less being Lot 2 DP 161107 part CT 98C/392 - Swanson Esplanade
 - 1470m² more or less being Lot 4 DP 161107 part CT 14B/743 - Swanson Esplanade
 - 3006m² more or less being Lot 3 DP 173199 CT 106B/102 - Swanson Esplanade
 - 326m² more or less being Lot 4 DP 173199 part CT 14B/742 - Swanson Esplanade
 - 2103m² more or less being Part Lot 20 DP 46435 part CT 871/166 - Swanson Stream Reserve
 - (d) The following parcels to be Classified as Scenic Reserve
 - 1.4089ha more or less being Part Lot 68 DP 29870 part CT 906/52 - Awhiorangi Reserve
 - 4.9184ha more or less being Lot 41 DP 21079 part CT 321/29 - Crows Park
 - 1012m² more or less being Lot 17 DP 21079 part CT 321/29 - Crows Park

- (e) The following parcels to be Classified as Recreation Reserve
- 292m² more or less being Lot 3 DP 86441 residue CT 38A/233 - Kitewaho Reserve
 - 2.0695ha more or less being Lot 40 DP 44433 part CT 714/85 - Kitewaho Reserve
 - 2443m² more or less being Lot 156 DP 44433 part CT 714/5 - Kitewaho Reserve
 - 3125m² more or less being Lot 15 Deeds Plan 1088 residue Deeds Index 26A.244 - Welsh Hills Reserve

Report prepared by: Mandy McMullin, Reserves Management Planner.



10 DEVELOPMENT CONTRIBUTIONS PROJECT OUTLINE

PURPOSE OF THE REPORT

The purpose of this report is to present, for the Environmental Management Committee's approval, the proposed work programme for the development and implementation of Development and Financial Contributions.

BACKGROUND

Waitakere City Council has a financial contributions policy developed under the provisions of the Resource Management Act 1991 and which is included in the District Plan. However, as these are subject to appeal, Council has been, in practice, collecting financial contributions under the transitional provisions in the Local Government Act 1974. Council has been concerned for some time that many of the costs associated with growth are not being fully met by our current financial contributions mechanisms.

The Local Government Act 2002 has introduced comprehensive new provisions that allow local authorities to recover, as development contributions, the capital expenditures relating to growth. The Local Government Act 2002 (Section 106) requires councils to adopt policies for contributions as part of the suite of Funding and financial policies (Section 102).

At Council meeting on 25 March, 2003, the Long Term Council Community Plan and Annual Plan Special Committee resolved:

“That a development contributions policy be prepared during the next twelve months in order that the policy be adopted as an amendment to the Long Term Council Community Plan for the 2004/2005 year.

That a detailed work programme to progress development contributions be presented to the Finance and Operational Performance and the Environmental Management Committees in June 2003.”

568/2003

At this stage, it is expected that some environmental effects could be addressed by contributions taken under the Resource Management Act, and other costs of growth including community infrastructure provision, could be taken under the Local Government Act 2002. If this course is taken, it could mean that some outstanding appeals against the District Plan could be resolved by Council removing the proposed requirement. However, this will be examined during the course of the project and brought to the appropriate Council committee for consideration.

STRATEGIC CONTEXT

Financial contributions and development contributions are an important funding tool for the City because they are the means by which some of the costs associated with growth can be allocated to those who profit from, or are directly involved with, this growth.

It is expected that the new provisions allowing for charging development contributions will be a more efficient mechanism for offsetting the financial costs of growth than the financial contribution provisions of the Resource Management Act as once they are adopted, there are no appeal rights as exists under the Resource Management Act. The only way in which development contributions might be challenged is through judicial review procedures, which are primarily focussed on process, or on a site by site basis as resource consents are requested.

These new provisions also allow for development contributions in respect of 'community infrastructure' (ie. community amenities such as halls and libraries), which is not permitted within the previous legal framework underpinning the current financial contributions policy. This now allows Councils to consider contributions for 'non-network' infrastructure.

The detailed requirements of a development contributions policy are extensive under the new Act, including explanations and justifications for the ways in which the contributions are calculated, the significant assumptions underlying the calculations (eg. growth projections and their expected impacts in different areas), land values for new areas (subdivisions) and how the development contributions will be triggered.

ISSUES

Principles to Guide the Project

With regard to the principles guiding development contributions policy, the LGA 2002 provides a broad framework.

