



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, 16 December 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.

10 December 2003

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

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

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

(Quorum 5 members)

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

WAITAKERE CITY COUNCIL



**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, 16 DECEMBER 2003,
COMMENCING AT 9.30 AM.**

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AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 16 DECEMBER 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 - Monday, 1 December 2003
Reconvened - Tuesday, 2 December 2003

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Monday, 1 December 2003 and reconvened on Tuesday, 2 December 2003, as circulated, be taken as read and now be confirmed.



4 **STRUCTURE PLANNING REVIEW REPORT**

PURPOSE OF THE REPORT

A1-A107

The purpose of this report is to present to the Environmental Management Committee the Structure Planning Review Report (the Report) prepared for the Council by independent consultants. The Structure Planning Review Report is attached at pages A1 to A107. A peer review of the Structure Planning Review Report, prepared by Mr Ken Tremaine, has been circulated under a separate cover.

BACKGROUND

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

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

Structure plans have been developed by the Council in three catchments (Oratia, Birdwood and Swanson) in the Foothills Environment. The Council has also engaged in the development of a structure plan in the Dilworth catchment, as part of the process of achieving the resolution of an appeal against the District Plan by Mr P Mawhinney. A structure plan for the Waiarohia catchment (in the Countryside Environment) has been prepared by the Council and publicly notified, however it was put on hold in November 2002. The privately initiated Pakanui Structure Plan is also awaiting the outcome of the Structure Planning Review.

This Structure Planning Review has arisen out of statutory processes initiated by the Council to incorporate structure plans into the District Plan, the strategic directions agreed to by the Council via the development of the Council's Long Term Council Community Plan, and following Environment Court appeals, interest and debate from external organisations and individuals.

The Structure Planning Review is a District Plan monitoring project that sits within the Council's wider strategic planning and District Plan monitoring framework. The Council has a statutory obligation to monitor its District Plan under section 35 of the Resource Management Act 1991, to ensure it remains an effective planning tool.

The Structure Planning Review project brief arises from submissions on individual structure plans, Environment Court appeals arising from Council decisions on structure plans and discussion and questioning as to:

- whether structure planning and the development of a catchment that occurs as a result of structure plans is appropriate in the Foothills Environment;
- whether further subdivision and development should or could be more tightly constrained, and what constraints may or may not be appropriate;
- whether structure planning provides the final opportunity for subdivision and development in the Foothills Environment, or whether it is an approach to incremental subdivision; and
- perceptions that when undertaking a structure planning process, subdivision potential will automatically be provided to land owners through the process.

In the light of these queries, the Environmental Management Committee resolved in April 2003:

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

776/2003

The scope of the task identified in Resolution 776/2003 was significantly large enough to require the separation of the review of structure planning in the Foothills and the Countryside Environments. Further to this, the issues that arise in the Foothills differ to those in the Countryside Environment, and it was considered that each Environment requires a project brief tailored to that Environment. The review of structure planning in the Foothills Environment was commenced first.

The Environmental Management Committee resolved in August 2003:

"That the Environmental Management Committee nominates Crs Fenton, Hulse and Yates to approve the Structure Plan Review Project Brief, following completion of the consultation on the Draft Project Brief."

1716/2003

A108-A121

The project brief for the Structure Planning Review was prepared in August 2003, and external stakeholders were consulted on the contents of the brief. Following significant amendments to the early drafts of the project brief, the final version was approved by nominated Environmental Management Committee members on 9 September 2003. The approved project brief is attached at pages A108 to A121.

The consultants engaged to undertake the Review commenced their task on 19 September 2003. The consultants had a series of meetings with Council staff, consultants used by the Council in the preparation of the various structure plans, consultants currently seeking subdivision consents in structure plan areas, iwi, and residents from Oratia, Birdwood and Swanson.

