

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, 9 MARCH 2004,
COMMENCING AT 9.30 AM.

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1 APOLOGIES



2 URGENT BUSINESS

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

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

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

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



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 29 January 2004
Extraordinary - Thursday, 29 January 2004
Ordinary - Tuesday, 10 February 2004
Reconvened - Tuesday, 10 February 2004

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Thursday, 29 January 2004, the Extraordinary Meeting held on Thursday, 29 January 2004, the Ordinary Meeting held on Tuesday, 10 February 2004, including the Public Excluded minutes, and the Reconvened Meeting held on Tuesday, 10 February 2004, as circulated, be taken as read and now be confirmed.



PART I - REGULATORY / ENFORCEMENT

4 LEGAL UPDATE (AS AT 27 FEBRUARY 2004)

INTRODUCTION

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

ENVIRONMENT COURT

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 ARC, 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 & Nye v Waitakere City Council (8 March 2002)

Appeals filed by the applicant Messrs Selak and their neighbours, Messrs Collett & 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 & 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. The meeting to resolve this was held on 25 November 2003. Negotiation discussions at this meeting resulted in seeking an extension from the Court as to a report back date. The Court has given the parties until 1 March 2004 to carry out further landscaping proposals.

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

This was an appeal by Abacus, Kitewaho and related entities (associated with 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 below in this report. It is expected to proceed to a hearing in 2004.

Peat v Waitakere City Council (10 April 2002)

An appeal by Mr and Mrs Peat against Council decision to decline subdivision consent application seeking a non-complying 3 lot subdivision in 26 Awhiorangi Road. The subdivision would, if granted, 'jump the gun' by proceeding prior to resolution of both the Swanson Structure Plan references and the current global review by Council of structure planning, and Council's evidence is being prepared on this basis. The matter was part heard in the Environment Court on Friday, 17 October 2003. The hearing recommenced in the week of 16 February and was completed during that week. The Court has reserved its decision.

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

Estate Homes has appealed the financial reserves contribution assessed as payable for the second stage of its subdivision at 13-15 Sturges Road. A cash bond of the amount of the contribution in dispute has been paid and on that basis Council has consented to an Order allowing the subdivision to proceed. The matter has been adjourned at the request of Estate Homes Limited. Estate Homes Limited has issued High Court proceedings relating to a contested reserves contribution assessment in respect of the first stage of its Sturges Road subdivision. Council is in the process of completing its preliminary disclosure obligations in respect of these proceedings and inspection of the parties' respective documents will take place on 1 March.

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

An appeal against consent conditions imposed for a proposed subdivision at Ranui Station Road. The matter was argued in the Environment Court on 25-27 August 2003. The appeal in respect of the reserve fund contribution was abandoned leaving Council's contribution to the road as the only matter in dispute. The Court's decision was issued on 17 September, upholding the aspect of the appeal regarding road widening. All other contribution issues had been resolved by agreement. This matter has now been appealed by the Council to the High Court. Initial conference took place on 5 February 2004, with some timetabling orders made, a further conference will be held on 19 March 2004 to finalise timetable orders.

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

Appeal by Mr Spencer against Council's decision declining consent for subdivision of a property located at Lone Kauri Road, Karekare. Both the Waitakere Ranges Protection Society and several residents' groups are parties to the appeal. An on-site meeting between all parties took place along with mediation, resulting in an agreement in principle being reached, with the details still to be finalised. Consent documentation for the Environment Court now being finalised and circulated to the parties. It is anticipated that this will be submitted to the Court in early March 2004.

Cornerstone Limited v Waitakere City Council (February 2003)

Cornerstone Limited has appealed the Council's decision to refuse an application for land use consent to develop six office units at 120 South Titirangi Road, Titirangi. As of 29 April 2003 there were 21 parties who had filed Section 271A or Section 274 notices. Cornerstone has provided its initial evidence and Council has filed evidence in reply. A hearing was scheduled for the week of 17 November 2003. However due to the Court's concern as to the validity of a 1971 Planning Consent the matter has been adjourned until the validity of this consent can be resolved. The parties reported back to the Court on 2 December 2003 and requested that more time be granted to consider the complexity of issues revised by the 1971 consent. This preliminary matter was heard during the week of 2 February 2004, with the Court releasing its decision on 16 February. The Court determined that Cornerstone could rely on its original application and did not need to apply for a variation to proceed. The substantive hearing has been scheduled for a date to be notified in May 2004.

**Waitakere Ranges Protection Society v Waitakere City Council
R & L Thompson v Waitakere City Council
Kitewaho Bush Reserve Co Limited v Waitakere City Council**

These proceedings involve two references concerning subdivision, filed in relation to Variation 87 of the Proposed District Plan. Waitakere Ranges Protection Society are a party to the Thompson reference. This reference seeks site specific relief in respect of the Thompson's property. The Waitakere Ranges Protection Society reference is more a general reference appeal. It is likely the site specific Thompson appeal will be resolved by agreement. The Juderon Family Trust is a Section 271A party to that appeal. Mr and Mrs Vaughan are Section 274 parties to that appeal.

Meetings have taken place between all parties but an impasse has been reached between the parties. Given this the parties have decided to enter into Environment Court Mediation to attempt to reach resolution. Mediation has been set down for 17 March 2004.

A part of Kitewaho Bush Reserve Company Limited's general reference has been annexed to these references by a previous Environment Court decision. It has been determined that it would be appropriate to await the hearing of the High Court appeal before progressing this matter further.

**Bay Olympic Sports & 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 has appealed the restrictions imposed by Council, and Friends of Crum Park have contested the lack of further restrictions.

Bay Olympic and Friends of Crum Park have been involved in ongoing discussions in an attempt to reach agreement as between themselves. This has continued over a number of months. Late last year Bay Olympic put forward a revised proposal for development, which was considered by New Lynn Community Board on 1 December 2003. In response to this proposal the New Lynn Community Board approved the installation of flood lights for Field Numbers 1 and 2, subject to a final meeting between Bay Olympic and Friends of Crum Park to determine details of the final proposal and subject to details and resource consents being granted for this specific proposal. Council has prepared draft consent documentation to settle the matter. This is currently being considered by the parties.

Prema Trust v Waitakere City Council & Auckland Regional Council (July 2003)

An appeal against a joint Waitakere City Council/Auckland Regional Council decision refusing consent for an alternative healing centre at 34-36 Grassmere Road. Waitakere City Council and Auckland Regional Council have filed their respective replies to the appeals with the Environment Court, and 13 parties have filed Section 271A or Section 274 notices. The Court has invited the parties to participate in mediation and only 3 of the interested parties agreed. Prema has advised that it wishes to continue with its appeal. This matter will be set down for hearing in 2004, with exchange of evidence to occur in February/March 2004.

Save Hobsonville Against the Mismanagement of its Environment Society Inc v Waitakere City Council (February 2004)

An appeal against the Council's decision granting consent to Vodafone to construct a telecommunications facility including a tower at 11 Scott Road, Hobsonville. An Environment Court-assisted mediation is scheduled for **18 March 2004**.

Te Atatu Residents' & Ratepayers Association Inc v Waitakere City Council

A reference against the Council's decision approving Plan Change 2, which re-identifies the Harbourview land on the Te Atatu Peninsula from Living Environment and Harbourview South Special Area to Open Space Environment and Marae Special Area. The Council will file its notice of reply shortly. The parties will then await case management directions from the Court.

HIGH COURT

Waitakere City Council v Kitewaho Bush Reserve Company Limited & Ors (Appeal filed 22 January 2002)

Kitewaho Bush Reserve Company Limited & Ors v Waitakere City Council (February 2002)

These proceedings involve applications by Kitewaho and associated companies for declarations and enforcement orders 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. This meant 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 Resource Management Act.

On 19 December 2001, Council resolved that an appeal should be lodged to the High Court to clarify the Court's decision in relation to matters of interpretation of s91 and s92 Resource Management Act. That appeal was filed on 22 January 2002. Kitewaho and related entities served its own (voluminous) appeal on Council. 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 deferred decision on the costs application pending the outcome of the High Court appeals.

His Honour Justice Randerson heard both appeals in the week beginning 8 December 2003.

Although the Court gave no clear indication, a decision is expected in the first quarter of 2004.

ENFORCEMENT ORDERS

Waitakere City Council v Covich - 40 Sunnyvale Road, Massey

An application for Enforcement Orders in relation to an alleged illegal clean fill site and unauthorised earthworks at the property was filed in Court on 17 October 2003, requiring that all unauthorised works cease immediately and remediation of the site.

The matter proceeded on 11 and 12 December 2003, but during the course of the hearing the Council questioned the need for a hearing in circumstances where the Covich's evidence did not appear to disclose a viable defence to the applications. After some discussion between the parties the Covichs agreed to consent to orders being made against them to cease landfill activities and to provide a remediation plan for the site. A proposed remediation plan has been provided but has not been accepted by Council. Council is currently reviewing what further orders, if any, it requires from the Court.

PROSECUTIONS

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

A number of charges were brought against Mr Gordon in relation to Resource Management Act breaches for allowing car bodies to be stored on his property and allowing multiple household units to be established. Council alleges that these activities are contrary to the District Plan and to Enforcement Orders made against Mr Gordon by the Court in 1993. Mr Gordon has entered not guilty pleas to all charges and elected trial by jury. The trial took place during the week of 3 November 2003.

Mr Gordon was found guilty by the jury in respect of 15 of the 23 charges he faced. The charges he was acquitted on related to the presence of motor vehicles on one of his two properties. He was found guilty in respect of the presence of motor vehicles on the other and in respect of the presence of additional household unit on both properties.

The Court has provisionally indicated it did not consider that imprisonment is appropriate in this case. Sentencing was provisionally scheduled for 18 December 2003. On 17 December Council officers undertook a site visit to determine compliance in advance of the sentencing and it was found that compliance issues remained outstanding.

This was conveyed to the Court which responded by adjourning the sentencing to 22 March 2004 to allow Mr Gordon to remove the offending car bodies and dwellings. The Court warned Mr Gordon that although it had initially indicated that it would not imprison him it could review this position in March if he did not comply with the Enforcement Orders.

Ivan and Alona Covich - 40 Sunnyvale Road, Massey (May 2003)

Charges were laid against Mr and Mrs Covich alleging that the Covich's operated a clean fill in contravention of an abatement notice requiring them to cease this activity. Mr and Mrs Covich pleaded not guilty and elected trial by jury. A depositions hearing took place on 11 November 2003, with counsel for the Covichs conceding that there was a case to answer. This matter has been set down for a trial during the week beginning 20 September 2004.

RECOMMENDATION

That the Legal Update (as at 27 February 2004) report be received.

Report prepared by: Brigid McDonald, Contract Solicitor.



5 REVIEW OF THE POLICY ON DOGS AND DOG CONTROL BYLAW

PURPOSE OF THE REPORT

The purpose of this report is for the Environmental Management Committee to consider the draft policy on dogs, bylaws and explanatory document prepared by the Auckland Regional Bylaws Group - Dog Control as the basis for Waitakere City's own regulations for dogs.

BACKGROUND

The Dog Control Amendment Act 2003 ("the amendment Act") came into force on 1 December 2003 and requires Council to review its policy in respect of dogs by 1 September 2004, and to review its bylaws regarding dogs within 60 days of adopting the policy.

The principal laws for the management of dogs in New Zealand are contained in the Dog Control Act 1996 ("the principal Act"). The principal Act imposes obligations on dog owners, and provides regulatory powers to Council for the control and care of dogs.

To ensure Council's regulatory powers are used effectively and efficiently, and form part of a multi-faceted approach to the management of dogs (including for instance education and provision of services and facilities), the principal Act requires every Council to adopt a policy in respect of dogs in its area through a public consultation process.

Where necessary, the principal Act also empowers Council to give effect to its policy through bylaws, for instance, to identify areas in the City where dogs can or cannot be taken and where they are required to be on a leash.

Council's current policy and bylaws in respect of dogs were adopted in 1997 following extensive consultation. This consultation included a "Pooch Power" conference, which resulted in a canine working party of cross sectional representation involvement in contributing to the existing policy on dogs.

In response to the passing the Amendment Act, the Auckland Regional Bylaws Group established the dog control sub-group. Members include officers of the seven territorial authorities of the Auckland Region, the Auckland Regional Council and Department of Conservation. The purpose of the sub-group is to achieve greater consistency between each agency's policy on dogs and dog bylaws so that a generally consistent application of the dog legislation is applied throughout the region. The rationale behind promoting this consistency is that dog owners will receive clear messages regarding acceptable behaviour and therefore be less likely to breach laws across the Auckland region.

A1-A24

The group has met on a number of occasions and has developed a draft policy and bylaw together with an explanatory document in respect of dogs incorporating requirements of both the principal Act and amendment Act, as attached at pages A1 to A24. The draft documents are intended to establish a consistent structure and basic content that each organisation can build on to meet the needs of their respective communities of interest.