The reasons for choosing development contributions and financial contributions are linked back to the revenue and financing policy and the requirements of Section 101 (3). This section outlines the matters that need to be considered in developing the Revenue and Financing Policy which includes development and financial contributions as a funding method. They are:

- The community outcomes to which the activity primarily contributes;
- The distribution of benefits between the community and any identifiable part of the community and individuals;
- The period over which those benefits are expected to occur;
- The extent to which the actions or inactions of particular individuals or a group contributes to need to undertake the activity
- The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities;
- The overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental and cultural well being of the community.

This framework enables Council's to take into account the specific strategic goals under community outcomes and the overall impact of development contributions on the current and future social, economic, environmental and cultural well-being of the community.

Objectives of the Project

1. That Council can fairly, simply, predictably and robustly, both recover the costs of growth and mitigate the effects of growth.
2. That District Plan appeals regarding financial contributions are resolved.
3. That Monitoring and financial processes are established to assess progress and to assist implementation.
4. That a sustainable development approach will taken in accordance with the LGA 2002 and Council's sustainable development priority in the Long Term Council Community Plan.

Project Timeline and Milestones

In broad outline, the project is seen as divided into three stages:

- Stage 1 - Policy development and preliminary consultation with key stakeholders including staff and developers. This stage will include the resolution of District Plan appeals regarding Financial Contributions. Expected completion - December 2003.
- Stage 2 - Modelling, consultation through the Long Term Council Community Plan and Annual Plan process. Peer and legal review. Adoption. Expected completion - June 2004.
- Stage 3 - implementation.

Stage One: Information and Draft Policy Development

Gather information eg. gap analysis, regional information etc.

Establish internal work streams for each area of contribution.

Engage in regional work initiatives.

Establish methodology to identify impacts of growth and how costs should be allocated.

Establish broad brush policy positions.

Establish linkages to other major Council initiatives eg. sustainability assessments, Asset Management Plans, District Plan changes and appeals resolutions.

Stage Two: Modelling, Review, Consultation and Adoption

Work through issues for each team. This will be an iterative process.

Workshops prior to Long Term Council Community Plan - November 2003 / February 2004.

Preliminary consultation with key stakeholders.

Peer and legal review.

Adopt draft policy as part of Long Term Council Community Plan and Annual Plan 2004/2005.

Consultation as part of the Long Term Council Community Plan.

Adopt June 2004.

Stage Three: Implementation and Monitoring

Establish internal processes to support new policy implementation.

Staff and developer training sessions.

Establish monitoring process and procedures.

Review June 2005.

The Milestones Are

- June 2003 - scope and milestones approved by Finance and Operational Performance Committee and Environmental Management Committee.
- December 2003 - working policy position agreed, District Plan appeals resolved, preliminary consultation underway, initial methodologies work shopped and agreed, preliminary budget recalculations for Long Term Council Community Plan.
- February 2004 - initial budget projections for Long Term Council Community Plan recalculations, and first drafts of policy and implementation plan work shopped by Councillors for inclusion in Long Term Council Community Plan and Annual Plan 2004/2005 documentation.
- Peer and legal reviews.
- April 2004 - Draft Development Contributions plan adopted by Council for consultation in Long Term Council Community Plan and Annual Plan.
- June 2004 - adoption of Development and Financial Contributions Policy.
- July 2004 - roll out implementation training and internal process changes.
- June 2005 - review in preparation for Long Term Council Community Plan 2005/2006.

RESOURCES

Council will not be the first Council to deliver a Development Contributions policy and will therefore be able to learn from and adapt other Council's policies and programmes. At various stages in the process, consultation will be undertaken with developers and affected stakeholders. Peer and legal reviews at key stages are also part of the detailed project plan.

However, it is likely that Waitakere City Council will have particular concerns it wishes to have reflected in its own Development Contributions policy and practice.

Staff time and budget have been allocated to these tasks.

CONCLUSION

The purpose of this report is to present, for the Committee's approval, the proposed work programme for the development and implementation of a Development and Financial Contributions Policy.

The Local Government Act 2002 (Section 106) requires local councils to adopt policies for contributions as part of the suite of Funding and Financial policies (Section 102).

This project outline presents a plan to do this work, and aims to have a draft policy ready for consultation for the Long Term Council Community Plan and Annual Plan 2004/2005.

The report proposes principles, objectives and timelines for the Committee's consideration.

RECOMMENDATIONS

1. That the Development Contributions Project Outline report be received.
2. That the Environmental Management Committee approve the principles, objectives and timelines of the Development and Financial Contributions project as detailed in the report.

