

PROPOSED PLAN CHANGE 12: OPEN SPACE ENVIRONMENT PROVISIONS

Background Report and Analysis under Section 32 of the Resource Management Act 1991

The Proposed Plan Change seeks to amend the provisions relating to the rules of the Open Space Environment and the Natural Areas to better facilitate development and general maintenance within parks and reserves in the City.

1.0 INTRODUCTION

This report provides a detailed background to Proposed Plan Change 12: Open Space Environment Provisions that relates to changes to the rules of the Open Space Environment and the Natural Areas of the District Plan to better facilitate development and general maintenance within parks and reserves in the City. In addition, this report has been prepared to fulfil the requirements of Section 32 of the Resource Management Act 1991 (the Act).

Section 32 of the Act requires that an evaluation of the proposed plan change be undertaken, and that a report summarising the evaluation be available for public inspection at the time the plan change is publicly notified.

This report is the result of an extensive planning and consultation process to establish a framework for the management of open space. It will also be a resource to assist with the future development of facilities on parks and reserves. The issues in relation to the Open Space provisions were initially identified by the Manager of Landscape and Planning Section (Parks) who wrote a series of reports dating from May 2001 relating to the provisions in the Proposed District Plan and their impact on the management and development of parks and reserves in the City. The issues identified in the reports are as follows:

- The existing provisions for the Open Space Environment were formulated to provide for development in parks and reserves in conjunction with Reserve Management Plans. As there are only Operative Reserve Management Plans for about 10%* of the parks and reserves in the City this means that the majority of development undertaken by the Parks Section requires resource consent. (* the figure of 10% has changed since the fourth issues report was written in 2002, because in the intervening period more reserve management plans have been completed although this has been offset by the acquisition of new reserves. Currently 15% of the parks and reserves in the City are included in an Operative Reserve Management Plan of which 3 are due for review. As two draft Reserve Management Plans covering 51 reserves will be made operative shortly this figure rises to 24%).
- The number and cost of obtaining resource consents to undertake work in parks and reserves is a significant annual cost to the Parks Section.
- The use of Reserve Management Plans as a tool to manage open space in the District Plan given that the Reserves Act 1977 is concerned with the classification and purpose of the reserve and Reserve Management Plans reflect this function, and are therefore, "primarily policy documents and are broad in detail". The level of information in an Operative Reserve Management Plan is often not detailed enough for an activity to be assessed as a Permitted Activity by the rules of the Open Space Environment.
- The need for further categories within the Natural Area rules to allow for maintenance of existing parks facilities and infrastructure

An issues paper was presented to a meeting of the Environmental Management Committee on the 9th of December 2003, and the committee passed the following resolution:

Minute 4363/2003

- 1. That the information be received.*
- 2. That the District Plan provisions relating to the rules of the Open Space Environment and Natural Areas be amended to allow a greater range of parks facilities (furniture), parks infrastructure (footpaths) and parks maintenance to be included as permitted activities.*
- 3. That a proposed plan change introducing new definitions for parks facilities, infrastructure and maintenance, amending rules of the Open Space Environment and Natural Areas to provide for*

the above, amending the explanation and including any consequential changes to the policies, be brought back to this Committee for consideration prior to public notification.”

Consultation with parks and planning personnel was undertaken during the initial research stage and then a draft of the proposed changes were circulated internally within Council for formal comments. Following this stage questions, which had been raised were investigated and discussed. The Auckland Regional Council has large land holdings in the Waitakere Ranges, which are in the Open Space Environment and consultation with their officers and with local Iwi was undertaken, prior to the completion of the final draft.

2.0 LAND AFFECTED BY PROPOSED PLAN CHANGE 12

The Proposed Plan Change would affect all the land identified as Open Space Environment, which is located in Waitakere City. The land in the Open Space Environment is publicly owned by Waitakere City Council, the Auckland Regional Authority or Department of Conservation and constitutes the parks and reserves estate. The majority of this land administered by Waitakere City Council is vested in the council although some is held in fee simple. There are 991 hectares of parks with 550 reserves and 83km of walking track in Waitakere City.

