

AGENDA FOR A MEETING OF THE PLANNING AND REGULATORY COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 10 MAY 2005 COMMENCING AT 9.30 AM.

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PART A - OPENING OF MEETING

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information 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 Committee by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

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



3 CONFIRMATION OF MINUTES

Meeting Minutes - Tuesday, 12 April 2005

RECOMMENDATION

That the minutes of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 April 2005, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.



PART B -

PRESENTATION

4 PETER REABURN: CATO BOLAM ASSOCIATES

The Pakanui Structure Plan is a privately initiated structure plan that commenced in 2000, and was funded by landowners. Over a 2 year period in consultation with Council staff, the structure plan was developed and formally lodged with Council in November 2002 as a private plan change. At this time the Council decided to review the Structure Plan methodology promoted by the District Plan, which placed Pakanui on hold indefinitely.

Now that the Waitakere Ranges and Foothills project has placed Pakanui outside of the area of interest, Cato Bolam Associates is requesting the Council to consider progressing the Pakanui Structure Plan.



PART C - REGULATORY / ENFORCEMENT

5 BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002

PURPOSE OF THE REPORT

The purpose of this report is to analyse a further 5 Bylaws and provide a progress update on the review programme to the Planning and Regulatory Committee.

BACKGROUND

The Bylaw Review Programme was approved at the Council meeting on 15 December 2004. On 8 February 2005, the Committee noted that Council had directed the Planning and Regulatory Committee to oversee the review process, consider any submissions received and make recommendations. The scheduled programme of work for 2005 and 2006 was also noted and approved by the Committee. On Tuesday, 12 April 2005, the Planning and Regulatory Committee considered 5 Bylaws scheduled for review during 2005 and recommended that they all be repealed for the reasons given in the accompanying report.

STATUTORY BACKGROUND

Pursuant to s.158 Local Government Act 2002 (Local Government Act 2002) all existing bylaws must be reviewed before 1 July 2008. Those that have not been reviewed by that date will cease to have effect two years later (s.160 Local Government Act 2002).

The starting point in the review process is s.145 Local Government Act 2002 which states that territorial authorities have a general power to make bylaws for one or more of the following purposes:

- (a) Protecting the public from nuisance;
- (b) Protecting, promoting and maintaining public health and safety;
- (c) Minimising the potential for offensive behaviour in public places.

Section 146 then lists specific bylaw making powers available to territorial authorities. These specific powers do not limit the general power outlined above, but confirm that the following objectives are proper and appropriate subjects for regulation through the bylaw process. The specific powers are:

- (a) Regulating one or more of the following: (i) on-site waste water disposal systems, (ii) waste management, (iii) trade wastes, (iv) solid wastes, (v) keeping of animals, bees and poultry, (vi) trading in public places; and
- (b) Managing regulating and/or protecting land structures or infrastructure associated with one or more of the following: (i) water races, (ii) water supply, (iii) waste water drainage and sanitation, (iv) land drainage, (v) cemeteries, (vi) reserves recreation grounds and other land under the control of the authority; and
- (c) Preventing the spread of fires involving vegetation.

If a legal power to make a bylaw exists, namely the object of the bylaw falls within the definitions given above, the next step is for the local authority to determine whether a bylaw is the most appropriate way of addressing the perceived problem (s.155 Local Government Act 2002). Factors such as other legislative powers, common law remedies, previous enforcement history and generally other means of controlling the perceived problem (such as through contractual arrangements) must be considered at this stage.

If the local authority determines that:

- (a) There is a power to make a bylaw and
- (b) A bylaw is the most appropriate way of addressing the perceived problem, it must then determine:
 - the most appropriate form of bylaw and
 - whether there are any implications under the New Zealand Bill of Rights Act 1990, only then may it proceed to consult upon and pass a new bylaw or continue with the existing bylaw.

BYLAW ANALYSIS

The bylaws to be reviewed in this report are listed below.

No.10 (1990) Restriction on the Use of Jaw Traps

No.21 (1990) Hazardous Substances

No.24 (1991) Construction Noise

No.25 (1991) Radio Frequency Radiation

No.27 (1995) Spray Paint Cans

A review of Manukau, North Shore, Auckland and Christchurch City's current bylaws as they relate to those listed is summarised in the table below:

Bylaw	Manukau	North Shore	Auckland	Christchurch
Restriction on the Use of Jaw Traps				
Hazardous Substances				
Construction Noise				
Radio Frequency Radiation			Radio Frequency Radiation	
Spray Paint Cans				

Auckland City retains a Radio Frequency Fields Bylaw (Part 28 of the Auckland City Consolidated Bylaw), subject to amendments made in 2002.