Report prepared by: Cathy Kenkel, Group Manager: Strategic Planning and Policy.



PART IV - ENVIRONMENTAL MANAGEMENT

11 SHOPPING TROLLEYS IN STREAMS

PURPOSE OF THE REPORT

The purpose of this report is to recommend to the Environmental Management Committee the approval of a Memorandum of Understanding with supermarket operators to control shopping trolleys.

BACKGROUND

As a result of feedback from the community and the Henderson Community Board, the Environmental Management Committee has investigated a number of methods to control the dumping of shopping trolleys in streams and public places.

A report was presented to the Environmental Management Committee on this matter on 12 November 2002 and the Committee resolved as follows:

- “• *That the Director: City Services is delegated authority to apply the process available under the Resource Management Act, through the issue of abatement notices or enforcement orders where shopping trolleys are causing adverse effects on the environment.*
- *That the desirability and feasibility of promoting a Variation to the District Plan requiring any new premises that provide shopping trolleys to demonstrate how the adverse effects are to be avoided, mitigated or remedied be reported back to the Environmental Management Committee by 13 February 2003.*
- *That a consultation process on proposed Bylaw No. 33, 2003 to include in clause 6.2 the words “Such identification to be non removable” be initiated and that the results of consultation be referred to the meeting of the Environmental Management Committee scheduled for 13 March 2003, with the objective of recommending that the proposed Bylaw No. 33, 2003 be considered by the ordinary meeting of Council to be held on 28 March 2003.”*

3273/2002

Subsequently, a further report was presented to the Environmental Management Committee on 11 March 2003. The Committee received submissions on the proposed Bylaw and resolved as follows:

- “• *That the proposed Bylaw No 33 2003 not be progressed at this stage.*
- *That the Group Manager, Asset Management be authorised to develop a Memorandum of Understanding with supermarkets and key retailers which focuses on solutions that will result in significant improvements in stream quality and amenity values for consideration by the Environmental Management Committee at its meeting scheduled to be held on 13 May 2003.”*

441/2003

- “• *That the supermarket industry and other key retailers be given a period of three months to put in place practices that will prevent the removal and theft of supermarket trolleys from and within their control and the further action they intend to take to recover the trolleys from other places at the earliest opportunity.”*

442/2003

STRATEGIC CONTEXT

Dumping shopping trolleys in streams impacts negatively on the Council's strategies for the Green Network which aim to ensure that streams will be full of life. It causes a number of adverse environmental effects and is harmful to ecosystems.

MEMORANDUM OF UNDERSTANDING

The proposed Memorandum of Understanding is between the following parties:

- The Operators:
 - Progressive Enterprises Limited;
 - Foodstuffs Auckland Limited;
 - The Warehouse Limited;
 - Coles Myer New Zealand Holdings Limited (Trading As Kmart New Zealand);
Briscoes (New Zealand) Limited; and
- Waitakere City Council.

A13-A18

A copy of the Memorandum of Understanding is attached at pages A13 to A18.

The scope of the Memorandum of Understanding is as follows:

Operator Commitments

The operators have agreed to a number of measures to reduce the incidence of trolley theft from their premises and subsequent abandonment.

Council Commitments

The council acknowledges its preference for this non-regulatory approach, which it considers preferable to regulatory control methods. However, this will be reviewed if the memorandum of understanding is insufficient.

Publicity

The parties will make joint media statements about the arrangement, and a draft press release has been agreed by all the parties.

Relationship Managers

Each party agrees to establish a relationship manager as a point of contact. Each party is to notify the other parties in writing of the name and contact details of its relationship manager, and to notify the parties of any change in those details.

Steering Group and Reviews

The parties agree to establish a steering group comprised of councillors, council officers and operator representatives. The steering group will meet for an initial review in October 2003 and thereafter will meet once within each following twelve month period to assess the effectiveness of the control measures and discuss whether any changes to those measures are necessary. The steering group will agree the work programme for each following year.

Accordingly, it is recommended that a representative of the Environmental Management Committee be nominated to represent Council on the Steering Group.

As this issue affects the New Lynn and Henderson Wards mainly, it is recommended that the New Lynn and Henderson Community Board be invited to nominate one representative to the Steering Group.

RESOURCES

The proposed Memorandum of Understanding can be implemented with existing staff resources and there are no financial implications arising from this.

CONCLUSION

Given that the Council's objective is to avoid the dumping of shopping trolleys in streams and public places, non-regulatory methods are considered to be more effective at this stage. The Bylaw approach is still available to be considered at a later date if the Memorandum of Understanding with supermarket operators proves ineffective.