3.0 DESCRIPTION OF PROPOSED PLAN CHANGE 12

The details of Proposed Plan Change 12: Open Space Environment Provisions are contained in Appendix A, and are generally described below.

Under the provisions of the proposed plan change the status of an activity would not be dependent on Operative Reserve Management Plans. Instead, generic activities which are undertaken in parks and reserves are grouped and defined and these new definitions are introduced into the Definitions Section of the District Plan. The generic activities include parks facilities, parks field structures, parks furniture, parks maintenance, parks infrastructure, parks signs and parks sports fields. The existing definition for parks buildings would be amended to include buildings over 100m² associated with a park or for community purposes. The rules of the Open Space Environment which currently consist of controls on the location of buildings by establishing limits on their height, distance from boundaries, number of carparks required and so on would be changed to accommodate the new generic activities and facilities as defined. Likewise, the rules of the Natural Areas which currently only allow for very limited development in parks where there is an Operative Reserve Management Plan would be changed to accommodate these activities.

The activities and facilities, that are normally associated with parks have been categorised according to their potential to create adverse effects, into permitted, limited discretionary, discretionary and non-complying activities. New assessment criteria would be included in the Open Space Environment rules. A new criterion in the Open Space Environment would require reference to be made to Operative Reserve Management Plans, the Parks Strategy 1999 and any other relevant Parks documents such as Parks Concept plans when assessing applications for resource consent.

The Open Space Environment includes parks and reserves located in a range of environments throughout the City. The Open Space Environment includes land within all the Natural Areas in the District Plan. There would be changes to the vegetation alteration and earthworks rules in all of the Natural Areas to provide for parks maintenance as a permitted activity. The establishment of parks infrastructure would for example be a permitted activity in the General Natural Area but in a more restrictive category in all other Natural Areas where the environment is more vulnerable to changes such as earthworks and vegetation alteration. A new criterion which refers to reserve management plans and other parks documents would be included in the assessment criteria rules for the Natural Areas, and where relevant other criteria have been included. It should be noted that the definition for parks maintenance and parks infrastructure includes a requirement for work to be undertaken in accordance with a Parks Contract, that is also defined to ensure that it is a formal contract aligned with Council's procurement manual and quality assurance processes, appropriate methodology (such as the establishment of standard erosion and sediment controls, disposal methods for tree prunings, weeds and spoil) and supervision.

Two new policies would be introduced for the Open Space Environment. The first policy under Objective 10 relating to Amenity Values – Health and Safety is to ensure that while the focus of public open space is to provide for the recreation needs of the City’s residents that development and use of existing parks provides for a range of activities, facilities and experiences, is appropriate to the size and function of the park, is well designed located and maintained with respect to adjoining properties. The second policy under Objective 11 relating to development being sympathetic to and protecting the natural and physical features which contribute to the amenity values of landscapes, local areas and neighbourhood character is to ensure that the management and development of recreation facilities is sensitive to the natural landscape elements and qualities and that outstanding vegetation is protected and that planting/restoration is used to enhance the natural environment and that the maintenance of infrastructure and facilities provides a high level of amenity.

The methods of achieving these policies are through the Open Space Environment and Natural Area rules. Other interrelated methods outside the District Plan include the use of Reserve Management Plans when available, the Parks Strategy 1999 and Council’s Code of Practice. Reserve Management Plans, the Parks Strategy 1999 and other relevant documents outside the District Plan have been included in the assessment criteria for the rules.

The Section 6.2.7 Explanation of the Strategic Direction: Policies and Methods in the District Plan, which relates to Open Space Management is amended. The change in the approach to managing development in the Open Space Environment and the natural areas is explained.