Field Services confirm that none of the bylaws listed above have been relied upon for enforcement purposes over the past 12 months at least, except for one action relating to the sale of spray paint. It is now appropriate to consider each bylaw individually.

1. No. 10 (1990) Restriction on the Use of Jaw Traps

- (a) *Does the purpose of the bylaw fall within one of the general purposes defined in s.145 or one of the specific powers detailed in s.146?*

A1 – A2

A copy of the bylaw is attached at pages A1 to A2.

Its purpose is to prohibit the use of any 'jaw type traps' without a dispensation granted by Council. The purpose relates solely to animal welfare, and therefore does not fall within either s.145 or 146. The recommendation therefore would normally be to repeal this bylaw without further consideration.

However, the Animal Welfare Act 1999 ("AWA") provides for the automatic expiry of such bylaws by the end of 2005. The Animal Welfare Institute of New Zealand has advised that before the automatic expiry date, there is likely to be an Order in Council extending the validity of these bylaws for a further period. If there is no extension, the bylaw will automatically be repealed by operation of law under s.200 Animal Welfare Act at the end of 2005. If the validity of the bylaw is extended (and the bylaw still therefore exists) it can be left alone until it is repealed either by operation of law at the end of the period of extension under the Animal Welfare Act, or it lapses under the provisions of the Local Government Act 2002.

The recommendation is therefore to leave this bylaw in place until it is either repealed by operation of law under the Animal Welfare Act (the most likely outcome), or expires under the Local Government Act 2002.

2. No. 21 (1990) Hazardous Substances

- (a) *Does the purpose of the bylaw fall within one of the general purposes defined in s.145 or one of the specific powers detailed in s.146?*

A3 – A15

A copy of the bylaw is attached at pages A3 to A15. Its stated purposes are:

- (a) To provide for effective control of hazardous substances.
(b) To identify the location of type of risk.
(c) To minimise the effect of accidental spillage.
(d) To provide controls to bring about an improvement in environmental standards.

The “purpose” therefore falls within the general power to protect and maintain public health and safety.

- (b) *Is the bylaw the most appropriate way of addressing the perceived problem (s.155 Local Government Act 2002)?*

The bylaw requires Council approval for dealings with hazardous substances. The relevant legislation in force at the time of the bylaws’ implementation, (Dangerous Goods Act 1974 and Toxic Substances Act 1979) have now been superseded by the Hazardous Substances & New Organisms Act 1996 which came into force in July 2001. This Act established the Environmental Risk Management Authority (ERMA) which has responsibility for overseeing the smooth transition between the old and new legislation and gives responsibilities for managing hazardous substances, to other organisations such as Occupational Safety & Health (OSH).

The Council has been left with only residual responsibility for hazardous substances under the old 1996 Act, and for this purpose contractors are used in the limited circumstances required to supplement the resources of other responsible agencies. The bylaw has been superseded by legislation, is effectively redundant and the recommendation is therefore to repeal.

3. No.24 (1990) Construction Noise

- (a) *Does the purpose of the bylaw fall within one of the general purposes defined in s.145 or one of the specific powers detailed in s.146?*

A16 – A17

A copy of the bylaw is attached at pages A16 to A17. Its purpose is to require that noise levels created by construction work are not to exceed the levels set out in New Zealand Standard NZS 6803P: 1984 for the relevant type of construction area (namely residential areas, industrial or commercial areas, and indoor areas). This falls within the general purpose of protecting the public from nuisance.

- (b) *Is the bylaw the most appropriate way of addressing the perceived problem (s.155 Local Government Act 2002)?*

As set out above, no other Council surveyed has a Construction Noise bylaw. The bylaw itself simply replicates noise standards contained in the District Plan:

Waitakere City Council District Plan – General Noise Standards

1.1 Construction, Maintenance and Demolition Noise

Noise emanating from construction, maintenance or demolition shall be a Permitted Activity where the construction, maintenance or demolition is subsidiary to the existing or intended future use of the site, and where they meet the standards in NZS 6803P:1984 “The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.”