Upon receipt of the draft report from the consultants, the Council sought a peer review of this work by the Parliamentary Commissioner for the Environment. The Parliamentary Commissioner for the Environment's office indicated that a peer review could not be provided until March 2004, due to prior commitments of the individual consultants that were going to undertake the peer review. To facilitate the timely provision of the outcomes from the Structure Planning review by the Council, the Council engaged Mr Ken Tremaine, planning consultant, to undertake the peer review. Mr Tremaine's peer review has been circulated under a separate cover.

STRATEGIC CONTEXT

The Foothills Environment is generally rolling hill country with a mosaic of pasture and bush, interspersed with remnant orchards and vineyards. The strategic direction in the District Plan for the Foothills Environment is to establish a permanent settlement threshold that maintains the role of the foothills as a visual and ecological buffer between the urban area and the Waitakere Ranges. In this regard, the protection of open space character, native vegetation, riparian areas and the limiting of the provision of urban infrastructure are all key to maintaining the visual and ecological integrity of the foothills area.

The Foothills Environment is beyond the Metropolitan Urban Limit as defined by the Auckland Regional Policy Statement. The Council has encountered a long history of advocacy both for and against further subdivision potential for sites within the Foothills Environment. This advocacy has been addressed to some extent by the utilisation of a method within the Council's District Plan, namely the development of structure plans for defined catchments within the Foothills Environment.

Structure plans are intended to enable Council to achieve a number of outcomes that assist in meeting its strategic objectives. These include:

- enhancement of the Green Network;
- comprehensive catchment management;
- participation by local communities in planning for their area; and
- greater subdivision flexibility that is more consistent with an effects-based approach to subdivision and sustainable land management in the City's Foothills and Countryside Environments.

Structure plans have been a significant policy and operational initiative for this Council since the public notification of the District Plan in October 1995. The publicly notified version of the (then) Proposed District Plan included the Oratia Structure Plan. Out of 146 policies in the District Plan, 22 have structure planning as a method of implementation.

The Auckland Regional Policy Statement provides for the structure planning approach. The Auckland Regional Council has, however, been a submitter in opposition to both the Proposed Birdwood and Swanson Structure Plans.

The Council is not undertaking the Structure Planning Review in isolation. The Council is currently also engaged in the Waitakere Ranges Project, which is part way through an extensive public consultation process. The Structure Planning Review, being a more technical review, has had a more targeted approach, focussing on the approach to development and implementation of structure planning in the Foothills Environment.

The findings from the Structure Planning Review will feed into the Waitakere Ranges Project, to assist in informing all those that are involved in that Project. The findings of the Structure Planning Review and the decisions of Council in relation to it will be included in the Phase II consultation process for the Waitakere Ranges Project, to assist in providing an informed debate. Phase II of this project is expected to commence early in 2004.

ISSUES

The Structure Planning Review discusses many matters. It is considered that some matters raised in the text of the Report (rather than specifically in the recommendations) would benefit from a brief discussion to provide both clarity and context. These are discussed below. Comment is then provided on each of the Report's recommendations.

Structure Planning Approach by Waitakere City Council

The development of structure plans has occurred over a 10 year period in a evolutionary legislative environment (ie. the enactment of the Resource Management Act which has created a new paradigm for planning) and the evolution of resource management “good practice” and case law that has clarified the purpose and principles of the Resource Management Act. Structure planning has also occurred in the context of differing elected Councils and changing implementation requirements arising from the Auckland Regional Council (for example storm water mitigation and soil contamination). During this period the Council has also sought to learn from the development of the Oratia Structure Plan when developing the Birdwood and Swanson Structure Plans.

The Report indicates a perception in the community that Council has been influenced by lobbying from landowners in regards to the development potential of their land. The Council has encountered significant lobbying from all perspectives on the development of structure plans. During the consultation on the development of a structure plan, the Council must listen with an open mind to the many and various views of participants involved in the consultation, but it must also reserve the ability to make decisions that end up disagreeing with some or all of those participants.