Accordingly, it is recommended that a Memorandum of Understanding developed with the operators be approved.

RECOMMENDATIONS

1. That the information and submissions on Shopping Trolleys in Streams be received.
2. That the Memorandum of Understanding between Waitakere City Council and
 - Progressive Enterprises Limited;
 - Foodstuffs Auckland Limited;
 - The Warehouse Limited;
 - Coles Myer New Zealand Holdings Limited (Trading As Kmart New Zealand);
 - Briscoes (New Zealand) Limited;be approved and that the Chief Executive be delegated authority to execute the Memorandum of Understanding.
3. That the Environmental Management Committee nominate a representative for the Steering Group as a voluntary basis.
4. That a copy of the Shopping Trolleys in Streams report be forwarded to the New Lynn and Henderson Community Boards and that the Boards be asked to nominate one representative to the Steering Group on a voluntary basis.

Report prepared by: Tony Miguel, Group Manager: Asset Management.



12 AIR, LAND AND WATER PLAN

PURPOSE OF THE REPORT

The purpose of this report is to update the Environmental Management Committee on the Auckland Regional Council's Air, Land and Water Plan and to receive a presentation from the Auckland Regional Council on this matter.

BACKGROUND

The Auckland Regional Council notified Variations to the Proposed Regional Plan: Coastal and Proposed Regional Plan: Air, Land and Water on 21 June 2002 and Council made submissions by the closing date of 16 August 2002.

The Variation has effect from the day it is notified and must be taken into account in subsequent resource consent processes.

Following the closing date for submissions, Council has been working collaboratively with the Auckland Regional Council, Watercare Services Limited, and the Local Network Operators to achieve consensus and avoid a protracted legal process. If this is not successful, it is likely that an appeal may eventually be lodged with the Environment Court.

As a starting point, additional background research needs to be undertaken into the criteria themselves, and the way in which they will be used need to be further developed in consultation with stakeholders before any attempt is made to finalise them through the statutory process. The Auckland Regional Council has indicated it wishes to continue to work co-operatively and this will provide an opportunity to contribute positively.

STRATEGIC CONTEXT

Council's strategy is to integrate the management of the water cycle including stormwater and the green network, with the following objectives:

- The City's native plants, animals and their ecosystems are cared for and protected. Stream and coastal areas are replanted and protected from erosion and natural links and wetlands are re-established.
- Council and private landowners work in partnership to ensure that our native and other ecosystems are protected from threats to their ongoing survival.
- People have better access to the City's parks, streams and green corridors, which are well managed to provide improved standards of amenity and ecological health.
- The management of stormwater keeps up with the growth of the City and remains in harmony with the natural water cycle. Land slippage and erosion is reduced and people's health and safety is protected.

The water which runs off the City's roads, roofs and car parks, creates flooding and pollution problems if it is not well managed. As an area becomes more urbanised, there is more of this runoff and less opportunity for the water to soak naturally into the ground, or to find its own way along creeks and streams to the sea.

Auckland Regional Council sets standards for stormwater, which require local councils to show they are addressing the flooding and pollution problems in their areas. To meet these new requirements, Council will need to obtain and implement resource consents for 1400 to 1800 stormwater discharge points in the City. It will also need to demonstrate that it is making progress towards sustainably managing stormwater and wastewater overflows and reducing environmental effects.

Stormwater works do not need to be pipes in the ground. Natural creeks and streams are part of the beauty of the City and a habitat for native plants and animals, and many of the stormwater systems being developed in the City now mimic these natural areas and include plantings, walkways and wetland areas. These have the advantage of removing much of the pollution from the stormwater as well as reducing the potential for flooding.

Council has put in place a long-term plan to manage stormwater in the City, focussing first on the problems of the older urban areas and on catchments experiencing a lot of building and development, including parts of the Outer Area such as Huia and Piha. There will be further work and fine-tuning of this plan with the development of a computerised stormwater modelling system and to take into account the Auckland Regional Council's requirements.

ISSUES

The cost implications of meeting the Auckland Regional requirements are not able to be calculated with any certainty at this stage, particularly with regard to stormwater.

It is not known at this stage whether it is feasible to engineer stormwater treatment solutions to meet the proposed Auckland Regional Council criteria.

The costs will be further developed to enable Council's consideration through the Long Term Council Community Plan and Funding Review.