Field Services advise that enforcement is currently undertaken through the District Plan mechanism. The bylaw is not used to address the problem, is effectively redundant and should therefore be repealed. It should be noted that neither the District Plan nor the bylaw, refer to the updated NZ 1999 standard. The District Plan should be updated in due course.

4. No.25 (1990) Radio Frequency Radiation

(a) *Does the purpose of the bylaw fall within one of the general purposes defined in s.145 or one of the specific powers detailed in s.146?*

A18 – A23

A copy of the bylaw is attached at pages A18 to A23. Its stated purposes are:

- (a) To provide such controls relating to the emission of radio frequency radiation as are necessary to conserve the health and safety of the people in the City.
- (b) To establish methods by which the measurement of radio frequency radiation shall be carried out.
- (c) To provide regular monitoring of the emission of radio frequency radiation in the City.

The “purpose” therefore falls within the general power to protect and maintain public health and safety.

(b) *Is the bylaw the most appropriate way of addressing the perceived problem (s.155 Local Government Act 2002)?*

The bylaw was originally introduced in response to health concerns expressed by Waiatarua residents, regarding the radio and television transmitter site on Scenic Drive.

Radio frequency radiation is managed through the resource consent process, with a requirement to meet the updated 1999 New Zealand Standard rather than the old 1990 standard referred to in the bylaw. There is however an additional requirement in the bylaw for measurements to be taken in order to confirm that radiation levels continue to remain within acceptable levels. Auckland City Council also has a Radio Frequency bylaw. The required maximum radiation levels of Auckland City’s bylaw are more conservative than the 1999 New Zealand Standard.

Further specialist investigation and advice is required in order to assist the Committee to reach a decision as to whether there is a continuing need for this bylaw, and if so, the appropriate form it should take. It is recommended that specialist technical advice is sought and the bylaw be brought back to the Committee for further consideration.

5. **No.27 (1995) Spray Paint Cans**

- (a) *Does the purpose of the bylaw fall within one of the general purposes defined in s.145 or one of the specific powers detailed in s.146?*

A24

A copy of the bylaw is attached at page A24 . Its purpose is to protect property from graffiti by forbidding the sale of spray paint cans to persons under the age of 16 years.

It is submitted that whilst the stated purpose,(protection of property) does not fit within the general or specific bylaw making powers, there is a clear argument for the proposition that defacing property (with spray paint) amounts to offensive behaviour. 'Offensive behaviour' is not defined within the Act and can be given its normal dictionary meaning of 'unpleasant or disgusting to the senses' or 'causes anger, annoyance or is insulting'. It would follow that a bylaw aimed at prohibiting the sale of spray paint to minors, has the purpose of minimising the potential for offensive behaviour in public places (s.145c).

- (b) *Is the bylaw the most appropriate way of addressing the perceived problem (s.155 Local Government Act 2002)?*

- **Enforcement History** - Enforcement of the bylaw is extremely difficult. Field Services confirm that they have only ever received one complaint regarding the sale of a spray paint can to a minor. They visited and spoke to the shop staff concerned, suggested they erect appropriate signage in the shop but did not take any further action.
- **Other means of addressing the problem** - Council currently has a contract with the 'Tag out Trust' to remove graffiti in the City. Aside from that contract and the bylaw, there does not appear to be any other obvious means available to Council to minimise the amount of graffiti defacing property within the City.
- **Can the bylaw be enforced** - In order to enforce this bylaw proactively, Field Services advise they would require additional resources to publicise the bylaw, consult and work with retailers, and to undertake enforcement by way of "sting" operators. The bylaw would also need to be carefully reviewed. Even with additional resources it is inherently difficult to enforce the bylaw effectively.
- **Would enforcement address the perceived problem** – The bylaw penalises the retailer and not the young person. It is often impossible for shop staff to ascertain whether a young person is 15 or younger, many children of that age will not carry any identification. It is not known how many offenders are under 16 years of age. It is very possible that some offenders are from an older age group, and to that extent the bylaw is discriminatory. Determined minors can always find ways of obtaining spray paint either by purchase through an older person, or over the counter in any other part of Auckland. For these reasons, even with proactive enforcement measures in place, it is debateable whether a marked reduction in graffiti will be achieved. The options available to the Committee are as follows:
 - (i) Repeal the bylaw on the basis that even with appropriate enforcement procedures in place, there is no clear evidence that the bylaw will result in a measurable reduction in the amount of graffiti within the City.
 - (ii) Confirm that the bylaw is an appropriate means of addressing the perceived problem. Request that the bylaw be redrafted into the most appropriate form, and brought back to the Planning and Regulatory Committee for further consideration.