Fairness and Equity

The Report considers that the process and outcomes of structure planning achieved thus far by Waitakere City Council’s application of the structure planning method are somewhat unfair, and that fairness and equity should be a priority.

The structure planning approach is based upon the purpose and principles of the Resource Management Act 1991. Resource management is about the sustainable management of natural and physical resources, which means that on occasion, development potential is constrained because the exercise of that potential will adversely affect the environment. It is in this legislative framework that the Council has made decisions on subdivision potential in the structure plan areas.

Where decisions have been made based upon an assessment of the physical constraints of the site, land owners have, on occasion, been disappointed with the subdivision potential that has been allocated to their land. It is not surprising that dissatisfied landowners would question the fairness of such decisions. However, the Council cannot make resource management decisions that may lead to adverse effects on the environment, in an endeavour to avoid disappointing landowners. That would not amount to sound resource management practice, and it could be argued that the Council was failing in terms of meeting its statutory duties under the Resource Management Act 1991.

The Structure Planning Review report places a great deal of emphasis on equity. Again, decision making under the principles of the Resource Management Act may mean that some landowners are disappointed. Part of this disappointment may, on occasion, stem from misunderstanding of the environmental constraints that exist on particular sites, and the way that those constraints affect the development potential of that or adjacent sites. It is acknowledged that this could be an outcome of Council’s reporting practice and limited explanation of how subdivision potential has been allocated.

The Council has always maintained through the District Plan that the allocation of subdivision potential in structure plan areas is based upon an assessment of the environmental constraints of the site, and the catchment within which the site sits. The Foothills Environment is not “easy” land to subdivide and develop, in that there are often significant environmental constraints associated with individual sites and/or whole catchments. While other resource management methods such as a minimum lot sizes may deliver an “equitable” distribution of lots across an area of land, this approach may also lead to adverse effects on the environment. Therefore the structure planning approach used by Council has involved an environmental constraints based assessment. This has led to differing allocations of subdivision potential to specific sites within structure plan areas. It is considered that there is a sound resource management basis for this approach, and while it may be perceived by some to be inequitable, it provides for the sustainable management of the natural and physical resources of the Foothills Environment.

Tradeable Development Rights

The Report suggests several times that the Council should consider a tradeable development rights approach, possibly in the Swanson Structure Plan area. Tradeable Development Rights have often been discussed since the Resource Management Act was enacted, but Tradeable Development Rights systems have generally proven to be difficult to administer and, it is therefore uncertain whether they actually achieve sustainable management of natural and physical resources, particularly in sensitive receiving environments. It is considered that while this approach may have merit, a Tradeable Development Rights regime is not a District Plan method that should be rushed into, and a significant amount of analysis would be required to establish this and implement this.

The matter of Tradeable Development Rights was considered as part of the submissions on the Oratia Structure Plan by the (then) District Plan Special Committee. In Decision Notice 1, the Committee made the following comment.

While transferable development rights have some advantages in terms of equity issues, they are possibly not consistent with the effects based approach of the Resource Management Act and the proposed Plan. The Structure Plan has set out the proposed subdivision in a manner that avoids significant adverse effects or, where this is not possible, requires the effects to be remedied or mitigated. This effects-based approach has established what is considered to be an appropriate level of intensification for the area. Within this effects-based approach there is no stage at which the purchase of ‘development rights’ by an applicant would be a logical requirement. There is no Resource Management Act rationale or justification for setting subdivision or development controls at a level other than those derived from environmental thresholds, merely to establish an artificial mechanism to promote a transferable development rights market. On those sites where there may be adverse effects, provision has been made for remediation or mitigation. On those sites where there will not be significant adverse effects it is considered tenuous to require the landowners to provide for the protection of completely unrelated sites in different parts of the City other than may be provided for within the normal reserve contribution requirements.

The Committee note the submissions with interest and while agreeing that in the case of the Oratia Structure Plan they are not an option, they acknowledge the points made and will consider how they might fit into the District Plan and particularly any structure plans that may be undertaken in the future.