STRATEGIC CONTEXT

As a regulatory body, Waitakere City Council must be cognisant of all legislation that it is expected to comply with and implement. The Dog Control Amendment Act 2003, which came into force on 1 December 2003 requires Council to review its policy in respect of dogs by September 2004, and by-law within 60 days of adopting its policy.

A Dog Policy, implemented through a by-law, that will minimise the danger, distress and nuisance from dogs to the community generally and will provide for the exercise and recreational needs of dogs and their owners contributes towards making Waitakere a safe city, one of Council's five top priorities.

Waitakere City Council is signatory to the Animal Charter and shares concern for animal welfare as well as that of its citizens.

ISSUES

There is a need for some consistency across the region with respect to regulation for dogs in order for the regional community to be clear on their duties and responsibilities. While there is still some flexibility to accommodate local requirements, a regionally consistent policy and by-law notified simultaneously across the region offers numerous advantages to councils and their communities.

Joint notification is programmed for 22 May 2004 with a comprehensive communications plan and notice to all dog owners. Submissions will be received for the statutory one-month period with a summary of submissions available to all submitters before the formal hearing during August or September 2004. This allows for any amendments to be approved in time for the by-law to become operative by September/October 2004.

Scope of Work

The draft policy, bylaw and explanatory document with respect to dogs developed by the Auckland Regional Bylaws Group - Dog Control can be used as a basis for regulations for Waitakere City. The current Waitakere policy on dogs and associated bylaws can be integrated with the draft regional document.

The integration of Waitakere City Council's requirements into the draft documents can be achieved through one or two workshops with officers and Elected Members and brought back to this Committee for approval for consultation.

Proposed Timetable

March 2004 - Environmental Management Committee establishment of a workshop to consider the draft documents.

March/April - Workshop/s to finalise the proposed policy, bylaws and explanatory document in respect of dogs.

May - Environmental Management Committee to consider proposed policy and bylaws for public notification.

May/June - Notification for a one-month period and receipt of submissions.

July/August - Hearing of submissions, deliberations and decisions on submissions by Environmental Management Committee.

August/September 2004 - Policy and Bylaw adopted by Council.

RESOURCES

The regional group is sharing the legal costs and communication costs, which are funded from this financial year's budget.

CONCLUSION

Council is required under the Dog Control Amendment Act 2003 to review its policy on dogs and associated bylaws. Approval is sought to proceed on the basis of the scope and timetable of work that has been developed.

RECOMMENDATIONS

1. That the Review of the Policy on Dogs and Dog Control Bylaw report be received.
2. That a workshop be programmed to adopt the draft policy on dogs, bylaws and explanatory document as attached at pages A1 to A24 to suit Waitakere City Council's requirements and to be reported back to this Committee by May 2004.
3. That this report be forwarded to Community Boards for their information.

Report prepared by: Tom Didovich, Manger: Animal Welfare Services and Carol Bergquist, Senior Analyst Environmental Policy.



6 DOG REGISTRATION FEES - 2004/2005

PURPOSE OF THE REPORT

This report seeks to set the Dog Registration and other associated Animal Welfare fees for the 2004/2005 registration year, which runs from 1 July to 30 June. It is necessary that a decision on dog fees is made as early as possible in the calendar year to allow sufficient time to implement the registration process and meet statutory timelines.

BACKGROUND

A significant increase in the dog registration fee was implemented in the 1999/2000 financial year (30%). The impact of the increase was that many dog owners were deterred from registering their dogs and an increased labour-intensive process to attempt fee recovery ensued. Despite increased effort and planning, the number of registered dogs decreased from \$13,700 to approximately \$12,000 in 2000/2001. Numbers have been gradually increasing since then but are still not up to former levels. For example the 2002/2003 final total of registered dogs was \$12,145.

The dog registration fee revenue target of \$810,000 is in doubt for the current year. The forecasted revenue shortfall is \$75,756. Intensive door to door checks and a systematic fee recovery program have been and are being implemented to minimise the numbers of unregistered dogs. Currently approximately 92% of dogs on our records are now registered and we are slightly up on registered dog numbers compared to the same time last year. Those unregistered dogs that remain on our records are not eliminated until the recovery programme can verify that the animals are either dead or have moved out of the City. Obviously if they are found then steps are undertaken to get them registered. However at this stage because of the intensity of the checks to date it is unlikely that the dogs will be found and that large numbers of registrations will eventuate.

As such the draft Annual Plan 2004/2005 contains budgeted revenue at the current forecasted levels, reflecting a reduced dog population from the pre 2001 levels and slightly lower average fees as dog owners are now taking more advantage of the many avenues to pay reduced registration fees such as early payment, dog owners certificate and neutering the animal.

For the 2004/2005 year there is an intention by some other territorial authorities in the Auckland region to increase fee levels to closer align with those of Waitakere. This will achieve a more consistent fee set over the region.

Fee setting has previously been subject to the annual budget planning and consultation round, however, due to the impediment that this placed upon timing and financial success, a detailed legal opinion was sought to determine if that was necessary.

A legal opinion concluded that “... *the Dog Control Act requires fees for the relevant year to have been set before the Annual Plan process is finalised for that year ... a local authority's only obligation would be to take into account submissions received on the Annual Plan in setting the dog registration fees for the following year ...*”

Therefore, the setting of dog registration fees has been forwarded to the Environmental Management Committee for consideration and recommendation to Council.

STRATEGIC CONTEXT

Council's objectives are to achieve responsible dog ownership, recognising the rights of the community at large and also those of dog owners and their families. Key elements to this are:

- (a) To ensure registration of all known dogs in the City.
- (b) To ensure the detection and registration of as many unregistered dogs as possible within the City.
- (c) To continue issuing infringement notices and pursuing legal action against owners of unregistered dogs.
- (d) To keep fees to an acceptable level by ensuring that as many people as is practical register their dogs, so that the fee is shared over the majority of dog owners and not just by those who register.
- (e) To strike a fee which is of an acceptable level to dog owners generally, yet which allows Council to provide an efficient and cost effective service to the public.
- (f) To set fees in line with Council's Draft Annual Budget and Council's Animal Control and Welfare Funding Policy.

Council's Finance and Revenue Policy relating to animal control states that:

- Dog owners will fund the dog registration system and associated needs.
- Costs of impounding will be recovered from the animal owner through impounding fees and fines. When those costs cannot be fully recovered from the exacerbating animal owner, they will be funded by rates.
- The costs of complaints will be funded from dog registration fees and rates. The proportion of complaints costs met from dog registration fees will be approximately equal to the proportion of complaints related to registered dogs.

LEGISLATIVE REQUIREMENTS AND FEE SETTING

Council is required, under Section 37 of the Dog Control Act 1996, to set fees for the Registration and Control of Dogs. Under the Act, Council may fix lower fees for:

- (a) Neutered dogs;
- (b) Working dogs and various classes of working dogs;
- (c) Dogs under the age of 12 months;
- (d) Dogs where the owner demonstrates to the satisfaction of Council's Dog Control Officer, that he or she has a specified level of competency in terms of responsible dog ownership.

Council may also fix a penalty fee for late registration (beginning not earlier than 2 August 2002) and a fee for replacement tags. Pursuant to Section 39 of the Act, Council may also remit, reduce or refund the fee where it is satisfied that there are special circumstances for doing so.

Any submissions requesting amendments to the dog fees and services would be referred to the next year's Annual Plan process.

CURRENT SITUATION

Following the 30% fee increase in the 1999/2000 dog registration year there was significant resistance to pay by some dog owners within Waitakere City, being either unwilling or unable to finance their statutory obligation. The recent highlighted publicity on dog issues coupled with amendments to the Dog Control Act - which came into force on 1 December 2003, are also factors involved in resistance to paying the fee and have necessitated increased activities to recover the current years fee. This indicates that any increase in fees could be detrimental to the dog registration revenue stream, and also to dog control activities, which are reliant upon registration records to impose good dog control. In contrast, reducing the fee would be unlikely to suddenly attract the recidivists of the previous registration years.

Current fees are as follows:

DOG REGISTRATION & ASSOCIATED FEES 2003-2004			
REGISTRATION FEES		Fee for Late Registration after 1/8/03 (GST incl)	Fee if Paid On or Before 1/8/03 (GST incl)
1.	Entire Dog (not castrated) & Entire Bitch (not spayed).	\$141.00	\$94.00
2.	Neutered Dog (castrated male & spayed female).	\$102.00	\$68.00
3.	Dog Owner Licence Holder with un-neutered dog.	\$82.50	\$55.00
4.	Dog Owner Licence Holder with neutered dog Superannuitants.	\$72.00	\$48.00
5.	Seeing Eye & Hearing Ear Dogs.	\$4.50	\$3.00

OTHER FEES	Fee
Replacement Registration Tags	\$3.00
<u>Impoundings:</u>	
First	\$65.00
Second	\$130.00
Third	\$195.00
Subsequent	\$260.00
Sustenance Fee (day or part thereof)	\$15.00
<u>Adoptions:</u>	
Adoption Fee	\$45.00
Adoption Registration Fee (for SPCA adoptions into Waitakere City & Waitakere Animal Welfare Services adoptions)	\$20.00

Table 1: Schedule of Dog Registration Fees

Dog owners have the option to sit and pass the "Standard New Zealand Dog Owner Licence Test" which significantly reduces the fee. This information is circulated to all dog owners when the fees are due. If the Dog Owner Licence test is passed and the registration fee paid on time, the cost is \$48.00 failure to achieve both will incur the maximum fee of \$141.00 per dog.

PROPOSED FUNDING

Council is also required under Section 37(6) of the Dog Control Act 1996 to publicly notify during the month preceding the start of every registration year the dog registration fees to be fixed for the forthcoming registration year (ie. June 2004).

The dog registration fees are to cover the statutory functions of dog control as required by the Act, and not for general animal welfare.

The forecast cost of Animal Welfare Services for the 2004/2005 annual budget year is \$1,959,301. It is anticipated that the recovery through fees including the North shore contract will be 68.9% of this total (or \$1,350,050). The ratepayer contribution to fund the public good elements of the service is \$609,251.

CITY	PERCENT RATES FUNDED
Waitakere	31% (in house operation)
Auckland	50% (contracted service)
Manukau	49% (contracted service)
Hamilton	40% (in-house operation)
Rotorua	50% (in-house operation)

Table 2: Comparison of Rates Funding Percentages

It is proposed to retain the current registration and associated fees structure which rewards responsible ownership.

CATEGORY RATIONALE

A range of discounts on the dog registration fee currently exist for neutering, dog owner responsibility, superannuitants, and seeing eye/hearing ear dogs, and it is recommended that these continue. The rationale for these discounts are:

a. **Neutering**

Encouraging people to neuter their dogs is an important function of Animal Welfare Services, as an un-neutered dog is a potential breeder and contributor to the excessive unwanted dog population. In addition, neutered dogs are generally more manageable and, therefore, contribute less to dog control problems. Discounts for neutered dogs are a proven incentive for people to neuter their dogs. To this end, it appears worthwhile to continue discounts for neutered animals.

b. **Responsibility**

Recognition of responsible dog ownership serves as an acknowledgement of responsible behaviour and encourages continued registration of the dog. Discounts for Dog Owner Licence Education are currently offered. It is proposed that the discount for sitting and passing the Dog Owner Education Licence Test be maintained and so serve the purposes of promoting dog owners to learn more about their responsibilities. It is also proposed that superannuitants be generally classified in the responsible dog owner category and remain in a reduced fee category because of this groups insignificant incident rate in dog control problems.

c. **Special Use Dogs**

The owners of special use dogs (Seeing Eye and Hearing Ear Dogs) might be considered deserving of a reduced fee because their dogs are used through necessity rather than luxury. Seeing Eye and Hearing Ear dogs are instrumental in assisting a small minority of people who suffer from disabilities and it is proposed that the reduction for these dogs be maintained.

WORKING DOGS

Self employed working dog owners, such as security guards, are able to obtain a tax rebate on the costs associated with the dog, so it is proposed to not offer a discount for security dogs, pest destruction dogs or herding dogs. Additionally, it is considered that there need be no special discount category for Government Department owned dogs.

COMMUNITY CARD HOLDERS

The idea of Community Card Holders receiving a reduced fee has been investigated. Statistics provided by the "National Community Services Card Centre" do not isolate the Waitakere community card holders separately which means an accurate budgeting of projected revenue (loss) from having a reduced fee for community card holders is not possible. In addition, even an estimate of community card holder numbers in Waitakere City would be fraught as there would still be no way of identifying how many in the estimate owned dogs. Holders of community cards are still able to gain a reduced fee by sitting the dog owner license test and de-sexing their dogs. It therefore appears more practical to retain the status quo in relation to community card holders and offer no special discount other than reductions applicable to responsibility levels which are available to all dog owners.