It is suggested that due to problems surrounding enforcement, and uncertainty regarding effectiveness, a bylaw relating to the sale of spray paint to minors is not an appropriate or efficient means of addressing the problem of graffiti within the City. It is however potentially a deterrent, and therefore a matter for the Planning and Regulatory Committee to consider.

PROGRESS UPDATE

The speed limit bylaw is currently out for public consultation until 20 May 2005. Submission hearings are scheduled for early June and the bylaw will be considered by full Council at a meeting on 29 June 2005. Public consultation on the new waste bylaw closed on 22 April 2005. Hearings of submissions by the Planning and Regulatory Committee are scheduled for the period 19 to 24 May 2005. The new waste bylaw deals with the issue of revocation of the two existing bylaws.

Over the next month, work will continue on the current Building Bylaw (1990) which covers the occupation of caravans and other temporary accommodation on private land. In addition, it is planned to meet with representatives from North Shore City and consultants acting for Rodney District and Manukau City Councils as part of the ongoing review of two major bylaws, public places, and travelling shops and hawkers. The aim is to reach some consistency where possible, and a common approach where appropriate. It is anticipated that those three bylaws will form the basis of the next report.

A Statement of Proposal and Summary (for use in the Special Consultative Procedure) will be prepared and attached to the final report in respect of all bylaws reviewed prior to August, including those to be repealed. Once approval has been obtained from the Committee and ultimately Council, the Special Consultative Procedure will commence in September/October with hearings scheduled for November 2005.

RECOMMENDATIONS

1. That the Bylaw Review Under the Local Government Act 2002 report be received.
2. That it be recommended to Council that the bylaws listed below be repealed for the reasons given in the Agenda report:

No.21 (1990) Hazardous Substances

No.24 (1991) Construction Noise

No.27 (1995) Spray Paint Cans
3. That officers prepare a statement of proposal and summary of information in respect of the proposals to repeal the bylaws listed above for inclusion in the special consultative procedure relating to the review of the Council's bylaws and scheduled for October/November 2005.
4. That officers obtain further specialist advice relating to Bylaw No.25 (1990) 'Radio Frequency Radiation', and report back to the Planning and Regulatory Committee accordingly.
5. That a review of Bylaw No.10 (1990) 'Restriction on the Use of Jaw Traps' be deferred pending its repeal by operation of law under the Animal Welfare Act 1999, or expiry by virtue of the Local Government Act 2002.

Report prepared by: Yvonne Donaldson, Team Leader: Legal Services.



6

COMMUNITY MANAGEMENT OF GENETICALLY MODIFIED ORGANISMS

PURPOSE OF THE REPORT

The purpose of this report is to advise the Planning and Regulatory Committee on progress with the genetically modified organisms issue, and for a delegate to be nominated on to the joint northern councils' steering group.

BACKGROUND

With the lifting of the moratorium on the release of genetically modified organisms in 2002, the concern for Waitakere City's local organics industry is not only to maintain their organic certification but also to be able to ensure they can provide their customers with products that are also free from genetically modified material.

At a Special Council meeting on 14 November 2001, a presentation on genetic engineering supported by a petition of 140 signatures was received from Dr Peter Maddison. A second presentation accompanying a report from His Worship the Mayor on the principle of Waitakere being GE-free was received from Ms Lisa Er who presented a vision for an organics industry cluster in Waitakere City.

At this Special Meeting, the Council resolved:

"That Waitakere City Council declares Waitakere City GE-free in field and food."
2635/2001

The City has confined its reservations regarding genetic engineering to the use of genetically modified products in food and the use of genetically modified plants and animals in the environment (agriculture and horticulture). GE-Free for Waitakere does not mean that the City opposes the use of genetic modification for medical purposes and for research confined to the laboratory situation.

The Council also resolved at the same meeting:

"That there be further investigation to identify the most effective ways of advancing Council's aspirations for Waitakere City to be "GE-free", without compromising medical research or currently permitted activities but discouraging in every way possible any form of field trials."