It is interesting that the Structure Planning Review Report notes that the investment that the Council has made in structure planning is large when compared with the development potential and environmental enhancement achieved (paragraph 3, page 74). It is considered that a Tradeable Development Rights regime would require the investment of an as yet unknown amount of rate payer funds, plus on-going administrative costs for the Council, with potential for an uncertain outcome in terms of the sustainable development of natural and physical resources in the Foothills Environment.

Waiarohia / Opanuku / Pakanui / Totara / Riverlea / Dilworth Structure Plans

The Waiarohia Structure Plan is located in the Countryside Environment in the northern part of the City. The recommendations from the Structure Planning Review Report that are recommended to be adopted by the Council will have some application to the Waiarohia Structure Plan, and will need to be reflected in the project brief for the review of structure planning in the Countryside Environment.

The funding of the technical studies for the development of a structure plan in the Opanuku catchment were budgeted for in the 2002/2003 Annual Plan. However, following Resolution 776/2003 by this Committee at its April 2003 meeting, that budget was transferred to meet the costs of the Structure Planning Review. The funding of technical studies in the Opanuku catchment have as its pre-requisite the decisions of this Committee on the Structure Planning Review. It appears appropriate that funding technical studies in the Opanuku catchment be deferred until the wider strategic issues related to development in the Foothills Environment have been clarified.

Pakanui Structure Plan is a privately initiated structure plan located in the Foothills Environment in the vicinity of Amreins Road. This Committee considered the draft Pakanui Structure Plan in April 2003, and resolved as follows.

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

778/2003

There are two other privately initiated structure plans in the Countryside Environment, commonly called the Totara and Riverlea Structure Plans. The technical work required to enable these structure plans to proceed are not as developed as the Pakanui Structure Plan.

The Council has also been involved in the development of the Dilworth Structure Plan. This has arisen in response to an appeal to the Proposed District Plan by Mr P Mahwhinney seeking further subdivision potential. The Environment Court, in an interim decision, has indicated that while structure planning is an appropriate method to use to resolve this appeal, further technical work on this structure plan is required.

STRUCTURE PLANNING REVIEW REPORT RECOMMENDATIONS

The Report makes 17 recommendations. It has provided recommendations that relate to the Council's strategic policy, the Council's approach to structure plans, two recommendations related to the Swanson Structure Plan, and one recommendation relating to regional and central government actions.

It is important to note that the Report's recommendations have been made by a group of consultants independent of the Council. The consultants make it quite clear in the Report that they are solely responsible for the conclusions and recommendations contained in the Report.

It is also important to note that the Environmental Management Committee is not bound by the Report's recommendations, nor is it required to adopt all the recommendations. The Report is not the Structure Planning Review. It is the independent consultants' technical report that has been provided to this Committee to assist in any decisions the Committee wishes to make in relation to its review of structure planning. The Committee is not under any obligation to act upon all or any of the recommendations contained within the Report. The consultants have anticipated the possibility that the Committee may adopt only some of the recommendations, by separating out some of the recommendations to enable the Committee to consider them somewhat independently of the other recommendations.

Comments in relation to each of the Report's recommendations are provided below. These comments have been made prior to the receipt of the Peer Review. These comments may be reconsidered following the receipt of the Peer Review.

Recommendation 1 seeks that the Council:

Clarifies and strongly affirms the vision and values for the Waitakere Ranges, including the foothills.

This will be addressed via the Waitakere Ranges Project, and is supported.