DOG OBEDIENCE TRAINING INCENTIVES

Investigation into the practicality of providing discounted fees for dog owners who have passed various dog obedience courses such as puppy training, basic dog obedience, etcetera has occurred. In principle this consideration appears to have considerable merit. However, currently the inclusion of such an incentive would be problematical in that the computerised fee structure would become unwieldy and difficult to administer. The computerised system containing the fee permutations would become impractical and negatively impact on efficiency of the system. In addition the matter of which courses would be recognised as valid or not valid would undoubtedly raise further issues as criteria would need to be consistent. Currently for example there is only one organisation with New Zealand Qualifications Authority dog obedience training and other dog obedience schools may provide effective learning but not have the NZQA approval. The administration of accepting various certificates from a variety of different dog obedience schools would also impact on administrative efficiency and potentially on public relations. Currently the incentives for responsibility - desexing and dog owner education test - cover the responsibility incentive aspect to some extent.

ADOPTIONS

It is recommended that Council's adoption fee policy continue as it enables unclaimed dogs to be moved out alive, thus providing:

- (a) good customer service;
- (b) a dollar return;
- (c) more adoptions;
- (d) de-sexing;
- (e) owner accountability.

IMPOUNDINGS

It is recommended that Council's impounding fee policy continue, with the conditions that in every case of impounding:

- A sustenance fee of \$15.00 per day or part day thereof shall apply (each day is defined as being from midnight to the following midnight).
- If the dog is unregistered it must be registered prior to its release in addition to any impounding or sustenance fees.
- For release of dogs on the first impounding, the owner will be issued with a dog owner manual and encouraged to sit the Dog Owner Education Licence test.

CONCLUSION

The fees are generally structured towards rewarding responsible dog ownership. Dog owners always have the option of lowering the fee payable by sitting the Dog Owner Licence test.

RECOMMENDATIONS

1. That the Dog Registration Fees - 2004/2005 report be received.
2. That the setting of the 2004/2005 Dog Registration and associated fees be as follows:

DOG REGISTRATION & ASSOCIATED FEES 2004-2005			
REGISTRATION FEES		Fee for Late Registration after 1/8/04 (GST incl)	Fee if Paid On or Before 1/8/04 (GST incl)
1.	Entire Dog (not castrated) & Entire Bitch (not spayed).	\$141.00	\$94.00
2.	Neutered Dog (castrated male & spayed female).	\$102.00	\$68.00
3.	Dog Owner Licence Holder with un-neutered dog.	\$82.50	\$55.00
4.	Dog Owner Licence Holder with neutered dog Superannuitants.	\$72.00	\$48.00
5.	Seeing Eye & Hearing Ear Dogs.	\$4.50	\$3.00
OTHER FEES		Fee	
Replacement Registration Tags		\$3.00	
<u>Impoundings:</u>			
First		\$65.00	
Second		\$130.00	
Third		\$195.00	
Subsequent		\$260.00	
Sustenance Fee (day or part thereof)		\$15.00	
<u>Adoptions:</u>			
Adoption Fee		\$45.00	
Adoption Registration Fee (for SPCA adoptions into Waitakere City & Waitakere Animal Welfare Services adoptions)		\$20.00	

3. That it be recommended to Council that all dog owners who book to sit the Dog Owner Licence test prior to the penalty date of 1st August 2004 pay the reduced fee within a week of passing the test; or pay the fee which they would have otherwise paid within a week of failing the test, otherwise the late fee applies to whatever category each dog falls into.
4. That it be recommended to Council that for all newly acquired dogs (providing the owners have not been served an infringement notice), a reduced pro-rata fee based on the months of the year be applicable.
5. That it be recommended to Council that where an adult dog is impounded and unregistered, or for which the owner is served an infringement notice, the full registration fee including the penalty be applied.
6. That the Dog Registration Fees adopted for the 2004/05 financial year be publicly notified in accordance with Section 37(6) of the Dog Control Act 1996.

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



PART II - DISTRICT PLAN / STRUCTURE PLANS

7 DISTRICT PLAN APPEALS UPDATE TABLE

PURPOSE OF THE REPORT

The Principal Advisor: District Plan will provide a verbal update to the Environmental Management Committee on progress in dealing with the appeals on the Proposed District Plan.

An up-to-the-minute progress report will be brought to each meeting outlining the status of the appeals.

RECOMMENDATION

That the District Plan Appeals Update Table report be received.

Report prepared by: Owena Schuster, Committee Secretary.



8 FINANCIAL BUSINESS PLAN - AUCKLAND REGIONAL STORMWATER PROGRAMME

PURPOSE OF THE REPORT

The purpose of this report is to enable the Environmental Management Committee to consider the Financial Business Plan Auckland Regional Stormwater Programme and to review a presentation from Infrastructure Auckland on this matter.

BACKGROUND

Infrastructure Auckland was established in 1998, incorporating many of the assets previously held by the Auckland Regional Services Trust. It holds assets for the primary purpose of making grants to organisations such as Waitakere City Council for projects related to transport and stormwater quality in the Auckland region.

The legislation allows Infrastructure Auckland to provide grants for:

- The capital components of roading, passenger transport and stormwater projects;
- Projects that provide “public good” (benefit the community rather than isolated individuals or groups);
- Projects that are consistent with the Regional Growth Strategy, Regional Land Transport/Regional Stormwater Strategies;
- Projects that have regard to Transfund policies; and
- Projects that incorporate funding that would not otherwise have been available from other sources.

The Government’s announcement on 12 December 2003 with regard to the Auckland Transport Package included the disestablishment of Infrastructure Auckland and transfer of its funds to a new regional entity and this raises the issue of how stormwater management should be financed.

Infrastructure Auckland has identified within its granting programme a notional allocation of \$150 million of which currently \$110 million is uncommitted. There has been an indication from Central Government that Infrastructure Auckland (and its asset base) will be part of reform process centred on Auckland transport. Infrastructure Auckland has been an active participant in the Joint Official Group of the Auckland Transport Strategy and Funding Project. This project has been a key driver of the identification of the need for significantly enhanced funding and implementation capability if the region is to achieve the desired transport outcomes that are consistent with both national and regional strategies.

The current stormwater capital funding from Infrastructure Auckland (focused on water quality) although a small contribution to the total level of expenditure required, is seen by stormwater network operators as an important element of the funding mix. There is a probability of the Infrastructure Auckland assets being passed to a new agency, to assist with delivering of regional outcomes. The role and the context of the Infrastructure Auckland stormwater allocation going forward requires significantly enhanced understanding, within the context of a comprehensive regional outcome.

In order to address these issues, Infrastructure Auckland has prepared a report in consultation with Territorial Local Authorities and the Auckland Regional Council.

STRATEGIC CONTEXT

Council's approach to stormwater management is to promote integrated management in line with the Resource Management Act; particularly in terms of economic, social and environmental concerns, cross-Council integration, for example with roads, locality planning, parks, urban villages work and integration of stormwater management with protection and enhancement of the natural environment.

Infrastructure Auckland's objective is to develop a high level benefit driven Financial Business Plan for stormwater that outlines options to leverage the Infrastructure Auckland stormwater fund to assist with closing the significant stormwater funding gap.

Infrastructure Auckland, at present, contributes to the following Council strategic objectives:

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

When considering projects for funding suitability, Infrastructure Auckland has regard to:

- The benefits to the wider Auckland community (including the community cost/benefit);
- Promotion of Regional Strategies;
- The spread of projects throughout the region;
- Enhancement of Regional economic performance; and
- The urgency of the project (for a variety of reasons).

Funding from Infrastructure Auckland has been essential for Project Twin Streams, which is a major strategic project for Council. It is clearly in Council's interest to ensure that funding that has already been approved by Infrastructure Auckland is protected.

ISSUES

A25-A81

The detailed report prepared by Infrastructure Auckland as attached at pages A25 to A81 and a summary of the report's findings is provided below.

The Auckland region continues to grow rapidly, placing heavy demands on its infrastructure. High profile infrastructure issues, such as traffic congestion, water supply, and security of electricity supplies are well known, and are being, or have been addressed. Auckland's stormwater infrastructure problems however, remain largely unknown to those outside of the industry.

Growth in the Auckland region has been accompanied by high levels of intensification, increasing the area of impervious surfaces. Impervious surfaces generate greater volumes and peak flows of stormwater than would otherwise be the case, and stop water soaking into the ground to refill aquifers for later use. These greater volumes are then diverted into streams and harbours rather than being absorbed close to source. This causes flooding and stream erosion which both affect the habitat of aquatic animals. In addition, flooding can and does result in significant risks to human safety and property in the Auckland region.

While the impact and inconvenience associated with flooding is visible, the increasing levels of contaminants in stormwater are less readily observable. Impervious surfaces collect contaminants derived from everyday urban life. Whenever it rains, these contaminants are transported off the land via stormwater run-off, and are generally concentrated by natural or man-made piped collection systems. These contaminants accumulate in the receiving environment, with some having chronic toxic effects on the local ecology, while others physically harm habitats.

In Auckland, most of the areas where build up of these contaminants occur are sheltered low energy headwaters in estuaries, beaches and harbours. Here, fine sediments tend to settle, with the contaminant levels associated with some estuarine sediments reaching, and often exceeding the recognised international sediment quality criteria for the protection of aquatic life. Research has also predicted a continual increase in the build up of contaminants from both existing and future urban areas. In addition to marine environments, levels of contaminants in freshwater streams have exceeded recognised international water quality standards for the protection of aquatic organisms as a result of urban stormwater runoff.

Historically, the focus of stormwater management programmes has been to remove stormwater from a catchment as quickly as possible. More recently however, with the increased knowledge of the environmental impacts of stormwater, solutions for mitigating contamination are gradually being implemented but in a limited manner. Generally, current asset management programmes do not reflect the solutions necessary to adequately address stormwater quality issues, and tend to focus on the more visible alleviation of excess stormwater volumes and flooding. Stormwater quality is expensive to address, particularly in existing built-up areas where retrofitting of stormwater quality devices is prohibitively expensive and options are limited. Current stormwater funding practices, of which general rates are the main source, are inadequate to fund the level of programmes required, and stormwater quality issues are therefore not addressed comprehensively.

Desired outcomes for the Auckland region's harbours have been developed in conjunction with the Councils and the Auckland Regional Council, and reflect consistency with other regional strategy frameworks and reports. If existing management practices are allowed to continue without substantial investment in stormwater quality management the desires of the Auckland community for safe swimming environments; commercially beneficial waterways; recreational and sporting activities; high amenity and aesthetic values of the beaches and harbours, will not be met. Furthermore, current stormwater management practices are unsustainable and fail to meet the sustainability criteria that central government promotes, particularly in relation to water quality.

A framework was developed for the purpose of estimating the funding shortfalls associated with three indicative scenarios (current planned expenditure, targeting priority receiving environments and all receiving environments). Under a 20 year planning horizon, initial calculations indicate the current expenditure projections in the order of \$1.8 billion would need to increase to \$11.0 billion over the period under the scenario that targets all receiving environments. General rates will not deliver the level of funding required.

While local authorities could borrow to secure funds to start addressing the issue, additional sustainable funding mechanisms would be required to service the debt. The report from Infrastructure Auckland considers a range of funding mechanisms and identifies a number of preferred options and some combination of these funding options is appropriate. The funding mechanism(s) would need to target those members of the public that contribute to stormwater problems, such as those that create stormwater runoff volumes (through impervious surface charges) and those that contaminate stormwater (for example, the high level of contaminants generated by transport). In addition, it is desirable that funding is sustainable over the long term and reflects the ability, and willingness, of the public to pay.

Infrastructure Auckland, recognising the significant environmental damage that stormwater is causing, has funded stormwater quality projects through a granting process. This fund has \$110 million of funds currently at its disposal to support further stormwater projects. It is critical therefore, that funds currently targeted for stormwater quality issues are appropriately ring-fenced for this purpose. This will enable either identified stormwater projects to be re-prioritised by local authorities and implemented earlier, or for the existing funds to be leveraged to support an ongoing programme of stormwater projects for the region. For example, the fund could be used to meet debt-servicing obligations in relation to stormwater projects until such time as new funding mechanisms can be implemented.

RESOURCES

Under the Local Government Act 2002, Council is required to prepare an Assessment of Water and Wastewater Services for the purpose of this Act "wastewater" includes stormwater. The assessment needs to take into account future issues such as capacity, environmental effects and public health consequences. The legislation requires that the Assessment considers a wide range of options including funding.

The Council has adopted its current Long Term Council Community Plan, which includes some funding for work programmes to address the adverse effects of stormwater. The report prepared by Infrastructure Auckland has identified the need for additional funding. However, it is not proposed to increase funding for stormwater projects in the current Long Term Council Community Plan until the full process required for the Assessment of Water and Wastewater Services is completed.

CONCLUSION

Infrastructure Auckland has prepared the Financial Business Plan Auckland Regional Stormwater Programme that identifies a funding shortfall of approximately \$9 billion to address stormwater issues in the Auckland region.

This should be considered to be an indicative amount and it is proposed to carry out further studies to consider the cost and benefits of proposed programmes. The outputs from this analysis will then be considered in the Assessment of Water and Wastewater Services.

There are also concerns with regard to securing funding for current projects approved by Infrastructure Auckland and it is recommended that the Chief Executive be delegated authority to take whatever action is necessary to protect Council's interest.