The Plan Change also requires several consequential changes. These include amendments to some definitions. For example the current definition for signs is amended to exclude ‘signs defined as parks signs.’ The rules for signage in the Transport Environment are amended to provide for parks signs outside land in the Open Space Environment as a Limited Discretionary Activity. This would accommodate signage for parks where it may be more appropriate to locate a sign in the road reserve such as in the non-urban areas of the City where the boundary of the park is either some distance from the carriageway of the road or is obscured by dense vegetation.

The Introduction to the Rules of the District Plan includes guidance on the general circumstances for written consents or notification for Discretionary and Non-Complying Activities. It was deemed necessary to clarify how this applies to the Open Space Environment when a proposal complies with an Operative Reserve Management Plan. Hence, Discretionary Activity proposals that comply with an Operative Reserve Management Plan are less likely to be notified than those proposals in the Open Space Environment on a park without an Operative Reserve Management Plan. This acknowledges the process of community consultation that has been undertaken in the preparation of a Reserve Management Plan. However, affected neighbours consents would be required for proposals which do not comply with the bulk and location rules for the Open Space Environment, but otherwise comply with an Operative Reserve Management Plan.

Finally, under the Procedural Guideline for the Open Space Rules there is information relating to the need for the written approval of the landowner in relation to any proposed activity on a park, and that if applicable, leases may need amending.

Proposed Plan Change 12 is attached in Appendix A

The Proposed Plan Change is an activity – based approach to the provision of a range of activities or development that occurs in parks, with the Open Space Environment rules controlling the effects of those activities or development on adjoining environments such as residential neighbourhoods. The Proposed Plan Change also utilises effects – based principles to manage the effects of development on the natural environment via the Natural Area rules. In essence the Proposed Plan Change provides for a range of activities and development of parks regardless of whether the park has an Operative Reserve Management Plan. The activity status of development on parks will relate to the potential environmental effects of that use or development. However, Reserve Management Plans will remain an important reference for assessing all proposals on parks which require an application for resource consent. As there are only Operative Reserve Management Plans for approximately 24% of parks in Waitakere City most activities in the Open Space Environment currently require resource consent to establish. The usual activities and development that occur in the Open Space Environment have been developed into an activity list with those activities that are unlikely to generate any adverse

effects on the environment provided for as permitted activities and those with potential to create minor adverse effects provided as Limited Discretionary or Discretionary Activities.

The Proposed Changes to the District Plan Policies, Objectives and Methods involve changes to the following sections of the District Plan:

Policies

A new policy (10.28) setting out the purpose of public open space is added to section 5.10 Issue – Effects on Amenity Values: Health and Safety, and a new policy (11.32) setting out the need for public open space to balance the needs of the city’s residents for recreational opportunities with protection of the natural environment is added in section 5.11 Issue – Effects on Amenity Values – Landscapes, Local Areas and Neighbourhood Character.

Proposed Changes to the District Plan Rules:

City Wide Rules

Definitions for parks buildings (modified), parks facilities, parks field structures, parks furniture, parks infrastructure, parks maintenance, parks signs and parks sports fields, parks contract and boardwalk. Consequential amendments to bridges and signs

Open Space Environment Rules

Procedural Guideline for the Rules – Step 8

Rule 2 Height

Rule 3 Height in relation to boundaries

Rule 4 Yards

Rule 5 Building Coverage

Rule 6 Building Location

Rule 7 Parking and Traffic Generation

Rule 9 Infrastructure

Rule 10 Glare

Rule 11 Signs

Transport Environment

(consequential amendment to Rule 4 Signs)

Natural Area Rules

General Natural Area

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Rule 4 Impermeable Surfaces

Restoration Natural Area

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Managed Natural Area

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Coastal Natural Area

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Protected Natural Area

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Riparian Margins/Coastal Edge Natural Area

Rule 2 Vegetation Alteration

Rule 3 Earthworks

Rule 7 Buildings

Introduction to the rules

Resource Consents – Written Consents & Notification Discretionary Activities and Non-Complying Activities

Procedural Guideline For The Rules - in the Open Space Environment, General Natural Area, Restoration Natural Area, managed Natural Area, Coastal Natural Area, Protected Natural Area and Riparian Margins/Coastal Edges Natural Areas.