2636/2001

Waitakere City Council has registered with Environmental Risk Management Authority as an interested party to applications for release of genetically modified organisms, and this will enable the Council to submit on any applications brought to notice anywhere in the country. It is not only use of genetically modified organisms in Waitakere City that may affect this community and the organics business sector but also their use across the City boundary or anywhere in the country that may have an effect on environmental safety or on trade relations. In particular, the Council will be concerned with the growing of any crops that may have an adverse environmental or economic effect on the organics industry, or on the environmental advantage that Waitakere City currently enjoys. To date, no applications have been notified.

In April 2004, Mr Simon Terry, of Simon Terry Associates, gave a presentation to the Environmental Management Committee regarding options available for community management of genetically modified organisms under the Resource Management Act. This presentation was based on a report commissioned by local councils of the Northland Region. The Committee resolved:

“That Council hold a workshop to consider options for giving effect to the Council policy on GE-free food and field with a view to:

- a) Setting the direction and scope of the approach Council wishes to take;*
- b) Establishing processes that are robust and meet statutory requirements including the Resource Management Act, the Local Government Act 2002 and the Hazardous Substances and New Organisms Act;*
- c) Learning from the experience of the councils in the Northland region;*
- d) Determining when Council should seek a range of advice on potential options and strategies for community management of genetically modified organisms/events/risks.”*

605/2004

A workshop was held on 17 May 2004 with staff and Councillors and representatives from the Environmental Risk Management Authority. The Environmental Risk Management Authority confirmed that the Council is registered as an interested party and would be advised and comments sought on any GM release applications of interest to Waitakere City but that no applications had been received.

On consideration of the outcomes from the workshop, the Council resolved:

“That Council agrees to contribute \$8,350 to jointly fund with the northern councils a Risk Evaluation and Options Report as outlined in the proposal attached at pages A34 to A35 to the Agenda report of the Environmental Management Committee meeting held on 10 August 2004.”

1567/2004

STRATEGIC CONTEXT

Waitakere City's GE-free status supports the Strong Innovative Economy strategic platform and, in particular the locally based organics cluster.

ISSUES

The Risks and Response Options report has yet to be peer reviewed and finalised before being presented to the Council. The process is that the joint steering group, comprising one staff member and one elected representative from each of the contributing councils (Far North, Kaipara, Whangarei and Rodney District Councils, Waitakere City Council and Northland Regional Council) will finalise the report for further discussion with each council.

Councillor Fenton was appointed to be Waitakere's representative, however, she is no longer a Councillor and a replacement will need to be nominated.

Northland Regional Council is funding the peer review of the draft report "Risks and Response Options", which will be undertaken by Karen Cronin of Victoria University during May.

RESOURCES

Waitakere City Council's contribution towards the costs of the research and report has been approved within the current Annual Plan budget. Additional costs of further action, such as a District Plan Change, may be able to be accommodated within the 2005/2006 Annual Plan budget or within the following year according to priorities.

CONCLUSION

The northern councils' technical group has received the draft report on Risks and Options for community management of genetically modified organisms. The report has yet to be peer reviewed and finalised before being presented to each council. This process is to be undertaken by the Steering Group (Technical Group plus an elected representative from each council). Waitakere City Council has the opportunity to delegate a Councillor on to the Steering Group in order to fully participate in this joint project.

RECOMMENDATIONS

1. That the Community Management of Genetically Modified Organisms report be received.
2. That a Councillor be appointed to participate on the Joint Northern Councils' Steering Group.

Report prepared by: Carol Bergquist, Senior Analyst Environmental Policy.



PART D -

DISTRICT PLAN / STRUCTURE PLANS

7 GROWTH & TRANSPORT INTEGRATION PROGRAMME

PURPOSE OF THE REPORT

The purpose of this report is to update the Planning and Regulatory Committee on progress with the Growth & Transport Integration Programme, and to seek endorsement of the proposed way forward.

BACKGROUND

The Local Government (Auckland) Amendment Act 2004 required the Auckland Regional Council and territorial local authorities to change their statutory planning documents to ensure that the \$1.5 billion dollar transport investment in Auckland was efficiently and sustainably integrated with land use planning.

The Council took this challenge seriously and drafted a number of significant plan changes affecting apartments, street frontages, and the structure of New Lynn Town Centre, amongst others. The opportunity was also taken to address the imbalance of employment and economic development within the City, by proposing three new growth areas associated with new motorway interchanges in the north of the City, at Westgate, Hobsonville Village and Hobsonville Airbase.