Recommendation 2 seeks that the Council:

Undertakes further work on its long term settlements strategy, particularly for rural areas, and that this:

- *Reflect the vision and values developed in 1.*
- *takes a long term view, out to 2050, to ensure that future urban potential is protected.*
- *Considers rural residential development in the regional and sub regional context.*
- *Considers the role of non statutory instruments at this stage so that a proactive approach is taken to their use.*

This Recommendation identifies a significant amount of additional work that is required to address the issues that arise in relation to the Foothills of the Ranges. Addressing this recommendation has the potential to require a significant amount of staff resource, and development of a work programme spanning financial years. The Committee may wish to accept this recommendation in principle, and re-consider it once the findings of the Waitakere Ranges Project are known, with a view to integrating the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project where appropriate.

Recommendation 3 seeks that the Council:

Considers any future potential development opportunities across the rural area in the light of 1 and 2 above, and in conjunction with the range of management tools, including transferable development rights, minimum lot sizes, cluster housing in farm parks, site re-amalgamation, enhancement based incentives, assessment criteria for rural subdivision and other mechanisms.

This Recommendation also identifies a significant amount of additional work that is required to address the issues that arise in relation to the Foothills of the Ranges, and would require allocation of additional resources. A similar response to Recommendation 2 is suggested.

Recommendation 4 seeks that the Council:

Considers the use of prohibited activity status, and other mechanisms, such as restrictive covenants, to foreclose further development where this is essential to protect significant values into the longer term.

This accords with the resolution by this Committee at its February 2003 meeting, that:

“That in respect of the Foothills Environment (other than the Oratia Structure Plan area), the Council’s position in respect of Variation 87 is to adopt a Prohibited Activity status for applications seeking a greater number of sites than that shown on a structure plan map forming part of the Proposed Plan.”

94/2003

Recommendation 4 is therefore supported, as is the suggested policy approach that the activity status for applications seeking a greater number of sites than that shown on the structure plan must be determined as one of the pre-requisites for any structure plan other than the Oratia Structure Plan. In terms of the Oratia Structure Plan, the activity status that applies to subdivisions has been determined by the Environment Court.

The appeals that relate to Variation 87 have not yet been resolved, and the parties to that appeal will be advised of this recommendation.

Recommendation 5 seeks that the Council:

Considers equity, consistency and transparency, where possible and appropriate, in the choice of planning mechanisms to be used.

This Recommendation includes the matter of equity, which has been discussed previously in this report. The Council seeks to act in an equitable, consistent and transparent manner in all of its activities, and these are inherent in the Council’s principles of open, honest communication, accountability and integrity. Recommendation 5 is supported, while it must be noted that decisions under the Resource Management Act 1991 are not always equitable (or perceived to be), as the sustainable management of natural and physical resource will, on occasion, lead to outcomes that leave some people dissatisfied.

Recommendation 6 seeks that the Council:

Considers the use of non statutory as well as statutory mechanisms to support and enhance key environmental outcomes.

The Council currently undertakes a significant amount of non-statutory work to achieve environmental outcomes, especially under the Green Network and Three waters strategic platforms. This recommendation is supported, and should be integrated into the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project, where appropriate.

Recommendation 7 seeks that the Council:

Considers the use of non statutory as well as statutory mechanisms to recognize and enhance cultural heritage of Tangata Whenua and other key cultural groups.

The Council currently undertakes a significant amount of non-statutory work to achieve outcomes related to the cultural heritage of tangata whenua and other cultural groups. This recommendation is supported, and should again be integrated into the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project.

Recommendation 8 seeks that the Council:

Ensures that comprehensive open space planning is undertaken at an appropriate time, after the first four matters above are considered, and is included as an integral part of any future planning exercises across the city.

This Recommendation relates to the different parts of the Council seeking to co-ordinate their activities, and is supported. The difficulties that the Council has faced in undertaking open space planning after the structure planning process is complete should be avoided in the future.