There would be no changes to the District Plan Maps.

4.0 ASSESSMENT UNDER THE RESOURCE MANAGEMENT ACT 1991

The Resource Management Act 1991 (the Act) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. Part II (Sections 5-8) sets out the Purpose & Principles of the Act.

Section 5 (2) defines the purpose of the Act, sustainable management as:

“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

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

Section 6 outlines Matters of National Importance that must be recognised and provided for:

- “6. Matters of National Importance –*
In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
 - (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
 - (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
 - (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, site, waahi tapu and other taonga:*
 - (f) The protection of historic heritage from inappropriate subdivision, use and development.”*

Section 7 sets out Other Matters that must be given particular regard including:

- (a) “Kaitiakitanga;*
- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*

- (d) *Intrinsic values of ecosystems;*
- (e) *Maintenance and enhancement of the quality of the environment;*
- ...

Section 8 of the Act requires that the principles of the Treaty of Waitangi be taken in account.

Part IV of the Act relates to functions, powers and duties of Central and Local Government.

Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the Act. Council is to establish, implement and review objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow activities. The District Plan is a tool to assist Council in achieving its function. Section 31 of the RMA outlines Council's functions as follows:

- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) *The control of any actual or potential effects of the use, development, or protection of land, including the for the purpose of-*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
 - (iii) *the maintenance of indigenous biological diversity:*
- (c) *The control of the subdivision of land:*
- (d) *The control of the emission of noise and the mitigation of the effects of noise:*
- (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *Any other functions specified in this Act.*

The purpose of a district plan as outlined in section 72 of the Act is to assist Council to carry out its functions. Section 74 (1) of the Act is the statutory basis on which Council undertakes changes to its plan. Section 74(1) states that:

"A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations."

Therefore before adopting an objective, policy or rule or other method in the District Plan a rigorous assessment under Section 32 of the Act must be carried out. Section 32 (3-6) states:

- (3) *An evaluation must examine –*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purposes of this examination, an evaluation must take into account –*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

Part V of the Act relates to Standards, Policy Statements and Plans. Section 74 (1) has been mentioned above, however the remainder of that section of the Act is also relevant to plan changes:

- (2) *In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—*
 - (a) *Any—*
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *Any—*
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *repealed*
 - (iia) *Relevant entry in the Historic Places Register; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

to the extent that their content has a bearing on resource management issues of the district; and
 - (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.*

In respect of district plans, Section 75 states that:

- (1) *A district plan must state –*
 - (a) *the significant resource management issues for the district; and*
 - (b) *the objectives sought to be achieved by the plan; and*
 - (c) *the the policies for those issues and objectives, and an explanation of the policies; and*
 - (d) *the methods (including rules if any) to implement the policies; and*
 - (e) *the principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
 - (f) *the information to be included with an application for a resource consent; and*
 - (g) *the environmental results anticipated from the implementation of those policies and methods; and*
 - (h) *the processes to be used to deal with issues that cross territorial authority boundaries; and*
 - (i) *the procedures used to monitor the efficiency and effectiveness of the policies, rules, or other methods contained in the plan; and*
 - (j) *any other information for the purpose of the territorial authority's functions, powers, and duties under this Act.*
- (2) *A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and must not be inconsistent with –*
 - (a) *a water conservation order; or*
 - (b) *the regional policy statement; or*
 - (c) *a regional plan for any matter specified in section 30(1).*

Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment.