At present, it is expected that hearings will be held in October 2003 and the Council will need to be in a position to enable a submission be made to the Auckland Regional Council by September 2003. Accordingly, progress reports will be submitted to the Environmental Management Committee on a regular basis.

RESOURCES

There are no indications given as to the timing and sequencing of works programmes and expenditure required to achieve the environmental criteria in the Variations.

No allowance has been made in the 2002/03 Annual Plan for legal costs associated with this issue. In order to minimise costs of responding to the Auckland Regional Council, costs are being shared with Watercare Services Limited and the Local Network Operators.

Provision has been made in the Draft 2003/04 Annual Plan for funding of \$33,000 to ensure that Council's interests are protected in submissions to the Auckland Regional Council on the Air, Land and Water Plan.

CONCLUSION

Regular progress reports will be submitted to the Environmental Management Committee to ensure that the Council is advised of the implications of the Air, Land and Water Plan.

RECOMMENDATION

That the Air, Land and Water Plan report and presentation from the Auckland Regional Council be received.

Report prepared by: Tony Miguel, Manager: EcoWater Solutions.



13 **PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY**

PURPOSE OF THE REPORT

A19

The purpose of this report is to present to the Environmental Management Committee the sixteenth of the monthly Painted Apple Moth update reports from the Ministry of Agriculture and Forestry, as requested by the Council at its meeting of 17 August 2001. The Ministry of Agriculture and Forestry report is attached as page A19. Additional information on the painted apple moth eradication programme is also presented here.

BACKGROUND

Nine targeted aerial sprays against painted apple moth were completed over the period from January to September 2002. A combination of a fixed wing aircraft and a helicopter sprayed up to 900ha.

Eleven expanded aerial spray rounds have been completed from 23 October, 13-15 November, 2-3 December, 20-21 December 2002, 7 and 15 January 2003, 30-31 January, 16-17 February, 14-17 March, 2-3 April, 22-23 April and 14 May 2003. Three aircraft - a Fokker Friendship, a small, fixed wing aircraft and a helicopter - have been used to spray up to 10,300 hectares. Aircraft have suspended spraying at 8.00am - 9.00 am, 12.15 pm - 1.00 pm and 3.00 pm - 4.00 pm when children are walking to and from school and eating lunch.

Several areas have been identified as hotspots (areas where there are repeated finds of caterpillars and moth trap catches) and are to receive targeted aerial spraying every 7-10 days, weather permitting. There is no direct spraying of residents in these areas. Five hotspot sprays have been conducted to date; Meola Creek on the 21 November 2002, Meola Creek plus Hobsonville on 17 December 2002, Hobsonville on 28 December 2002, all hotspots 15-16 January 2003, all hotspots except Henderson Creek islands on 7-8 February, and all hotspots 8-9 April, 29 April 2003.

STRATEGIC CONTEXT

The Ministry of Agriculture and Forestry has an obligation to do all that is required in terms of its legal responsibilities under the Biosecurity Act 1993. Council has encouraged and facilitated this where possible.

Council has an obligation to protect native ecosystems, native flora and fauna habitat and the ecological processes associated with these systems both under the Resource Management Act 1991 and under the District Plan issues 5.2 and 5.5. Equally, Council has an obligation to protect and represent the residents of Waitakere City.

ISSUES

Current Aerial Spray Programme

The operation on the 14 May 2003 marked the end of the summer eradication programme. Cabinet is due to meet on 26 May 2003 to decide on the winter operation. At the time of this report no details were available as to what form the future operation would take, however, it is still anticipated to require some mode of aerial spraying on a less frequent basis and over a smaller area.

Regulatory Investigations Under The Health Act 1956

Council has certain statutory duties under the Health Act 1956 to protect the public health of the people in its district. Council is continuing its investigation, including receiving information from the public and interested parties, to determine whether there are sufficient grounds to take regulatory action under the Health Act. An update will be provided at the meeting.

Health Issues

The Ministry of Agriculture and Forestry continues to work on a health programme that would allow painted apple moth health services to be delivered via the people's own chosen health professional (GP, naturopath, practice nurse, etc). No details are available as to the progress of this programme or what is contributing to delays in implementation.