Recommendation 9 seeks that the Council:

Considers its systems, structures and resourcing to ensure it is able to:

- *provide appropriate leadership in the development of the above;*
- *adequately manage and resource the work involved;*
- *ensure any teams have the skill sets and resources needed for the task/s;*
- *consult the appropriate communities and stakeholders, including landowners;*
- *manage expectations of the diverse stakeholders.*

This Recommendation illustrates the consultants' acknowledgement that a significant amount of additional work is required to address the issues that arise in relation to the Foothills of the Ranges. Addressing all of the recommendations contained in the Report has the potential to require a significant amount of staff resource, and development of a work programme spanning financial years. This recommendation is supported, and should be re-considered once the findings of the Waitakere Ranges Project are known, with a view to integrating the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project, where appropriate.

Recommendation 10 seeks that the Council:

Monitors the outcomes of the Oratia and Birdwood structure plans in terms of Policy 11.29 and the structure plan process undertaken, and in light of 1 above.

This Recommendation acknowledges that the development associated with these two structure plans are key components in terms of enabling the Council to assess the ability of structure planning to sustainably manage the natural and physical resources in the Foothills Environment. This recommendation is supported.

Recommendation 11 seeks that the Council:

Considers any changes needed to the management of landscape, rural character and amenity issues in light of the above.

This recommendation is supported, and should be integrated into the wider work programmes related to protection of the Waitakere Ranges.

Recommendation 12 seeks that the Council:

Considers any changes needed to the management of ecological issues in the light of the above, and in particular if further rural development opportunities are provided for, given the threats posed by weeds and pests.

This recommendation is supported, and should be re-considered once the findings of the Waitakere Ranges Project are known, with a view to integrating the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project, where appropriate.

Recommendation 13 seeks that the Council:

Considers any plan changes needed in light of the above.

This recommendation is supported, and any possible plan changes should be re-considered once the findings of the Waitakere Ranges Project are known, with a view to integrating the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project, where appropriate.

Recommendation 14:

Considers immediately the substantial changes that need to be made to the structure plan focus and process, and further policy and assessment criteria for subdivision in structure plan areas, through plan changes to the WDP.

This Recommendation provides direction in case the Council does not support Recommendations 1-13. As Recommendations 1-13 are supported, Recommendation 14 is also supported, as it follows on from the actions identified in Recommendations 1-13. Recommendation 14 would be considered as part of any future work programme that relates to changes to the District Plan.

Recommendation 15 seeks that the Council:

Withdraws the Swanson Structure Plan.

This Recommendation relates to the Swanson Structure Plan (Variation 88). The Structure Planning Review Report recommends that it be withdrawn. The Structure Planning Review Report also provides further discussion of this Recommendation, in terms of the other types of methods that could be used in the Council's District Plan to enable appropriate development of this area within the Foothills Environment.

The withdrawal of Variation 88 is an action that the Council may take under Clause 8D(1)(b) of the First Schedule of the Resource Management Act 1991. The Council must withdraw the Variation prior to the commencement of the hearing of the appeal by the Court. The Council must also give notice of the withdrawal of Variation 88, and include reasons for the withdrawal.

In the light of the findings of the Structure Planning Review Report, the withdrawal of the Swanson Structure Plan is supported. This would provide the time to undertake the overarching strategic work that is recommended in the Report. It is possible that the withdrawal of Variation 88 may lead to the Council receiving non-complying subdivision applications that are in accordance with the lot densities previously identified in the Swanson Structure Plan.

Recommendation 16 seeks that the Council:

Immediately after the first 4 recommendations above are completed, and in consideration of the withdrawal of the Swanson Structure Plan, urgently undertakes a future planning exercise for the Swanson rural and urban areas.

This Recommendation is a consequential recommendation associated with Recommendation 15. As identified previously, the adoption of Recommendation 15 and 16 will create a significant amount of additional work, in terms of addressing the future planning exercise identified in Recommendation 16. This has the potential to require a significant amount of staff resource and the development of a work programme spanning financial years. The future planning exercise should be integrated into the two work streams arising from the Structure Planning Review and the Waitakere Ranges Project, as identified in the discussion of Recommendations 2, 3, 6, 7, 9, 10, 11, 12, and 13 above.