RECOMMENDATIONS

1. That the Financial Business Plan - Auckland Regional Stormwater Programme report be received.
2. That the recommendations of the Financial and Business Plan Auckland Regional Stormwater Programme be adopted in principle as an input to the Assessment of Water and Wastewater Services due to be completed by 30 June 2005, with further consideration in the 2006 Long Term Council Community Plan.
3. That the Chief Executive be delegated authority to take action as appropriate to protect Council's interest with regard to approved funding from Infrastructure Auckland.

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



9 STRUCTURE PLANNING IN THE COUNTRYSIDE ENVIRONMENT

PURPOSE OF THE REPORT

The purpose of this report is to report back to the Environmental Management Committee on issues about the current provision in the Council's District Plan for Structure Planning in the City's Northern Strategic Growth Area.

BACKGROUND

In response to a October 2002 report raising concerns about structure planning in the Countryside Environment, the Environmental Management Committee passed the following resolutions:

1. *That the Chief Executive advise landowners in the Waiaerohia Structure Plan area that Variation 90 has been placed on hold pending a decision on the future of structure planning in the Northern Strategic Growth Area as a result of the integrated planning for the area to be carried out over the next 18 months.*
2. *That the Chief Executive advise the Consultants for the Riverlea and Totara Structure Plans that the Council is considering a change in policy direction for Structure Planning in the Northern Strategic Growth Area.*
3. *That once decisions have been finalised and the relevant parties notified regarding the recommendations of this report on structure planning in the Northern Strategic Growth Area, and the relevant parties have been notified, that the resolutions of this report be made public."*

2994/2002

Further to this, the Environmental Management Committee passed the following resolution in February 2003:

2. *That \$30,701.00 to refund the money contributed by landowners in the Waiaerohia Structure Plan area to the technical studies that form the basis of the structure plan, be considered for inclusion in the draft 2003/2004 Annual Plan."*

89/2003

This amount has now been repaid to the Waiarohia Structure Plan landowners. The 18 month deferral of the consideration of the Waiarohia Structure Plan concludes in March 2004. The Waiarohia landowners will therefore be seeking an indication of the Council's view on this matter at this time.

The Environmental Management Committee also passed the following resolution 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.*”

776/2003

The review of structure planning in the Foothills Environment was completed in December 2003. It was considered that the review of the Foothills Environment and the Countryside Environment should be progressed separately, as the issues surrounding each Environment differ markedly.

STRATEGIC CONTEXT

The Countryside Environment is the Human Environment identification applied by the District Plan to the rural areas to the north of the City. This zoning is within the City's Northern Strategic Growth Area.

This area needs to be viewed within the context of the City's sustainable development strategy, as articulated in the Long Term Council Community Plan. The City's Strategy is to intensify urban development in and around the three town centres of New Lynn, Henderson and Massey North/Westgate, and along major transport corridors such as Lincoln Road. The strategy includes protection of the Waitakere Ranges from urban encroachment, leaving only the Northern Strategic Growth Area available for future urban expansion. The strategic importance of the Northern Strategic Growth Area as a whole will become more apparent in the future, as it sits at the confluence of expanding economic catchments in Rodney and North Shore.

The Auckland Regional Growth Strategy identifies that for the 20-30 year planning horizon, the City's existing Metropolitan Urban Limit may be potentially extended to the future new alignment of State Highway 18. Council's intention is that new urban land in this area will be released in a staged manner over this 20-30 year period, with the initial focus on facilitating the development of land uses promoting economic development and the provision of social infrastructure.

ISSUES

The effect of structure planning in the Countryside Environment on future options.

If structure plan proposals are progressed in the Countryside Living Environment it is likely to result in an average minimum site size of approximately one hectare, (currently the minimum is 4 hectares). This density of development would create significant issues in the future if urban development is proposed for the land that has been previously subdivided via a structure plan. A fragmented subdivision pattern creates significant difficulties when trying to create sustainable urban forms, especially when providing for frontage and efficient street patterns and site access, as well as block layout and site widths.

The Structure Planning Review for the Foothills Environment concluded (amongst other things) that the strategic direction for the Foothills Environment lacks a clear vision. In terms of this conclusion, the Review Team considered that its broad advice in relation to the Foothills Environment also applies to the Countryside Environment, and that there is a need for the Council to:

"... consider any future potential development opportunities across the rural area",

in light of this view that structure planning has not achieved certainty, further structure planning in the Countryside Environment could undermine strategic environmental values and result in unclear environmental benefits. This is especially so given the evolving nature of the strategic importance of the Northern Strategic Growth Area.

Looking forward 30 years the Council must consider the question of where (if desired) would the City grow. It may be that a "green belt" around the City is required, in which case one option for the City would be increasingly intensive development within the City's metropolitan urban limits. Another option may be that further land is made available for staged urbanisation, in which case the only areas available for this type of urbanisation will be within the current Countryside Environment. While it is difficult to speculate on what decisions will be made in the future what can be done by the Council is that the Council can act to ensure that future options are not foreclosed by actions taken today.

A clear vision for the northern area of the City is required, and staff have been working to consolidate the Northern Strategic Growth Area programme of work into an overriding vision. However there are still a number of uncertainties that need to be resolved, these include developments at Hobsonville and Whenuapai and the impact these will have on the release of new urban land in terms of staging and sequencing. Other issues that still need to be resolved are the upper Waitamata Harbour study and three waters planning. What is clear is that urbanisation and residential development within an extended metropolitan urban limit is still some years away.

Staff are not yet in a position to be able to recommend to Council a clear position on Structure Planning in the Countryside Environment. It is anticipated that a further 12 months will be required to complete an integrated first draft vision for the whole area.

CONCLUSION

A decision at this time on the future of structure planning in the Countryside Environment runs the risk of foreclosing options for the future. It is therefore recommended that Structure Planning throughout the Countryside Environment, and specifically in the Waiarohia Structure Plan Area is placed on hold for a further 12 Months and the issue be brought back to this Committee in March 2005.

RECOMMENDATIONS

1. That the Structure Planning in the Countryside Environment report be received.
2. That the future of Structure Planning in the Countryside be reviewed as part of the Northern Strategic Growth Area work programme.
3. That the Waiarohia Structure Plan be placed on hold for a further 12 months pending a decision on the future of structure planning as a result of the integrated planning for the area.

Report prepared by: Fraser Henderson, Manager: Strategic Projects Group and Eryn Shields, Planner: Policy Implementation.



10 **DRAFT DEVELOPMENT AND FINANCIAL CONTRIBUTIONS POLICY**

PURPOSE OF THE REPORT

This report brings the Draft Development and Financial Contributions Policy to the Environmental Management Committee for consideration in preparation for adoption and recommendation to Council for consultation as part of the Annual Plan 2004/2005. Council may wish to programme a workshop to consider the policy and associated schedules of payment in more detail before adoption of the final draft.

A82-A105 The report includes a summary of the policy, as attached at pages A83 to A105.

BACKGROUND

The Local Government Act 2002 introduced comprehensive new provisions that will 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).

The Long Term Community Council Plan 2003 indicated that a policy would be developed by June 30 2004.

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

In June 2003, both the Finance and Operations Committee and the Environmental Management Committees approved the principles, objectives and timelines of this project.

“That the Finance and Operational Performance Committee approve the principles, objectives and timelines of the Development and Financial Contributions Project as detailed in the report.”

1141/2003

“That the Environmental Management Committee approves the principles, objectives and timelines of the Development and Financial Contributions project as detailed in the agenda report.”

1184/2003

Council has previously developed Financial Contributions as part of preparing the District Plan, and these sections of the District Plan still have appeals outstanding. Staff sought a mandate to approach appellants with a proposal that the Financial Contributions section of the District Plan be removed, with the proviso that Financial Contributions would continue to be taken for environmental effects, in November 2003.

The resolutions of the Environmental Committee are as follows:

“That without prejudice discussions be held with the appellants to the District Plan Financial Contribution provisions, with a view to achieving an agreement based on deleting the District Plan’s financial contributions chapter, but retaining those provisions relating to mitigation of environmental effects.

That the outcome of the discussions around the District Plan Financial Contribution provision be reported back to the Environmental Management Committee.”

4131/2003

This process is still underway, however staff are progressing this issue concurrently with preparing the new Development and Financial Contributions Policy in order to meet the statutory timeframes. Update reports will come to the Environmental Management Committee as progress is made.

Staff are proposing that reserves also be taken as Financial Contributions under the Resource Management Act.

STRATEGIC CONTEXT

With regard to the principles guiding development contributions policy, the Local Government Act 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.

Council has adopted (June 2003) the following objectives for the policy:

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 Local Government Act 2002 and Council’s sustainable development priority in the Long Term Council Community Plan.

Development Contributions offer a funding mechanism for Council to achieve key community objectives for lively and effective urban living and working areas. When applied in accordance with Council's key strategic goals, Development Contributions will reflect the expected demands of growth and allow the level of amenity Council seeks to provide its workers, business people and residents. These new provisions allow for development contributions in respect of 'community infrastructure' such as halls and libraries.

The Development and Financial contributions policy is an important funding tool for the City because it provides the means by which some of the costs associated with growth can be allocated to those who cause the growth.

However, as the new provisions enable Councils to require contributions for a greater range of growth driven costs, the total cost, of contributions per household, to developers is likely to increase.

Draft Policy Summary

The policy as proposed is consistent with the original objectives set by Council. In brief, the policy proposes that:

Council may require development contributions from development where the effect, including the cumulative effect of development, is to require new or additional assets or assets of increased capacity, and as a consequence, the Council incurs capital expenditure. This includes capital expenditure Council has already incurred in anticipation of growth. The incurred capital expenditure itself must be to appropriately provide for community and network infrastructure which provides for the social, economic, environmental and cultural well-being of the community.

The policy provides schedules for contributions for the following asset groups:

Network infrastructure:

- *Roading*
- *Public transport*
- *Water Supply*
- *Waste water*
- *Stormwater*

Community Infrastructure:

- *Town Centre Development,*
- *Infrastructure on Parks,*
- *Halls and libraries*
- *Leisure facilities*
- *Crematoria and cemetery roads*

Existing works (from 2001)

For clarity, under the Local Government Act 2002 'community facilities' are defined as reserves, community or network infrastructure. This draft policy requires development contributions for community and network infrastructure, while reserves will be taken under the Resource Management Act, pending further decisions regarding the most appropriate financial contributions rule in the District Plan.

ISSUES

Costs of Growth

The costs of growth are a key issue for this city, as it is one of the fastest growth areas in the country as part of the Auckland region. While development contributions can and will contribute to the capital expenditure of the city, it is unlikely that ALL costs of growth can be recovered through this mechanism eg. impacts of past growth, and the flow-on effect of more assets into the operational budgets. Note that the total capital expenditure budget includes renewals and other costs that cannot be attributed to costs of growth.

The policy has proposed the following principles to ensure that costs of growth are met by those who incur the cost:

- a) Where capital works are required to meet growth then Waitakere City Council will recover the costs over time.
- b) Current levels of service are taken as sufficient for the calculation of development contributions, except where an increased capacity is required to meet the demands of an increasing population, this will be considered a cost of growth (eg. such as more park facilities in an established urban area).
- c) Where a backlog of work exists, then that cost component will be borne by rates, or Financial Contributions. If undertaking the backlog work increases the capacity of the infrastructure in order to facilitate growth, then the increased capacity component will be funded by developer contributions.

A two-stage policy development programme is being proposed. The introduction of the initial policy and a schedule by June 2004 based on the current Long Term Council Community Plan 2003 will of necessity be on the conservative side as unconfirmed future possible costs are not yet included in the Long Term Council Community Plan 2003. A second phase of development will see an updated Development and Financial Contributions Policy and Schedule, consistent with the Long Term Council Community Plan 2006, ready for adoption in June 2006. The two stage programme allows Council to 'test drive' the new policy and schedule as well as complete critical planning exercises in time to include the fine-tuned future growth planning and costs being developed for the Long Term Council Community Plan 2006.

It is proposed that a three yearly revision process, timed to fit with the three yearly Long Term Council Community Plan process, will continue to capture future increased costs, and any changes in Long Term Council Community Plan projections.

Consultation

The project plan identifies key stakeholders as:

Stakeholder	Action
Funding partners eg. Infrastructure Auckland, Transfund, Central Government Departments, Watercare Services.	Draft policy will be sent for comment during Annual Plan 2004 consultation.
Developers.	Workshop 27 November 2003, establish focus group, 2 sessions with focus group March/April 2004, and formal consultation process during Annual Plan 2004.