Below are some costs and assistance provided by the Ministry of Agriculture and Forestry for the last spray day:

Relocation Costs For Last Spray Day	
Meals and Other Alt Support	\$ 93,663.00
Accommodation	\$341,605.36
Taxi & Travel	<u>\$ 25,233.35</u>
	\$460,501.71

Relocation Figures For Last Spray Day
256 People at Breakfast Plus 261 Support People (Families etc.)
144 People in Motels Plus 166 Dependents
13 People Make Other Arrangements
271 Given Early Warnings

Moth Trap Catches

After 17 months of targeted and expanded aerial spray operations moth trap catches are significantly reduced from the population levels they were a year ago as shown in the table below:

Moth Trap Catches for Painted Apple Moth

Month	Moth Trap Catches 2002	Moth Trap Catches 2003
January	2555	44
February	1521 (approx)	24
March	893	9
April	550	1
May	94	1 to date

The single find in May was near Ranui Domain, the last ground infestation found in March 2003.

Sterile Insect Technique

The Ministry of Agriculture and Forestry has undertaken sterile insect technique trials at Waikumete Cemetery, Hobsonville and Ranui Domain, three known hotspot areas. The male moths are marked with fluorescent powder so they can be identified from wild male moths in the trap catches. Council is still awaiting the final report from these trials.

Vegetation Control Zone

In April the Ministry of Agriculture and Forestry erected signs at the major entrances and exits to the vegetation control zone that came into force on 9 December 2002. The Ministry of Agriculture and Forestry have reported an increase in the number of calls inquiring about vegetation movement and permits since the erection of these signs.

Caterpillar Finds

There have been no larvae found since March 2003.

Host Removal Work at Waikumete Cemetery

The Ministry of Agriculture and Forestry's contractors at Waikumete Cemetery have completed the host removal work including clean up and screen planting of tea tree. The area opposite the water reservoir is to be levelled and grassed in June.

Reinstatement Issues for Council

Estimated costs and areas for reinstatement were outlined in the September 2002 report to the Environmental Management Committee. Discussions continue between Council and the Ministry of Agriculture and Forestry.

RESOURCES

An earlier report detailed the resourcing levels required for this project. With the issue continuing into the 2003/2004 financial year, the impact on current and proposed work programmes is significant. It is not expected that Council will put any additional financial resources into the eradication operation as it is a matter of national biosecurity and is under the jurisdiction of the Ministry of Agriculture and Forestry through the Biosecurity Act 1993. Council has made provisions in the Draft Annual Plan for revegetation of Council land where host removal work has been undertaken by the Ministry of Agriculture and Forestry.

CONCLUSION

Nine rounds of targeted aerial spraying to eradicate the painted apple moth have been completed along with eleven expanded aerial sprays. The summer aerial spray programme is now complete, Cabinet is to meet about the winter programme on 26 May 2003.

Moth trap catches are significantly reduced with only 1 moth caught in April and 1 moth to date caught in May 2003.

Discussions continue with the Ministry of Agriculture and Forestry to resolve the issues around health and host removal/reinstatement.

RECOMMENDATION

That the Painted Apple Moth Update Report from the Ministry of Agricultural and Forestry be received.

Report prepared by: Kerry Bodmin, Landscape Planning Co-ordinator.



14 **UPDATE ON ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS FOR COUNCIL**

PURPOSE OF THE REPORT

This report provides an update to the Environmental Management Committee of current corporate energy efficiency initiatives and renewable energy projects.

BACKGROUND

Council has been furthering implementation of a number of energy efficiency and renewable energy projects and researching further new projects. The current electricity crisis has brought to immediate attention the need for Council to reduce its electricity demand to assist New Zealand avoid electricity cuts while the water levels of the hydro lakes are extremely low.

STRATEGIC CONTEXT

Energy efficiency and reducing the resulting CO₂ impacts on climate change are an integral part of Waitakere City's Eco-City philosophy. Clean Air and Sustainable Energy objectives have been incorporated into the Long Term Council Community Plan.

ISSUES

The following issues were identified:

'EnergyPro' Energy Monitoring and Targeting System

Staff have nearly completed the manual data entry of electricity invoices into the EnergyPro software system. Manual data entry has been necessary as a result being unable to secure the data electronically from Council's electricity provider. Upon completion of the data entry Council will be able to calculate its energy usage and costs on a site-by-site basis or function basis within Council. For example it would be possible to readily identify energy usage within the community centres.

Reports generated from EnergyPro will assist Council to calculate CO₂ from Council operations for the City's climate change database, identify specific sites to target for energy usage or cost efficiencies during the electricity crisis, and implement energy efficiency projects for Annual Plan 2003/2004 and longer term.