Recommendation 17 seeks that the Council:

Works with the Auckland Regional Council, other Auckland councils, and other interested councils nationally, to advocate to central government for research and action on developing effective management frameworks to support the protection of significant environmental values into the longer term.

This recommendation is related to Recommendation 1, and should be progressed in conjunction with any work streams that are identified as outcomes from the Waitakere Ranges Project.

PEER REVIEW OF STRUCTURE PLANNING REVIEW REPORT

As noted in the Background Section of this report, the Council sought a peer review of this work by the Parliamentary Commissioner for the Environment. The Parliamentary Commissioner for the Environment indicated that a peer review could not be provided until March 2004, and so the Council engaged Mr Ken Tremaine, Planning Consultant, to undertake the peer review.

When this report went to print, the conclusions of the peer review were not known. It is suggested that the Committee consider the recommendations of the Structure Planning Review and the recommendations of this report in conjunction with the conclusions of the Peer Review.

RESOURCES

As indicated in the commentary on the recommendations, adoption of the recommendations will require the development of a work programme spanning financial years, and will be a significant call on staff resource. This call on staff resource is not budgeted for in the 2003/2004 year, or in subsequent years under the Long Term Council Community Plan.

Once the Committee has resolved which, if any, of the recommendations in the Structure Planning Review Report will be adopted, the Council will then be in a position to establish a work programme and integrate this with any work streams arising from the Waitakere Ranges Project. It is considered appropriate that this work programme be the subject of a future report to the Environmental Management Committee.

CONCLUSION

The findings and recommendations of the Structure Planning Review Report prepared by the consultants are part of the Council's requirement to monitor its District Plan under the Resource Management Act 1991. The Council has also received the peer review of that Report, prepared by a respected planning practitioner.

To adopt the recommendations of the Report in their entirety amounts to an indication that the Council is prepared to reconsider its policy for the Foothills environment, in terms of re-assessing the strategic direction that the Council takes in terms of that Environment.

The adoption of Recommendation 15 will directly affect the land owners of the Swanson Structure Plan area.

RECOMMENDATIONS

Recommendations in relation to each of the Structure Planning Review Report's recommendations are provided below. These recommendations have been made prior to the receipt of the Peer Review.

1. That the information be received.
2. That Recommendation 1 in the Structure Planning Review Report dated November 2003 that the Council:

clarifies and strongly affirms the vision and values for the Waitakere Ranges, including the foothills;

be adopted.

3. That Recommendation 2 in the Structure Planning Review Report dated November 2003 that the Council:

Undertakes further work on its long term settlements strategy, particularly for rural areas, and that this:

reflect the vision and values developed in 1;

takes a long term view, out to 2050, to ensure that future urban potential is protected;

considers rural residential development in the regional and sub regional context;

considers the role of non statutory instruments at this stage so that a proactive approach is taken to their use;

be adopted.

4. That Recommendation 3 in the Structure Planning Review Report dated November 2003 that the Council:

considers any future potential development opportunities across the rural area in the light of 1 and 2 above, and in conjunction with the range of management tools, including transferable development rights, minimum lot sizes, cluster housing in farm parks, site re-amalgamation, enhancement based incentives, assessment criteria for rural subdivision and other mechanisms;

be adopted.

5. That Recommendation 4 in the Structure Planning Review Report dated November 2003 that the Council:

considers the use of prohibited activity status, and other mechanisms, such as restrictive covenants, to foreclose further development where this is essential to protect significant values into the longer term;

be adopted.

6. That Recommendation 5 in the Structure Planning Review Report dated November 2003 that the Council:

considers equity, consistency and transparency, where possible and appropriate, in the choice of planning mechanisms to be used;

be adopted.