A great deal of information was exchanged with Auckland Regional Council officers and, at a political level, the Mayor and the Chairs of Committees presented and advocated for the package at a series of three workshops with Auckland Regional Councillors. From these workshops the regional councillors agreed to notify all of the Council's proposed changes, including the three shifts to the Metropolitan Urban Limits. Under the special legislation the Metropolitan Urban Limits can be shifted only with the agreement of the Auckland Regional Council.

This was formally advertised on 31 March 2005, and marks the successful completion of Phase I of what is likely to be a three year programme (not counting any consequential appeals to the Environment Court).

STRATEGIC CONTEXT

This programme is the single most significant move for achieving the City's vision for the first three platforms:

1. Urban & Rural Villages
2. Integrated Transport & Communication
3. Strong Innovative Economy.

ISSUES

Phase II of this programme will carry through the initial statutory processes to the deadline of 31 August 2005 that the Auckland Regional Council has set for the Council to provide further information. It comprises:

1. Notification 31 March 2005 (the proposals are now in the public arena and will undoubtedly generate public discussion and controversy).
2. Submissions close 31 May 2005 (Planner: Policy Implementation will be reporting separately on the need to make submissions on the Council's own plan changes and also to respond to others).

3. Further submissions probably close 31 August 2005 (at this point the Auckland Regional Council will consider their position again, and staff will focus on preparing reports to the joint hearing panel, which will probably convene in early 2006).

A25 – A27

Although these processes “belong” to the Auckland Regional Council, and will culminate in hearings before a joint regional panel, they require work from staff across several sections in both the City Services and Strategy & Development Units. This includes responding to the further information required (see letter attached at pages A25 to A27 from Auckland Regional Council), managing and reporting on the statutory processes, managing communications and public consultation, and doing the necessary work on infrastructure requirements and development contributions to ensure that these economic opportunities do not come at a cost to the existing ratepayers.

This work will be managed by four project teams reporting to a Programme Steering Group comprising of the Director: Strategy & Development (Programme Sponsor), Manager: Urban Development & Design (Programme Leader), Group Manager: Planning & Community Services (Statutory), Acting Group Manager: City Development Projects (Strategic), Group Manager: Partnerships & Advocacy (Relationships), and Group Manager: Asset Management (Infrastructure & Development Contributions).

There will undoubtedly be a requirement for further political advocacy of the Council’s package. The Mayor has initiated a series of meetings with the Auckland Regional Council, Transit New Zealand, Land Transport New Zealand, the Auckland Regional Transport Authority, the North-West Sector Agreement partners, and other relevant agencies. Following these and the first round of submissions, a clearer picture will emerge of where we may have to modify our proposals, and where the greatest effort needs to be focussed. A further round of workshops involving a wider range of councillors will probably be needed closer to the deadline of 31 August 2005, when the Auckland Regional Council will review their decision to notify the three shifts of the Metropolitan Urban Limits.

RESOURCES

Both the legislation and this project arose after the current Annual Plan was initiated. Budget was re-directed from a number of different line items that were relevant to the objectives.

It is not currently anticipated that extra resources are required. The budget required for next year has been included in the draft Annual Plan. The key risks at this stage include the extent to which controversial issues may require greater consultation and communication, and the detail and extent of extra information that the Auckland Regional Council may ask of us as we continue the dialogue and exchange of information. (In cases similar to this situation in the wider Auckland region, very substantial resources have been required to meet the Auckland Regional Council’s information requirements. In some cases, this has been funded by interested property owners).

CONCLUSION

Phase I of this project has been a remarkable success. The momentum has to be kept up through Phase II to ensure that the City has capacity for sustainable growth.

RECOMMENDATION

That the Growth & Transport Integration Programme report be received.

Report prepared by: John Mackay, Manager, Urban Development & Design.



PART E -

PUBLIC EXCLUDED MATTERS

8 DISTRICT PLAN APPEALS UPDATE TABLE

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

9 PROPOSED DISTRICT PLAN CHANGES IN RESPONSE TO THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004: UPDATE

This item 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, namely District Plan Appeals Update Table and Proposed District Plan Changes In Response to the Local Government (Auckland) Amendment Act 2004: Update.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation of the matters, 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"> • District Plan Appeals Update Table • Proposed District Plan Changes In Response to the Local Government (Auckland) Amendment Act 2004: Update 	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • Maintain legal professional privilege • Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	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.

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) and (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 reports contain information regarding appeals before the Environment Court and information which if released could affect Council's negotiations.*