2003 Electricity Crisis

The current electricity crisis has prompted Council into action to implement energy reduction measures in response to the Target 10% challenge by the Winter Task Force. On 15 May 2003 the Directors' Group adopted an 'Action Plan Towards Target 15% Energy Reduction', and agreed to support implementation in their units.

Energy efficiency initiatives being implemented include switching off non-essential office lights, placing timers on Moselle cafeteria air conditioning units, connecting or adjusting light timers for office buildings, removing fluorescent light tubes from corridors and cafeterias, temporarily turning off public artwork lights and water fountains, and adjusting the timing of streetlights. Staff are being encouraged to switch off computer monitors and individual office lights during breaks, meetings and at the end of the day.

Council has been considering a number of potential initiatives for further reducing street lighting energy usage and the timing for implementation, while maintaining public safety. Council is participating in developing a national action plan for street lighting with other councils, New Zealand Police, LTSA, and Local Government New Zealand; to gain significant reductions in energy usage in preparation for the Winter Power Task Force needing to implement Stage 4 - Street Lighting of their strategy to reduce New Zealand's energy usage by 20%.

Once all of the electricity invoices have been entered into EnergyPro, Council will be able to benchmark its progress towards achieving Target 15%.

Massey Library Photovoltaic Panels

The tender process to award the contract to design and install photovoltaic panels onto Massey Library is about to begin. Five qualifying registrants were selected as a result of a Request of Information being called to identify companies interested in tendering for the project. It is anticipated that the photovoltaic panels should be installed by the end of October 2003.

Renewable Energy Projects

A number of opportunities are being identified for renewable energy to be incorporated into Council projects. Some have been identified for educational purposes and others for economic reasons. The potential opportunities are currently being researched and investigated on a case-by-case basis, investigating practicability, economic viability, and social and environmental benefits.

As the number of opportunities to implement renewable energy initiatives continues to increase, Council may need to develop a strategy to coordinate the initiatives to ensure the economic, social and environmental benefits for Council are maximised and impacts minimised. Council staff are currently considering how a strategy could be approached and the relationships between renewable energy, energy efficiency and sustainable building for Council sites.

RESOURCES

The resources for implementing EnergyPro and responding to the electricity crisis are available in the current annual plan or have been proposed in Annual Plan 2003/2004. The United Networks Shareholders Society granted funding to install photovoltaic panels at Massey Library.

Funding for further renewable energy projects is being investigated as part of evaluating feasibility of projects and external funding is being sought where most appropriate, for example where potential exhibit projects low-medium economic viability and high social or environmental benefits.

RECOMMENDATION

That the update on Energy Efficiency and Renewable Energy Project report be received.

Report prepared by: Michelle Dawson, Project Manager: Cleaner Production.



15 **WAITAKERE RANGES PROTECTION - TIMEFRAME**

PURPOSE OF THE REPORT

The purpose of this report is to obtain guidance from the Environmental Management Committee on the timeframe for the Waitakere Ranges Protection project, and to give the Committee an opportunity to nominate members to attend the New Zealand Landscape Conference on Friday and Saturday 25 and 26 July 2003.

BACKGROUND

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 conference proposed by the Environmental Defence Society. At the May meeting the Committee resolved:

“That Waitakere City Council participate in the research by the Environmental Defence Society as one of the case studies.

That Waitakere City Council funds a peer review of the EDS paper.”

967/2003

On 22 May a workshop for members of the Committee was held where the detail of the project - the information being researched, the consultation with regional agencies and the community and issues round the timeframe - were discussed.

STRATEGIC CONTEXT

The Waitakere Ranges Protection project is a key project within the Green Network platform of the draft Long Term Council Community Plan. The ‘Green Network’ draft 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 involvement in, solutions arising from the process.

ISSUES

Timeframe

A20

The Major issue for the Committee’s discussion is the timeframe. A timeframe put forward at the May workshop is attached at page A20.

The main ‘threads’ of the project are research and analysis, consultation and policy development. The way in which these threads fit with the suggested timeframe is outlined below.

Research and Analysis

This timeframe would see June and much of July devoted to research and information to find answers to the questions of:

- Is there a problem?
- What is the nature of the problem?
- What evidence is there?
- How effective are the tools currently being used to address these problems?
- Where are current tools not working as well as they might?
- Where are there gaps?
- What might be some of the solutions?

This task requires gathering data and information from both Council's own operations and from the other agencies that have obligations and interests in the Ranges. The Officer Advisory Group on the Waitakere Ranges project (including staff from Waitakere City Council, Auckland Regional Council, Iwi, Water Care Services, Rodney District Council, Ministry for the Environment and the Department of Conservation) met on 16 May, and is assisting with this task. A further meeting of the Officer Advisory Group is planned for mid June. It is envisaged that the community will also assist in this task through the consultation process.