Stakeholder	Action
Councillors	<p>Council has adopted the project plan and key policy principles in June 2003.</p> <p>Draft Policy to Finance and Operations (9 February 2004).</p> <p>Workshop held 11 February 2004 with Long Term Council Community Plan and Annual Plan Special Committee.</p> <p>Draft Policy to Finance and Operations, Environmental Management March 2004.</p> <p>Full policy and schedule to Council end March for adoption and consultation.</p> <p>Consult and consider as part of Annual Plan process March to June 2004.</p> <p>Other workshops as requested.</p>
Staff	<p>Staff are working in teams on the policy and schedule.</p> <p>A general staff workshop and information session will be held March 2004.</p> <p>Training will be rolled out during April to June 2004 to those staff directly implementing the Development Contributions regime.</p>

Council could expect some critical comment from the developer community. This will be mitigated by:

- Comparability - it is likely that there will be increased development costs across the whole region as each Council will be seeking to impose increased contributions;
- Consultation - prior consultation processes will enable staff to gauge the likely level of resistance prior to the statutory consultation period next year and work through issues as they arise.

Councillors have previously expressed an interest in participating in the developer focus group sessions and this is being arranged for late March and early April 2004.

Peer Review Process

Legal and technical reviews of the policy are planned into the project programme. There is also considerable regional co-operation in sharing information although in many cases, the circumstances are considerably different and a 'one-size-fits-all' approach is not possible.

Support for Strategic Objectives

Financial modelling, scheduled for February 2004, will indicate whether the lower cost of infrastructure associated with more intensive development is reflected in Waitakere's Development Contributions schedule. This work is intended to be complete by the end of March.

The Development Contributions Policy allows a partial remission of development contributions required for the provision of the three water services - water, waste water and storm water - on developments which install water conservation devices. The rationale for this is that water conservation will result in wider environmental benefits and cost savings to the community.

In other cases, Council may consider negotiating credit to developers where developers have provided works or services that will appropriately reduce the cost to Council or which demonstrate support for sustainable city objectives, provided that Council is satisfied with the quality of such works or services.

It is proposed to include a comprehensive policy on the remission of development contributions when the current Development Contributions Policy will be reviewed and updated for operation from 1 July 2006. Some of this work is dependent on work currently underway such as the Growth Management Plan and the development of key strategy updates such as Heritage, Leisure and Parks.

Relationship with Financial Contributions

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.

For the sake of clarity in communications, the steering group is keen to ensure that consistent terminology is applied across the organisation.

- Financial contributions means those taken for reserves and for environmental mitigation under the Resource Management Act.
- Development Contributions means those taken for community and network infrastructure under the Local Government Act for the costs of growth.

An agenda item went to Environmental Management on 11 November 2003 to gain a mandate to approach appellants to the District Plan Financial contribution provisions. It is expected that the negotiations will include an agreement to the proposed draft Development Contributions policy prior to the Financial Contributions policy in the District Plan being removed.

This process is running concurrently with the preparation of the Development and Financial Contributions policy in order to meet the statutory timeframes.

The Local Government Act 2002 does not provide a legislative basis for contributions to mitigate or offset environmental effects of development activity. This component of financial contributions therefore remains in the District Plan. There are other circumstances where works and services or a financial contribution may mitigate or offset adverse effects, which would otherwise be more than minor. In such cases, effects would normally be required to be avoided, remedied or mitigated on the site of the activity proposed. However if this is not possible, an opportunity is provided through the District Plan for works and services to be provided off-site, or for a financial contribution to be paid. This opportunity is available at the applicant's initiative only. If offered by the applicant, and considered to adequately mitigate or offset the adverse effect, the works, services or financial contribution may be required as a condition of resource consent.

Reserve Contributions

The Council will continue to collect financial contributions for reserves through Sections 407 and 409 Resource Management Act, pending a decision either to assimilate contributions for reserves into development contributions; or to promote a plan change to include an appropriate financial contributions rule in the District Plan.

Cost of Capital (post construction interest costs)

The policy proposes that these costs not be included in the 2004 policy in order to prevent the policy being challenged on this basis, but the policy retains the right to include these at any time in the future, for instance, when Audit New Zealand has provided clarification of the issues.

Review Period

The policy can be reviewed at any time by using the Special Consultative Procedure process under the Local Government Act 2002. However, it is proposed at this time that the policy be reviewed in two years to ensure consistency with the Long Term Council Community Plan 2006. This will enable any new major infrastructure costs to be fully assessed in the development of the Long Term Council Community Plan 2006, and if appropriate, included in the Development Contributions Schedule at that time.

RESOURCES

This project is resourced under the Long Term Council Community Plan and AP 2003/2004. There is no project budget provision in the Annual Plan 2004/2005 as the main requirements will be staff time. Some funding may be required in the 2005/2006 year for final preparation of the second phase of the policy.

CONCLUSION

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 cause such costs.

A draft policy Development and Financial Contributions Policy has been developed which is consistent with the objectives and principles adopted by Council in June 2003. The draft policy proposes that Council take Development Contributions for network and community infrastructure to appropriately provide for the social, economic, environmental and cultural well-being of the community: and that Financial Contributions be taken under the Resource Management Act provisions for reserves and environmental effects.

This agenda item brings the draft policy to this committee for consideration prior to adoption by Council for consultation in the Annual Plan 2004/2005. Councillors may wish to programme a workshop to consider the policy and associated schedules of payment in more detail prior to adoption for consultation.

RECOMMENDATION

That the Draft Development and Financial Contributions Policy report be received.

Report prepared by: Cathy Kenkel, Group Manager: Strategic Planning and Policy and Tony Miguel, Group Manager: Asset Management.



11 POTENTIAL REGIONAL POLICY STATEMENT AND DISTRICT PLAN CHANGES

This report was not available at time of printing and will be circulated separately.



PART III - ENVIRONMENTAL MANAGEMENT

12 ENERGY-WISE COUNCILS FORUM

PURPOSE OF THE REPORT

The purpose of this report is to seek approval for a Councillor to attend the Energy-Wise Councils Forum on Thursday, 1 April 2004 and Friday, 2 April 2004 in Hamilton.

BACKGROUND

Council is a founding member of the Energy Efficiency and Conservation Authority's Energy-Wise Councils Programme. The purpose of the programme is to have improved energy efficiency, energy conservation and enhanced renewable energy supply and use acknowledged as core goals and activities of local government.

STRATEGIC CONTEXT

Energy and climate change policy are inextricably linked, and 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. Council is committed to supporting the community reduce its energy consumption and associated CO₂, as well as its own, in line with this policy. The Energy-wise Councils' programme is a key tool in helping the Council achieve this objective.

ISSUES

The Energy-Wise Councils Forum provides an opportunity for the 14 member councils to be informed about, and exchange information on, energy efficiency projects for communities, and for councils as energy users.

The April Forum will include presentations and discussions on developing an energy strategy, Energy Achiever, Fleet Check, energy supply and demand in communities (including alternative energy), assessment of community projects, Energy Efficiency and Conservation Authority end use database, residential retro-fit programmes, cogeneration (methane gas to electricity).

RESOURCES

The funding for the Councillor's travel, accommodation and meals will be funded from Councillor Development/Education.

CONCLUSION

The Environmental Management Committee is requested to nominate a Councillor to represent Waitakere City Council at this forum and to approve the travel to Hamilton. The attendance is in line with Councillor's travel policy.

RECOMMENDATIONS

1. That the Energy-Wise Councils Forum report be received.
2. That the Environmental Management Committee nominate a Councillor to attend the April Energy-Wise Councils Forum in Hamilton during Thursday, 1 April 2004 and Friday, 2 April 2004.

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



13 WASTEWATER AND WATER SUPPLY - JOINT PLANNING INITIATIVES

PURPOSE OF THE REPORT

The purpose of this report is to seek approval by the Environmental Management Committee of two new joint planning initiatives involving Watercare Services Limited relating to wastewater servicing of Waitakere City, and water supply for the North-Western Sector.

BACKGROUND

Planning for future wastewater servicing for Waitakere City in the past has essentially comprised Watercare Services Limited preparing their Asset Management Plans independently of Council, and EcoWater planning for their own network with little consultation with Watercare Services Limited. This new planning initiative involves Watercare Services Limited and EcoWater staff working together in planning for the future servicing for wastewater in the city.

An issue has arisen regarding the source of water for Waitakere City consumers. The Waitakere dams have sufficient supply for Waitakere City through to 2050 and beyond, and Council's known preference is that Waitakere customers be supplied with water sourced from the Waitakere catchments over the long term. However, Watercare Services Limited current plans indicate that future supply augmentation for the region will be sourced from the Waikato River, and with their current infrastructure, Watercare have to supply the northern part of North Shore City and Rodney District Council via their upper harbour main. This means that growth in these areas will result in parts of Waitakere City being supplied regularly with water sourced from the southern sources, possibly within 10 years. The construction of the New Lynn pumping station increases Watercare's ability to supply southern water to North Shore and Rodney District via the upper harbour main.

North Shore City and Rodney District Council also have issues arising from Watercare's current plans to provide for future regional demand from the Waikato River source, and a joint planning exercise is underway involving Waitakere City, North Shore City, Rodney District Council and Watercare Services Limited staff to address these issues in the context of water supply planning for the North-Western Sector of the region.

STRATEGIC CONTEXT

The Council's *Three Waters* platform has the objective of establishing Waitakere as a centre of innovative water management. One of the success measures is that sustainable management solutions for stormwater, water and wastewater are achieved in all new development areas. The consideration of new technologies is fundamental to this achievement.

Planning for water, wastewater and stormwater services is included in the Sector Agreement developed with Rodney District Council, North Shore City Council and the Auckland Regional Council. This Agreement states that Sector partners will share technical knowledge and work co-operatively on innovative approaches for managing stormwater and wastewater. Over the planning horizon greenfield expansion may occur in:

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

An integrated approach to development of these areas by all three Councils may have economic, environmental, cultural and social benefits to the Northern and Western Regions as a whole.

ISSUES

A106-A113 Project plans have been developed for both of these joint-planning initiatives and these are attached at pages A106 to A113. The projects are outlined below:

Waitakere City Wastewater Services Master Plan: Participants are Watercare Services Limited and Waitakere City Council. The main objective of this study is to produce a master plan by March 2005 for the provision of wastewater services for Waitakere City through to 2050.

North-Western Sector Water Supply Master Plan: Participants are Watercare Services Limited, North Shore City, Waitakere City and Rodney District Council. The main objective of this study is to produce a master plan by March 2005 for the provision of water supply to North-Western sector of the region through to 2050 in a way which addresses the current issues facing the three councils involved.

Principles reflecting Council's strategic direction have been included in the project plan. These principles include:

- Ensure public health is not compromised.
- Ensure acceptable levels of service.
- Reduce flows at source.
- Optimising the use of the existing infrastructure.
- Acceptable level of risk.
- Solutions at least cost to the community.
- Utilise innovative technologies/alternative solutions if appropriate.
- Sustainable management.

The main steps in the process are:

- Information Gathering.
- Identify the needs.
- Option Identification.
- Option analysis and assessment.
- Review.
- Finalise the Plan.

It is noted that the success and timely outcome of the North-Western Sector Water Supply Master Plan is largely dependent on Watercare Services Limited completing their own Master Plan study covering future water supply options on time, and on Rodney District Council progressing their planning for future water supply options.

The Environmental Management Committee will be updated at appropriate stages during the planning process.

RESOURCES

Provision has been made as the Long Term Council Community Plan for future planning. The funding allocation covers the cost of various models required and any specialist technical input required for these planning initiatives.

CONCLUSION

The need has arisen for two important joint planning initiatives to be carried out. These relate to wastewater planning for Waitakere City, and water supply planning for the north-western sector. These planning initiatives involve working with Watercare Services Limited and other councils to develop master plans covering future planning to 2050. The Master Plans are both expected to be completed by March 2005, and the Environmental Management Committee will be updated at appropriate stages during the planning process.

RECOMMENDATIONS

1. That the Wastewater and Water Supply - Joint Planning Initiatives report be received.
2. That the Environmental Management Committee approves the Project Plans appended to this report relating to the Wastewater and Water Supply Joint Planning Initiatives.

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



14 PROPOSED PLAN CHANGE 10 - TO RE-IDENTIFY AMBRICO RESERVE, NEW LYNN FROM WORKING ENVIRONMENT TO OPEN SPACE ENVIRONMENT

PURPOSE OF THE REPORT

The purpose of this report is to seek the Committee's approval of Proposed Plan Change 10. Proposed Plan Change 10 relates to the re-identification of Ambrico Reserve at 5 Ambrico Place, New Lynn from Working Environment to Open Space Environment.

A114-A127

A copy of the 'Background Report and Section 32 Analysis' for Proposed Plan Change 10, sets out the statutory requirements under the Resource Management Act 1991 and the policy framework. Furthermore, the supplementary report addresses Section 32 requirements, and includes a copy of the Certificate of Title and changes to the Planning Maps. This report is attached at pages A114 to A127.

No submissions were received to the Proposed Plan Change.

BACKGROUND

The site comprises 2101m² and is currently identified as Working Environment and designated for reserve purposes in the District Plan. The Notice of Requirement hearing was held before a Commissioner on 31 January 2002 and the Commissioner's recommendation was confirmed at the Environmental Management Committee meeting on 18 February 2002 (resolution 203/2002). Following this, Council purchased the property at mortgagee sale and transfer to Council was registered on 4 April 2002.