4.1 SECTION 32 ANALYSIS

Council’s obligations under section 32 are divided into five parts that comprise the following:

- examining the extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- examining whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- taking into account the benefits and costs of the policies, rules or other methods;
- taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods; and
- summarising the evaluation and reasons for evaluation.

4.1.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act (s32(3)(a))

The purpose of the Act as outlined in Part II is the sustainable management of natural and physical resources. Under section 31 of the Act Council has an obligation to ensure that the District Plan remains relevant by reviewing objectives, policies and methods that are established to ensure that their implementation is achieving the integrated management of it’s natural and physical resources. The Proposed Plan Change does not propose any new objectives, but the general themes of the District Plan objectives and policies that apply to Proposed Plan Change are outlined below. The Proposed Plan Change is assessed for consistency with the current objectives in the District Plan in the following table.

Objective 1	Consistency with Proposed Plan Change 12
<p>To manage the effects of landuse on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City’s water resource, including maintaining;</p> <ul style="list-style-type: none"> • the life-supporting capacity of water; • the ability to use aquatic ecosystems as a food source; • the availability of water as a healthy place of recreation. 	<p>Much of the Open Space Environment is located in the Green Network of the City. The District Plan objectives, policies and rules are the Management Layer of the Green Network. The Proposed Plan Change continues to support the specific objectives of the District Plan relating to the natural and physical resources of the Green Network within the Open Space Environment by ensuring that the natural area rules are applicable to activities and development in parks. In this case the protection of water quality would continue to be achieved by the Natural Area Rules relating to earthworks for activities in the Open Space Environment. Where an application for resource consent is required it would be evaluated against the assessment criteria as to appropriateness, scale and methodology and provides for the imposition of conditions, including erosion and sediment controls. In the General Natural Area more activities and development is provided for as permitted activities. However, by requiring activities and development to be undertaken in accordance with a ‘Parks Contract’ some responsibilities, which have been previously controlled by standard conditions of a resource consent would be managed through a non-regulatory method. This would also include supervision and monitoring.</p> <p>Also, there would be specific provision for stormwater ponds, bunds and wetlands as a</p>

	Limited Discretionary Activity in the Infrastructure Rules of the Open Space Environment. Revised assessment criteria ensure that such proposals can be accommodated without compromising the particular qualities of the park or reserve.
Objective 2	Consistency with Proposed Plan Change 12
<p>To protect the City's native vegetation and fauna habitat, including protection:</p> <ul style="list-style-type: none"> • the quality and resilience of the resource; • the variety and range of species and their contribution to the biodiversity of the City; • their ecological integrity; • their healthiness as a potential source of harvest for cultural purposes. 	<p>The Proposed Plan Change is consistent with this objective to the extent that the Natural Area Rules would continue to provide for the protection of native vegetation and fauna habitat. There would be provision for vegetation alteration by way of rules for the usual activities that occur in parks. Newly defined parks activities are categorised into permitted, limited or discretionary activities depending on the sensitivity of the vegetation by its natural environment classification and the need to manage the potential for adverse effects on the environment. Aspects of the Plan Change are permissive such as the provision for vegetation alteration for 'parks maintenance' which includes weed control, footpath and track and trail maintenance and repairs, re-topsoiling, reseeding and sandslitting parks sports fields and maintenance of existing bridges, boardwalks and boat ramps, resealing and sealing metal carparks as a permitted activity in all Natural Areas, with the requirement that work is undertaken in accordance with a 'Parks Contract'.</p> <p>Although the use of non-regulatory methods of controlling activities in the Open Space Environment via Parks Contracts would be a minor change to the management of the Green Network the purpose of this objective would not be compromised by the Plan Change</p>
Objective 3	Consistency with Proposed Plan Change 12
To maintain the life-supporting capacity of the City's land resource.	The Proposed Plan Change would support this objective in that it provides for the City's continued protection of the Open Space Environment.
Objective 4	Consistency with Proposed Plan Change 12
To manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level.	The Proposed Plan Change would support this objective in that it makes specific provision for parks maintenance and parks infrastructure in the Open Space Environment. Parks maintenance includes improvements and repairs to the existing network of footpaths, walking tracks and cycleways in the City's parks. Parks infrastructure includes the development of new networks of footpaths and cycle ways in parks. Both these activities contribute indirectly to reducing air emissions. A high standard of infrastructure will promote the public's use of these linkages for recreation and for moving around the City which in turn will encourage greater use and further