It is extremely important that Council not only has good information on the nature of the problems that the project is addressing, but also can present this information by graphic, visually effective means prior to going out to public consultation. It is important that the community are able to identify and understand the problems in order to effectively engage them on what are the potential solutions.

Consultation

June and July will see the Political Liaison Group (made up of elected members from Council and the Auckland Regional Council, MPs and iwi) getting underway. This group will meet throughout the process.

The Community Process Group would also meet in June and July, probably a number of times, to 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. The detailed Consultation Plan would be developed in July, and all the material needed for the consultation prepared.

Once the problems have been identified, the next step will be to develop potential solutions, which will need to be analysed to enable decisions on the preferred solutions. Community views will obviously be very important in this process. Consultation would be carried out with the general public during August and September on the problems, issues, gaps and possible solutions. There are likely to be a number of different solutions to address the many pressures and issues in the Ranges. The community, being in many cases most familiar with the issues, is likely to come up with a great number of valuable ideas.

Possible solutions would be narrowed down with the help of focus groups during October to January (given that many of the coastal communities would need to be consulted during the summer holidays this will also enable bach owners to have their say as well).

Council would make decisions on preferred options for consultation in February and the options would be consulted on in March / April to assist Council with its decision on the preferred option in May 2004. This process would allow the community to participate in the process 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 the solution.

Policy Development

Policy work to identify potential options to fill the gaps, analyse the options and identify preferred options will be carried out alongside and informed by the consultation, both with government agencies and the community. It is anticipated that an Action Plan will need to be developed from the options work.

Important sources of information will be the information generated by the Council's own research project (including past work such as the West Coast Plan), together with the information from the community consultation, from the Landscape study by the Environmental Defence Society (once it is peer reviewed), and the New Zealand Landscape Conference 'Reclaiming our Heritage' in July.

New Zealand Landscape Conference

A21-A22

A conference entitled "Reclaiming our Heritage: The New Zealand Landscape Conference' hosted by the Environmental Defence Society Inc. in association with the University of Auckland is to be held in Auckland on 25 and 26 July 2003. Part of the conference brochure is attached at pages A21 to A22. Waitakere City Council is a sponsor of the conference. The conference is in response to concern over the loss of many of our outstanding landscapes to inappropriate development and there are speakers from both overseas and New Zealand. The purpose of the conference is:

'to debate the importance of landscape to New Zealanders, explore the reasons for the loss of our outstanding landscapes, examine overseas models of landscape protection and to identify ways of more effectively protecting our landscapes.'

It is considered that this conference will contribute to the debate on protection of New Zealand's outstanding landscapes, and it is recommended that a number of Councillors attend, and particularly Waitakere City's representatives on the Political Liaison Group (Crs Hulse, Yates, Presland and Mayor Bob Harvey).

RESOURCES

The cost of the landscape conference is \$380 per attendee. The amount would come out of the 2003/2004 project budget for the Waitakere Ranges.

CONCLUSION

The proposed timeline for this project allows the community and other government agencies to be properly consulted on the issues relating to protection of the Waitakere Ranges, and for the outcomes of the consultation to be incorporated into the policy work and decision-making. This will help generate greater levels of ownership and long-term commitment to the solutions that will be needed for their effective implementation. The Landscape conference in July will be a useful contribution to the debate.

RECOMMENDATIONS

1. That the Waitakere Ranges Protection - Timeframe report be received.
2. That the Environmental Management Committee approve the timeframe for the Waitakere Ranges project as set out on Page A1 of this agenda.
3. That the Environmental Management Committee nominate Councillors to attend the New Zealand Landscape Conference in Auckland on 25-26 July 2003

Report prepared by: Jenny Macdonald, Strategic Leader.



PART V - SUBCOMMITTEE REPORTS

16 KAY ROAD BALEFILL SITE MANAGEMENT COMMITTEE

THE SUBCOMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS SPECIAL INAUGURAL MEETING HELD ON TUESDAY, 27 MAY 2003

MATTERS CONSIDERED

A23-A25

The Subcommittee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages A23 to A25.

The Subcommittee Recommends:

That the report of the Special Inaugural Meeting of the Kay Road Balefill Site Management Committee held on Tuesday, 27 May 2003 be received.

DG Hallett
CHAIRPERSON