The Committee resolved at its October 2003 meeting:

"That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to publicly notify the Proposed Plan Change relating to Ambrico Reserve to the Waitakere City District Plan to reidentify the site from Working Environment to Open Space Environment in the District Plan as set out in Pages A72 to A88."

2081/2003

Council notified Proposed Plan Change 10 in the New Zealand Herald on 17 November 2003 and received no submissions. As no submissions were received, further submissions were not called for.

STRATEGIC CONTEXT

The Long Term Council Plan has nine pathways that set out the Council's goals and actions for managing the social, economic and environmental wellbeing of the City. The urban and rural villages pathway identifies that the Council will need to review its planning processes to support integrated planning. The Proposed Plan Change will ensure that the District Plan, as a statutory and strategic document, is accurate and based on the most up to date information available to Council.

ISSUES

Changing the identification of 5 Ambrico Place is consistent with the policies and objectives of the District Plan and would bring the District Plan maps into line with the site's current reserve status. Given that the area of land in question abuts residential land and has already been developed as a reserve, the Open Space identification, policies and objectives are considered more appropriate for the site. The Working Environment does not make provision for passive or active recreational use of land.

A114-A127 A full outline of statutory requirements and discussion is outlined attached at pages A114 to A127.

RESOURCES

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

CONCLUSION

The Proposed Plan Change would re-identify the Human Environment of 5 Ambrico Place, New Lynn from Transport Environment to Open Space Environment to enable the land to continue to be used as a reserve. This change is important to ensure that the integrity of the District Plan is maintained and that the Plan reflects the current status of the land as reserve.

The current identification of the land does not meet the District Plan policies for Working Environment as it has for some time been established and maintained as a recreation reserve. In this particular instance, the re-identification of the subject land would enable it to continue to be used and maintained for active and passive recreation. Given the context and scale of residential development at Ambrico Place, and that recent studies indicate there are a significant number of families with children residing in Ambrico Place, the re-identification of the reserve is entirely necessary and appropriate.

RECOMMENDATIONS

1. That the Proposed Plan Change 10 - To Re-identify Ambrico Reserve, New Lynn from Working Environment to Open Space Environment report be received.
2. That pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee approves Proposed Plan Change 10 to the Waitakere City District Plan to re-identify 5 Ambrico Place, New Lynn, legally described as Lot 3 DP 152489, from Working Environment to Open Space Environment as attached at pages A...
3. That a decision notice stating approval of Plan Change 10 be publicly advertised on or about 17 March 2004.
4. That the Plan Change 10 be publicly notified on, or about 31 March 2004 to become operative.

Report prepared by: Amanda Blakey, Planner: Policy Implementation.



15 WAITAKERE RANGES PROJECT - PHASE ONE AND TWO CONSULTATION UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to provide the Environmental Management Committee with the results from the phase I consultation for the Waitakere Ranges project, and information on the framework for the phase II consultation.

BACKGROUND

The Council is currently undertaking a project to determine whether the long-term protection of the Ranges is adequate, and if not, what should be done.

There are 5 key components to this project:

Partners

Recognition that other groups and organisations have responsibilities and jurisdiction over parts of the Waitakere Ranges area led to the formation of two groups to achieve better integration of decision making:

- (i) *The Political Liaison Group*, consisting of iwi representatives, Elected Members of the Auckland Regional Council and Waitakere City Council and local Members of Parliament David Cunliffe and Lynne Pillay. Rodney District Council is keeping a watching brief on the project.
- (ii) *The Officer Advisory Group*, consisting of iwi representatives, and staff of the Ministry for the Environment, the Department of Conservation, the Auckland Regional Council, Waitakere City Council, Rodney District Council and Watercare Services Ltd.

Tangata Whenua

The tangata whenua of Waitakere City - Te Kawerau A Maki and Ngati Whatua, have been partners in the Waitakere Ranges Protection project from its inception. Both iwi are members of the Political Liaison Group and the Officer Advisory Group. In addition, iwi have had the opportunity for detailed input to the project through Waitakere City's mechanism of regular meetings with the iwi representatives.

Research and Information Gathering

This work pulled together the various pieces of research and information on the Ranges, held by different agencies, on the state of health of the Ranges area, pressures, current management and likely gaps. It was found through this exercise that research and monitoring is often site or project specific and fragmented, so that gaining a holistic picture of the health of the Ranges is difficult. Signals indicate that pressures do exist, with the key ones being subdivision and development, animal pests, weeds, and visitor impacts.

The project assumes that adequate information on why people value the Waitakere Ranges area, has already been gathered from previous consultation exercises. A discussion document (September 2003) has been produced and widely distributed as part of the community consultation. A more detailed background paper dated December 2003 is also available.

Community Consultation

The community consultation process developed to support the process is:

PHASE ONE

Purpose: To share with the community the information gathered, discuss issues and commence the preliminary discussion around possible responses. This stage included presentations to a number of organisations and groups, a series of community workshop meetings, a telephone survey, community board displays, and an invitation to send in written responses. The results of the community consultation were pulled together into a summary report and are discussed in the issues section of this paper. The consultation summary report is being widely distributed through the community and will be a key piece of work to inform the development of the responses.

PHASE TWO

Purpose: To work through with the community the possible responses/actions from this project, and discuss them in more detail. The partners have made a decision that while the whole range of responses/actions will be presented at the Phase 2 consultation, an indication will be given of those that are considered by the partners worthy of further development. The preferred package of responses/actions will then be reviewed in light of the Phase 2 consultation.

Phase II will focus on two aspects:

- Discussion and feedback is sought from the community on the potential responses/options for long-term protection.
- A discussion of the role of the foothills in light of the structure plan review and in the context of the Ranges project will also be generated.

There will be three strands to Phase two; a hui, randomly selected focus groups and a self selected community forum. Pending the decisions at the Environmental Management Committee and Auckland Regional Council's Strategic Policy 9 March meetings, phase two consultation is likely to occur in late April/May. A tentative date of Sunday, 18 April has been established for the community forum to be held at the Bible College, Lincoln Road, Henderson.

PHASE THREE

The purpose and scale of phase three will be dependent on the outcomes of the phase two consultation. At this stage, it is uncertain whether the partners will decide to hold further discussions with the community or use Phase three to communicate the decision on the way forward. The scoping of this phase is likely to occurring in May.

Response Development

A policy report is being developed to describe the potential responses that may provide better medium and long-term protection of the Waitakere Ranges area and the advantages and disadvantages of each. It will also recommend a package of responses that would be worthy of further development. This work will support phase two of the community consultation process, and the decision making of the Council and its partners in this project.

In the preparation of this report, a working group of officers from Waitakere City Council and Auckland Regional Council was developed to assist in the framing of the report and act as a 'sounding board' for policy issues as they arose.

Implementation Plan

Following the Phase two consultation and the analysis of the results, the partners will consider the responses/options to provide protection for the Waitakere Ranges area into the future, in light of the feedback from the public, and will make decisions. Once the final decisions are made, a number of Action Plans for the implementation of these responses will be developed and brought together into an Implementation Plan for the better protection of the Waitakere Ranges area.

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' 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, as well as connecting the everyday lives of the people of Waitakere with the natural world.

Council has indicated a strong commitment to working on protection of the Ranges, whilst recognising that there are many different values relating to the Ranges, and that much is already being done to achieve protection. However, the tools for protection are many and varied, and community views diverse. A robust process is crucial for achieving community understanding of, and long-term commitment to, any solutions that might arise from the process.

Subdivision in the Foothills

Subdivision in the foothills is one of the most controversial issues in the Ranges. Structure Plans are a regulatory tool that have been adopted by Waitakere City Council in order to manage the effects of development arising from subdivision and meet its environmental enhancement and restoration objectives within the Foothills Environment (the eastern foothills of the Waitakere Ranges). A Structure Plan is based on a water catchment area as a means of managing potential cumulative effects. Structure Plans are intended to establish a long term, permanent settlement pattern in these areas.

The subdivision standard in the Foothills Environment is 4 hectares minimum site size or subdivision in accordance with a structure plan. To date, structure plans have been prepared for the foothills catchments of Oratia, Swanson and Birdwood. The Oratia Structure Plan is operative. The Birdwood Structure Plan is essentially operative, other than appeals relating to the activity status of subdivision where that subdivision seeks more lots than that allocated through the structure planning process. The Swanson Structure Plan is still going through the planning process. The Council has heard submissions and released its decisions on the Swanson Structure Plan. This has prompted a total of 19 appeals to the Environment Court including some seeking the withdrawal of the Structure Plan.

The Waitakere City Council initiated a review of Structure Planning in 2003 to consider whether subdivision beyond that currently enabled in the Foothills Environment (4 hectares if a structure Plan has not been established) is appropriate, and whether structure planning is the preferred method for managing development and enhancement of the Foothills Environment.

A consultant review report was produced in November 2003, and this report was peer reviewed by an independent consultant in December 2003. These reports were taken to the Environmental Management Committee's 16 December meeting and the Council decided to take up most of the recommendations of the reports, including an undertaking to do more work on the vision and values for the Waitakere Ranges and their foothills, and on the long-term settlements strategy for rural areas. The Waitakere Ranges Protection project is seen as the main channel to inform the debate surrounding these foothills issues. On 10 February 2004, the Council requested that the Environment Court grant a deferral of the Swanson Structure Plan process in order to allow this work to proceed. This request was granted.

A number of resolutions were made at the Environmental Management Committee's December meeting that directly relate to the Waitakere Ranges Project. These include:

"4. That the two work programmes arising from the Structure Planning Review and the Waitakere Ranges Project be integrated where appropriate, and reported back to the Environmental Management Committee following the completion of Phase III of the consultation on the Waitakere Ranges Project."

4403/2003

"3. That the Structure Planning Review Report be made freely available, and be incorporated into Phase II of the Waitakere Ranges Project."

4403/2003

[That the Council] "First clarifies and then strongly affirms the vision and values for the Waitakere Ranges, including the foothills."

4386/2003

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

4386/2003

ISSUES

Phase One

The purpose of the Phase one consultation was to:

- Share with the community the information gathered.
- Discuss with the community whether they considered that the Ranges were protected in the long term.
- Discuss the key issues around the long-term protection of the Ranges and seek feedback on which was of the most concern.
- Commence the preliminary discussion around possible responses.

A128-A169

A consultation summary report is attached at pages A128 to A169, has been written to pull together information from the workshops, community board displays, regional telephone survey, and comment forms. The staff presentation given at the workshop is appended to the consultation report together with the individual workshop summaries. These were reviewed by community members to check that the summaries are a fair representation of the workshop.

The workshop presentation focussed on the key issues of weeds and animal pests, visitors and subdivision and development. Workshop participants were also asked whether or not they think the Ranges are protected enough.

A summary of the community feedback on these issues follows:

Are the Ranges Protected Enough?

From the information gathered in phase one of the community consultation, it is clear that most people believe that the Ranges are not currently protected enough now and for the future, and that something 'extra' is needed.

Animal Pests and Weed Issue

There is an extremely high level of agreement that weeds and animal pests are a threat to the Ranges. The areas of concern were around the need for:

- More resources for better community engagement programmes (information, advice, education, assistance and incentives for property owners and renters, and support for volunteers) and an increased operational budget for weed and animal pest control on public land.
- Better co-ordination among agencies and between agencies, garden centres and property owners would bring better results. Assistance from the community is vital to achieve successful weed removal and regeneration with more appropriate species in many areas.

Visitor Issue

There was little discussion on this issue and what did occur was divided on whether or not visitor numbers are a threat to the Ranges. Many comments centred on the right of visitors to come to the area and that the focus should be on good management of their impacts.

Development/Subdivision Issue

- Much of the discussion through the consultation focussed on the development/subdivision issues.
- Most people think that development, especially subdivision, is the major challenge facing the Ranges.
- The area experiencing most subdivision pressure, most potential for new subdivision under the District Plan, and where most community concern is focussed, is the eastern foothills of the Ranges.
- Coastal villages, especially Piha, are also under development pressure, and the rapidly changing nature of the built environment due to new development, especially 'sleep-outs' and redevelopment of old baches, is an issue for many.
- Generally participants are satisfied that the District Plan policy and rules represent a reasonably balanced approach to land use management in the Ranges area, apart from the issues of subdivision in the foothills and protection of landscape.

The key concerns arising in this area were:

- Many participants believe that the Resource Management Act provisions do not provide enough certainty or permanence for areas with high natural values and significant development pressures – development continues to 'eat away at the edges'. These concerns are:

Certainty: The Resource Management Act provisions, that can enable development beyond that envisaged by the standards in the current District Plan through non-complying activity applications, do not provide enough certainty as to the outcomes for the Ranges area. Decisions on these non-complying activity applications focus on 'effects' of the development, and many are of the opinion that the long-term cumulative effects of a number of similar developments are hard to measure and are not adequately taken into account.

Permanence: In addition, the provisions in the Resource Management Act for changes to District Plans and Regional Policy Statements and Plans, and important components of these plans such as the Metropolitan Urban Limit, together with the ten yearly statutory review of these plans, mean policy and rules contained in the plans can be changed. It was considered by many that the standards around subdivision and development need to be more long-term than the life of the District Plan.