7. That Recommendation 6 in the Structure Planning Review Report dated November 2003 that the Council:

considers the use of non statutory as well as statutory mechanisms to support and enhance key environmental outcomes;

be adopted.
8. That Recommendation 7 in the Structure Planning Review Report dated November 2003 that the Council:

clarifies and strongly affirms the vision and values for the Waitakere Ranges, including the foothills;

be adopted.
9. That Recommendation 8 in the Structure Planning Review Report dated November 2003 that the Council:

ensures that comprehensive open space planning is undertaken at an appropriate time, after the first four matters above are considered, and is included as an integral part of any future planning exercises across the city;

be adopted.
10. That Recommendation 9 in the Structure Planning Review Report dated November 2003 that the Council:

considers its systems, structures and resourcing to ensure it is able to:

provide appropriate leadership in the development of the above;
adequately manage and resource the work involved;
ensure any teams have the skill sets and resources needed for the task/s;
consult the appropriate communities and stakeholders, including landowners;
manage expectations of the diverse stakeholders;

be adopted.
11. That Recommendation 10 in the Structure Planning Review Report dated November 2003 that the Council:

monitors the outcomes of the Oratia and Birdwood structure plans in terms of Policy 11.29 and the structure plan process undertaken, and in light of [Recommendation]1 above;

be adopted.
12. That Recommendation 11 in the Structure Planning Review Report dated November 2003 that the Council:

considers any changes needed to the management of landscape, rural character and amenity issues in light of the above;

be adopted.

13. That Recommendation 12 in the Structure Planning Review Report dated November 2003 that the Council:

considers any changes needed to the management of ecological issues in the light of the above, and in particular if further rural development opportunities are provided for, given the threats posed by weeds and pests;

be adopted.

14. That Recommendation 13 in the Structure Planning Review Report dated November 2003 that the Council:

considers any plan changes needed in light of the above;

be adopted.

15. That Recommendation 14 in the Structure Planning Review Report dated November 2003 that the Council:

considers immediately the substantial changes that need to be made to the structure plan focus and process, and further policy and assessment criteria for subdivision in structure plan areas, through plan changes to the WDP;

be adopted, and that Recommendation 14 be incorporated into the work programme arising from the adoption of Recommendations 1-13, when the actions identified in Recommendation 14 accord with the achievement of that work programme.

16. That in accordance with Recommendation 15 in the Structure Planning Review Report, dated November 2003, that the Council:

withdraws the Swanson Structure Plan;

be adopted, and that legal counsel be instructed to inform the Environment Court and all other parties of the withdrawal of Variation 88 to the Proposed District Plan (operative in part), under Clause 8D(1)(b) of the First Schedule of the Resource Management Act 1991.

17. That Recommendation 16 in the Structure Planning Review Report dated November 2003 that the Council:

immediately after the first 4 recommendations above are completed, and in consideration of the withdrawal of the Swanson Structure Plan, urgently undertakes a future planning exercise for the Swanson rural and urban areas;

be adopted and be incorporated into the work programme arising from the adoption of Recommendations 1-13, and Recommendation 17, when the actions identified in Recommendation 16 accord with the achievement of that work programme.

18. That Recommendation 17 in the Structure Planning Review Report dated November 2003 that the Council:

works with the Auckland Regional Council, other Auckland councils, and other interested councils nationally, to advocate to central government for research and action on developing effective management frameworks to support the protection of significant environmental values into the longer term;

be adopted.

19. That no further action be taken by Council to progress the development of the Opanuku Structure Plan until the completion of the policy work identified in the Structure Planning Review and the Waitakere Ranges Project.
20. That the Council discuss the outcomes of the Structure Planning Review with the Pakanui Structure Plan landowners, and report back to the Environmental Management Committee on this matter.
21. That the Structure Planning Review Report be made freely available, and be incorporated into Phase II of the Waitakere Ranges Project.
22. That the two work programmes arising from the Structure Planning Review and the Waitakere Ranges Project be integrated where appropriate, and reported back to this Committee following the completion of Phase III of the consultation on the Waitakere Ranges Project.

Report prepared by: Eryn Shields, Planner: Policy Implementation.