- Many participants are concerned that the 'effects' focus of the Resource Management Act and District Plan are not providing enough defence against cumulative adverse effects (the many small actions and decisions that, taken together, add up to a major impact - this was encapsulated by the Parliamentary Commissioner for the Environment's description of this as 'death by a thousand cuts').

Possible Responses

- It is generally accepted that the outcome of the Waitakere Ranges Protection project is unlikely to be one single solution or response. Rather, a 'package' of actions is likely to emerge from the process.
- There was only a limited amount of discussion around responses, however, most often discussed was the possibility of some form of legislation to provide 'a line in the sand' - better certainty about the current application of the standards and permanence of the standards into the future. Suggestions included a World Heritage Park status and/or some kind of 'freezing' of the subdivision/development provisions in the District Plan for the Ranges area.

The arguments put forward against legislation of this nature were:

- The District Plan and Resource Management Act provide adequate long term protection for the Ranges, the potential for development is now very limited and the trend (in Plan reviews and changes) is towards an increased level of protection.
- The right to appeal to the Environment Court is part of democracy, and future generations have the right to make their own decisions.
- There needs to be a greater level of trust that people in the future will look after the land.
- Provision of public amenity should not be at the expense of private landowners, nor should they lose entitlements existing at the time the land was purchased.
- Further restrictions may penalise those who have not developed and who protected the environment, through loss of property value. It was felt that compensation issues may arise.

Other Issues

Other important issues raised through the consultation were:

- The need to provide proper legal protection in perpetuity for the Waitakere Ranges parkland.
- The desire for a land purchase programme to add to public reserves.
- The need to better enforce existing rules.
- The long-term importance of education, incentives and assistance.
- Ways to better resource these programmes.
- Concern about fire as a threat to the Ranges area.
- The role of the foothills in protecting the Ranges and discussion on the boundary of the 'Ranges'.

Phase Two

It is anticipated at the time of writing this report that an associated agenda report on the possible responses for the long-term protection of the Ranges will also be presented to the Committee. These responses seek to address the issues and threats that have been identified and discussed with the community, and the issues raised in phase one as discussed above have formed an integral part of the development of this package. Given the complexity and number of potential responses, the partners in the Political Liaison Group have agreed to identify for consultation in phase two a number of responses that could warrant further development. It is anticipated that these will be presented for discussion with the community alongside the other responses considered. The evolution of a responses package will then continue from this discussion.

Given that much of the focus in phase one was on subdivision and development, discussion often centred on the foothills and their role in the protection of the Ranges. Furthermore, the Structure Plan review report indicated the need to more clearly define the strategic context of the Eastern Foothills. Given this, it is recommended that part of the focus for phase two of the consultation be a discussion with the community on what role the foothills play in the long-term protection of Ranges, particularly in the context of the suggested responses package.

RESOURCES

Budget of \$25,000 has been made available for the Waitakere Ranges project phase II consultation.

CONCLUSION

Phase One

The community was asked to comment on what they saw threatened the Ranges. It was generally agreed that the Ranges are not protected enough in the long-term and that something extra needs to be undertaken. Weeds and animal pests were seen as a major threat to the Ranges with the key problem being around resourcing of operational programmes to control weeds on public land (roadsides, esplanades reserves and parks), monitoring and non-regulatory programmes such as more education, advice and community assistance programmes. Little discussion occurred around visitors, however when discussed the focus was most often on how to manage the effects of visitors. The topic that generated the most robust discussion was subdivision and development, with many indicating this as the most pressing threat to the Ranges. Concern focussed on the Resource Management Act and the areas of certainty and permanence.

Phase Two

It is anticipated that phase two of the consultation will focus on two topics. Firstly, the presentation of a package of responses that partners have agreed are worthy of further development. These will be presented alongside other responses that were considered for discussion. Secondly, the role the foothills play in the long-term protection of the Ranges.

RECOMMENDATIONS

1. That the Waitakere Ranges Project - Phase One and Two Consultation Update report be received.
2. That the Environmental Management Committee approve that phase two of the consultation has a two-part focus, namely:
 - The presentation of the range of responses/actions with, in particular, an indication of those that are considered by the partners worthy of further development and;
 - An exploration of the role of the foothills in the long-term protection of the Ranges.

Report prepared by: Kim Morrese, Partnerships and Advocacy Leader - Environment.



16 WAITAKERE RANGES PROTECTION PROJECT - POTENTIAL RESPONSES

PURPOSE OF THE REPORT

From Phase 1 of the public consultation on the Waitakere Ranges, it is clear that most people believe that the Ranges are not adequately protected, now and for the future. Work to date on the Waitakere Ranges project has identified gaps and weaknesses in the current management of the Ranges, and responses that could potentially plug these gaps. Phase 2 of the public consultation programme will take the potential responses out to the community for consideration.

This report requests that members of the Committee consider the possible responses to achieve a better level of protection for the Waitakere Ranges area, and select those responses that it considers promising, as an indicative package to contribute to the Phase II community consultation. A similar report is being considered by the Auckland Regional Council's Strategic Policy Committee on 9 March 2004.

The indicative package agreed by the Committee together with that agreed by the Auckland Regional Council, would be put forward at the Phase 2 consultation in the context of all the potential responses. Community feedback on the indicative package, on other potential responses and any further ideas put forward by the community, will be brought back to this Committee and its partners for further consideration.

BACKGROUND

The goal of the Waitakere Ranges Protection Project is:

“Through a partnership of iwi, Waitakere City Council, Auckland Regional Council, Rodney District Council & local Members of Parliament, and in close consultation with stakeholders, to find and implement ways of achieving better long-term protection for the natural and landscape values of the Waitakere Ranges and West Coast.

What does protection mean?

Central to this project is what is meant by 'protection'. The Concise Oxford Dictionary definition is 'to keep safe, guard against or defend'. However community responses gathered in the phase 1 consultation indicate that protection means different things to different people. This is demonstrated by the following sample of statements expressed at community workshops in response to whether they disagree or agree with the following statement 'The Ranges are protected now and for the future':

- 'would like to see in 50 years that it continues to be a beautiful place - people should come here for the beauty and not to make a buck out of the place. It's protected without going over the top';
- 'limited development with minimal impact, with clear regulatory boundaries and guidelines';
- 'plan not protecting landscape - subdivision that is now non-complying should be prohibited';
- 'unique, try to leave as it is';
- 'depends on what is meant by conservation - biodiversity versus trees - still a long way to go';
- 'no more housing or unreasonable development'.

For the purposes of this report protection is defined as maintaining and where appropriate restoring the landscape, biophysical and cultural heritage values of the Ranges.

Components of the Project

The Waitakere Ranges Protection project was initiated in response to concerns expressed by local people, local MP's, lobby groups, the Parliamentary Commissioner for the Environment and the West Coast Plan, that the Waitakere Ranges continue to be under pressure and further action is needed to ensure more secure protection for future generations. From the information gathered in Phase One of the community consultation on this project (reported elsewhere in this agenda) it is clear that most people believe that the Ranges are not currently protected enough now and for the future, and that something 'extra' is needed.

A170-A171 There are five key components to the Waitakere Ranges Protection project, which together are designed to provide for stakeholder involvement and integrated decision making: They include partners, research and information gathering, community consultation, policy development and implementation. The details are attached at pages A170 to A171. Councillors Hulse, Yates and Presland are Waitakere City Council's representatives on the Waitakere Ranges Political Liaison Group.

Project to Date

The project began with an investigation to identify the values associated with the Ranges and find which of these values may not be adequately protected and why. This investigation is described in a December 2003 report by Waitakere City Council and the Auckland Regional Council entitled 'Protection of the Waitakere Ranges Area: Background Paper'. The results are summarised in a discussion paper that was used to stimulate feedback from the community on their views about whether the Ranges are well enough protected now and in the future, and if not, why not and what can be done.

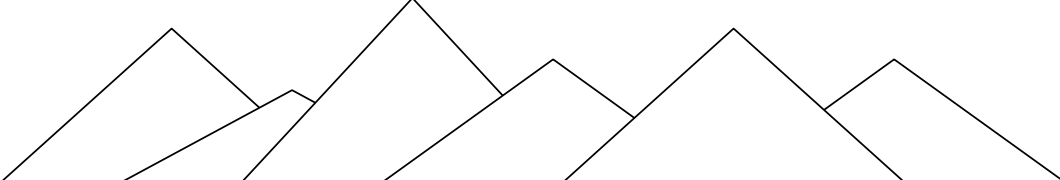
Feedback was collected at 15 community workshops held between September - November 2003, from comment forms, from displays held by Community Boards in shopping malls and libraries and from a regional phone survey. The consultation feedback is reported in a February 2004 document entitled 'The Waitakere Ranges Project: Phase 1 Community Consultation: Summary and Workshop Notes'. All of these reports are now available on the Waitakere City Council web site.

This report summarises the policy work associated with the project.

Related Work

A172-A175 This project is closely related to a number of other pieces of work in the Region, in that the Ranges project either has a direct impact on those projects, or the other work contributes to the protection of the Waitakere Ranges area. These projects are set out below in diagrammatic form, and a summary of each policy or project is attached at pages A172 to A175.

Projects Related to the Waitakere Ranges Protection Project



Central Government Auckland Transport Announcement
Auckland Regional Growth Strategy
Urban Metropolitan Limit
Auckland Regional Council Regional Landscape Assessment Project
Auckland Regional Council Visitor Management Strategy
Waitakere City Tourism
Waitakere City District Plan Appeal Processes
Structure Planning Review
Waitakere City Heritage Study
Community - Environmental Defence Society study

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' 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, as well as connecting the everyday lives of the people of Waitakere with the natural world.

Council has indicated a strong commitment to working on protection of the Ranges, whilst recognising that there are many different values relating to the Ranges, and that much is already being done to achieve protection. However, the tools for protection are many and varied, and community views diverse, so that a robust process is crucial.

ISSUES

The Political Liaison Group for the Waitakere Ranges Protection project believes that it would assist the community in its discussions of ways to achieve better medium to long term protection of the Ranges, to have an indication of the package of responses that the partners in the project feel are likely to best fill the identified gaps and weaknesses in the protection of the Waitakere Ranges area.

To assist the Committee in this decision, this report:

- Describes the 'weaknesses' and gaps which have been identified in the current or 'status quo' management of the values of the Waitakere Ranges area, from the research work and community consultation to date.
- Outlines a range of potential responses to cover those gaps/ supplement the weaknesses.
- Sets out the criteria by which the effectiveness of the possible responses can be measured including effectiveness in achieving environmental outcomes, gaps filled, cost and risks.

- Provides an analysis of the potential responses against the criteria.
- From this work, sets out an indicative package of responses that may be effective in supplementing current methods of protection of the Waitakere Ranges to provide better medium to long term protection, for consideration by the Committee.

Note that the Political Liaison Group will be considering the potential responses in more detail at their meeting on 8 March 2004. A verbal update will be given on the recommendations of the Political Liaison Group.

Current or 'Status Quo' Management of the Ranges Area

The 'status quo', or current management approach to protection of the Ranges, and the gaps identified in this system of management, has been the subject of much debate. Numerous suggestions for improvement have been made through consultations past and present. A detailed description of status quo management is contained in the 'Waitakere Ranges Project Background Report' (December 2003). The 'status quo' has been taken to include programmes and projects that are already planned and approved through resolutions or the Long Term Council Community Plans. The main elements of the current system of management for the Ranges have been analysed for two components:

- publicly owned land in the Ranges area such as parks, esplanade reserves and roads;
- privately owned land in the Ranges area.

A176-A177 A short summary of this work is attached at pages A176 to A177.

Weaknesses/Gaps identified in the Protection of the Ranges

Through the research and investigation focusing on the Ranges area and the consultation with the public on this issue, a list has been put together of 'gaps' or weaknesses in the current management system (where concern has been expressed that current methods may not be adequate to protect the Waitakere Ranges into the future). These have been summarised into the following categories where action could improve existing management.

- Resourcing.
- Certainty of outcomes of the existing rules and standards in the District Plan and permanence of the standards into the future (particularly relating to subdivision).
- Coordination.
- Monitoring.
- Need for a better Strategic focus/ recognition for the Ranges as a special area.
- Need for more opportunities for involvement of iwi in the management of the Ranges.
- Need for more opportunities for involvement of other stakeholders/the community in the management of the Ranges.

In addition, a range of additional policies and projects that would contribute to the better protection of the Ranges area has been suggested throughout the process.

A178-A179 A comprehensive list of the gaps and weaknesses that have emerged through the Waitakere Ranges project process to date under the categories above, as attached at pages A178 to A179. The possible responses would need to address at least one of these identified gaps/weaknesses.

Criteria to Assess the Responses

A set of criteria has been developed to enable the possible responses to be compared with one another in terms of what they would likely achieve for greater protection of the Ranges, taking into account their costs and risks. The criteria are in three parts:

1. High Level - Effectiveness in Protecting Values - Does the response address effects on landscape, bio-physical and cultural heritage values of the Ranges? Would the possible response result in:

- Reduction in the effects of subdivision and new development.
- Reduction in weeds and animal pests.
- Reduction in visitor impacts.

This set of criteria acts as a top level filter. If a response is identified as being at least moderately effective at achieving one of the above criteria it is then assessed against the next level of criteria. This means that all adopted methods for protecting the Waitakere Ranges must contribute towards the protection of landscape, biophysical and/or cultural heritage values in the Ranges area.

2. Management Gaps / Weaknesses - Does the response address the identified management gaps / weaknesses?

- Improved levels of resourcing.
- Certainty of outcomes of existing rules and permanence of the rules into the future.
- Improved co-ordination.
- Better monitoring.
- A better strategic focus and recognition for the Ranges.
- Improved opportunities for involvement of iwi.
- Improved opportunities for involvement of stakeholders/community

This second set of criteria is designed to find which identified gap or weaknesses in the current management approach the response might fill.

3. Costs and Key Risks

- Financial cost of implementing the response and any ongoing costs or potential savings.
- Will landowners lose any existing development potential under the District Plan?
- Risk of not being successfully implemented.

Possible Responses

The possible responses to address the identified gaps/weaknesses in the 'status quo' management of the Waitakere Ranges area have been put together by the Political Liaison Group and an officer working group of Auckland Regional Council and Waitakere City Council staff.

The list of possible responses include suggestions that have been put forward during the many consultation processes that have taken place since the Waitakere City District Plan consultation began in 1993. Many of these suggestions were reiterated during the recent Phase 1 community workshops on the Waitakere Ranges project. The possible responses that are described capture a range of ways to improve the status quo management system by filling the identified gaps. Only a selection will likely be implemented.

Some of the possible responses address only one 'gap' and others address more than one. Some responses would fill the gaps better than others. No single response addresses all of the concerns that have been identified. More than one response is likely to be needed to achieve better performance in all of the areas identified in the section above.

There are no doubt other possible responses and a range of variations on what is proposed. There will be an opportunity in the second phase of consultation to suggest approaches and variations on those proposed here.

The possible responses are listed below. A number of the responses will need further investigation, should a decision be made that they are worthy of further consideration.

Possible Responses for the Better Protection of the Waitakere Ranges

- Waitakere Ranges Trust.
- Develop a funding plan for Ranges protection.
- Legislation to provide permanence and certainty for subdivision standards in the Ranges area. Could be through:
 - Special legislation that overlays the Resource Management Act, or
 - Special legislation that replaces the Resource Management Act, or
 - Amendments to the Resource Management Act to provide for natural heritage areas under the heritage provisions, or
 - Changes to the Auckland provisions of the Local Government Act.
- Seek international recognition of the Waitakere Ranges as either a World Heritage Park or a World Biosphere area.
- National Policy Statement on outstanding landscapes.
- Amend the Auckland Regional Policy statement.
- Develop a Regional Plan for the Waitakere Ranges, together with appropriate District Plan changes.
- Develop a dedicated team of officers to advise on/deal with Resource Consents for the Waitakere Ranges.
- Set up a co-operative structure including the Auckland Regional Council, Department of Conservation, Waitakere City Council, Rodney District Council, Iwi, other agencies and community people to ensure integrated monitoring, sharing of information, integrated weed and animal pest programmes and better liaison with research agencies.
- Set up an agency group (Waitakere City Council, Auckland Regional Council, Iwi, Watercare Services) to co-ordinate activities, share expertise and monitor the area as a whole.
- Delegate some responsibilities relating to the Waitakere Ranges to a special body.
- Combine regional and district council responsibilities to plan and administer the Waitakere Ranges as a whole.
- Non-regulatory methods of protection.
- Develop a Waitakere Ranges Strategy to guide the development of the Waitakere Ranges.
- Implement the west Coast Plan.
- Reduce the need to accommodate future population growth in the Ranges through the Northern and Western Sectors Agreement.
- Prioritise and incorporate into the Long Term Council Community Plan the additional strategic work and projects identified through the process.

Analysis of the Possible Responses

A180-A188 For each potential response, an assessment has been prepared of how effectively the response would meet the criteria set out above and contribute to the better protection of the Waitakere Ranges. The main issues are highlighted in the descriptions as attached at pages A180 to A188.

The Political Liaison Group has indicated that they would wish community priorities identified through Phase 1 of the Community Consultation to be given a level of priority; in particular:

- Weeds and animal pests - recognised by all the workshops as a threat to the Ranges.
- Lack of resources (both staff and funding) - identified as the major issue for adequate management of weeds and animal pests in particular, but also for non-regulatory methods to help reduce impacts of visitors and subdivision and development.
- Subdivision and Development – recognised by many as the most significant issue for the future protection of the Ranges.
- Lack of permanence and certainty in the subdivision provisions of the District Plan.
- District Plan processes and agreements need to be honoured as much as possible/ District Plan not re-litigated.

Waitakere Ranges Protection Project: - Possible Package

A180-A188 The following is an indicative package of possible solutions put together by staff for consideration by the Political Liaison Group, elected members and the community. Some of these responses are supported and strengthened by the inclusion of other complementary responses. None of the responses on their own will fill all the gaps identified through this process - clearly more than one response will be required because there are a number of gaps. For further details on the responses, please refer to the information about the potential responses as attached at pages A180 to A188. Note that the appendix also includes those responses that are not included in the indicative package below.

Package Component	Criteria Met	Risks/Costs
Waitakere Ranges Charitable Trust (Could be set up by legislation)	<ul style="list-style-type: none"> • Draw in new funding. • Co-ordinate community effort. • Support non-regulatory methods including the West Coast Plan. • Opportunity for involvement of iwi and stakeholders. 	<ul style="list-style-type: none"> • Success dependent on creativity/skills of Trustees and Trust staff. • Pre set up discussions needed with existing Trusts to ensure Waitakere Ranges Trust is complementary. • May need seeding and operational support from Councils (about \$250,000).
Develop a funding plan for Ranges protection. For example targeted local and regional special purpose rates, central government fund applications and charging for car parking.	<ul style="list-style-type: none"> • Draw in new funding. 	<ul style="list-style-type: none"> • Support for targeted rates for the Ranges is unknown. • Relatively low cost to implement.

Package Component	Criteria Met	Risks/Costs
<p>Legislation</p> <p>Legislation would need to provide a clear direction on the importance of the Ranges and the need for permanence and certainty, which will likely significantly influence policy and plan implementation.</p> <p>(The extent to which the legislation would go needs further work and advice)</p> <p>Pending further legal advice, currently the most realistic legal mechanisms look to be an Resource Management Act overlay or the Auckland provisions of the Local Government Act.</p>	<ul style="list-style-type: none"> • Provides a high level of permanence and certainty. • High level of strategic focus/ recognition for the Ranges as a special area. 	<ul style="list-style-type: none"> • Further legal advice is required on the drafting of the legislation. • Potentially significant implementation costs. • Some support voiced in consultation workshops for legislation. Other participants believe that the District Plan and Resource Management Act provide adequate long term protection for the Ranges, and that people of the future have the right to make their own decisions about development. • Once handed over to Parliament, Council has little control over outcome.
<p>Amend the Auckland Regional Policy Statement.</p> <p>Re-negotiate Regional Growth Strategy agreements.</p>	<ul style="list-style-type: none"> • Provides some additional certainty and permanence. • Strategic focus/ recognition for the Ranges as a special area. • Better manage adverse effects of subdivision / development. 	<ul style="list-style-type: none"> • May impact on District Plan development potential. • Projects already underway so cost implications relatively low.
<p>Dedicated staff team.</p>	<ul style="list-style-type: none"> • Provides some additional certainty. • Better Monitoring and Co-ordination. • Better strategic focus. 	<ul style="list-style-type: none"> • Staff time and support involved to set up and run a cross-Council team.

Package Component	Criteria Met	Risks/Costs
<p>Through the Long Term Council Community Plan – Waitakere City Council and Auckland Regional Council processes, prioritise and implement:</p> <ul style="list-style-type: none"> • Policy/project gaps identified during the process. • West Coast Plan actions identified for Waitakere City Council and Auckland Regional Council. • Additional non-regulatory methods identified in the process. 	<ul style="list-style-type: none"> • Better outcomes for natural, cultural heritage and landscape values and the community. • Support for non-regulatory methods • Improved monitoring. • Strategic focus/recognition for the Ranges. • More involvement of stakeholders. • Involvement of iwi. • Better coordination. 	<ul style="list-style-type: none"> • Some gains could be achieved through reprioritisation of councils' budgets but significant gains would not occur without additional resourcing.
<ul style="list-style-type: none"> • Waitakere Ranges Strategy (Brings together all of the above mechanisms for the protection of the Ranges into one document. Enables prioritisation.) 	<ul style="list-style-type: none"> • Strategic focus. • Co-ordination. • Monitoring. 	<ul style="list-style-type: none"> • Likely to require additional information, research and staff time to develop depending on the scope.
<ul style="list-style-type: none"> • World Biosphere Area 	<ul style="list-style-type: none"> • International recognition of the Ranges. • May help to leverage funding. 	<ul style="list-style-type: none"> • Depends on success of nomination.

Note: Shading indicates key community concerns as identified in the Phase 1 consultation.

This indicative package attempts to fill the gaps identified through the research and consultation process to date, with responses that are affordable and that would not greatly impact on current District Plan rules. The extent to which the legislation would go needs further work and advice, but legislation would need to provide a clear direction on the importance of the Ranges and the need for permanence and certainty, which would likely significantly influence policy and plan implementation.

Note that it is unlikely that the entire package of responses emerging from the process would be implemented at the same time. Each response would likely be given a different priority and timeframe as it is implemented through the Long Term Council Community Plans of the Auckland Regional Council and Waitakere City Council.

Where to from Here?

The Political Liaison group will be considering all of the potential responses in more detail at their meeting of 8 March, and may wish to make some changes to the indicative package. These can be reported verbally to the Committee.

After consideration by the Political Liaison Group, the Auckland Regional Council and the Waitakere City Council, the indicative package will be amended and finalised, and the detailed planning and material for the Phase 2 consultation, planned for April/May 2004, can get underway. A number of the indicative responses, for example the World Biosphere Area and the legislative response would require further investigation. If these options remain as part of the indicative package for consultation, some of that work will need to be carried out in the next month prior to Phase 2 of the Public Consultation. After further investigation some of these responses may not be moved forward. Feedback will be sought from the public on the possible responses, and particularly the indicative package, during the phase 2 consultation. Feedback will be reported to the partners, and decisions made on alterations and amendments to the package, before a decision can be made.

RESOURCES

The Waitakere Ranges Protection project is resourced through the Annual Plan, together with additional funding voted to the project by the Council meeting of December 2003.

CONCLUSION

This report sets out:

- the gaps that have been identified in current management regimes for the Waitakere Ranges through the research and consultation for this project to date,
- the possible responses to fill those gaps,
- the criteria by which these possible responses are measured, and
- the results of the analysis and the indicative package that has emerged from this process.

The Political Liaison group will be considering the possible responses in more detail at their meeting on 8 March 2004, and may wish to recommend changes. The results can be verbally reported to the Committee. After consideration by the Waitakere City Council and the Auckland Regional Council, the indicative package will then be amended, and the detailed planning and material carried out for the Phase 2 consultation, planned for April/May 2004. Results from that consultation will be reported back to the partners before any decisions are made. Given that further detailed work is still required on some components of the indicative package which may indicate changes, it is recommended that the Committee nominate members to sign off the final detail of the indicative package before going out to consultation.

RECOMMENDATIONS

1. That the Waitakere Ranges Protection Project - Potential Responses report be received.
2. That the Environmental Management Committee approve in principle, the indicative package for better protection of the Waitakere Ranges as presented in this report for presentation at Phase two of the community consultation.
3. That the Environmental Management Committee nominate two to three members to sign off the detail of the final indicative package to be taken out for consultation in phase two of the community consultation.

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



PART IV - CONFIDENTIAL ITEMS

17 HOBSONVILLE AND WHENUAPAI INFRASTRUCTURE ISSUES

18 DISTRICT PLAN - WAITAKERE RANGES AND BUSH LIVING SUBDIVISION OUTSIDE METROPOLITAN URBAN LIMITS

19 DISTRICT PLAN - BETHELLS APPEAL RMA 710/98

20 DISTRICT PLAN - EGGINK APPEAL

These items will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, Hobsonville and Whenuapai Infrastructure Issues; District Plan - Waitakere Ranges and Bush living Subdivision outside Metropolitan Urban Limits; District Plan - Bethells Appeal RMA 710/98 and District Plan - Eggink Appeal.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Hobsonville and Whenuapai Infrastructure Issues • District Plan - Bethells Appeal RMA 710/98 • District Plan - Eggink Appeal • District Plan - Waitakere Ranges and Bush living Subdivision Outside Metropolitan Urban Limits 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Maintain Legal professional privilege; and • Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(g)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- The information contains legal issues currently before the Environment Court, which if released would affect the Council negotiation.