	development of the networks.
Objective 5	Consistency with Proposed Plan Change 12
To protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced.	The Proposed Plan Change is consistent with this objective to the extent that activities such as parks maintenance, which includes clearance of environmentally damaging plants and removable vegetation is a permitted activity. Removing weeds provides the opportunity for regeneration to occur naturally although replanting may be undertaken to facilitate this process.
Objective 6	Consistency with Proposed Plan Change 12
To preserve and enhance the natural character of the City's coastal environment and lakes, rivers and wetlands and their margins, including preserving the action on the land of those processes which form that natural character.	The Proposed Plan Change relates to public open space and is consistent with this objective to the extent that if land, such as esplanade reserves, is located in the Coastal and Riparian Margins/Coastal Edge Natural Areas the rules would continue to protect and manage these natural environments. Parks maintenance, which includes weed removal is permitted to ensure that where necessary enhancement of the natural character is undertaken to ensure a high level of amenity. It should be noted that in all Green Network natural areas the existing rules permit any vegetation alteration for track and trail systems where provided for in an Operative Reserve Management Plan, and the Proposed Plan Change establishes limits for this as well as procedures such as Parks Contracts that include best practice methods. Currently weed removal is provided for as a controlled activity which means that applications cannot be refused but are subject to conditions.
Objective 7	Consistency with Proposed Plan Change 12
To maintain the form, integrity and extent of the City's outstanding natural features (landforms, geological sites, representative and high fertility soil types) and, in the case of the City's high fertility soils, to maintain their availability for use by future generations.	Many outstanding natural features are located in the Open Space Environment, but the Proposed Plan Change is consistent with the need to protect them from inappropriate development by ensuring that activities with the potential to have an adverse effect would continue to require an application for resource consent and would be subject to the same assessment criteria.
Objective 8	Consistency with Proposed Plan Change 12
To protect and maintain those aspects of the environment that are of significance to tangata whenua, including: <ul style="list-style-type: none"> • protecting the spiritual dimension and the mauri (life force) of natural and physical resources and of humans; • recognising and protection the kaitiaki of these resources and significant sites 	The Proposed Plan Change relates to land in the Open Space Environment, which is publicly owned and managed by one of three organisations, being the Council, Auckland Regional Council and Department of Conservation. The amendments to the Natural Area Rules relating to vegetation alteration will not compromise provisions relating to the mauri of natural and physical resources or the legitimate harvesting of plant materials by iwi.

<p>and waahi tapu within the City;</p> <ul style="list-style-type: none"> providing for those institutions that are integral to the relationship of tangata whenua with their environment; <p>in a way that promotes the expression and practice of kaitiakitanga (guardianship).</p>	<p>There is existing communication and liaison with iwi for proposals which have the potential to have a more than minor effect on the natural environment and this would not change.</p>
<p>Objective 9</p>	<p>Consistency with Proposed Plan Change 12</p>
<p>To protect the quality and significance of the City's outstanding landscapes, including maintaining:</p> <ul style="list-style-type: none"> the form and significance of those landscape elements that define each landscape; the landscape character that is associated with each landscape and contributes to its uniqueness and value for residents. 	<p>Many outstanding landscapes are located in the Open Space Environment. The Proposed Plan Change is consistent with this objective as both the Open Space Environment and Natural Area rules limit activities with the potential to have adverse effects on outstanding landscapes. The building location rule for the protection of land identified as a sensitive ridge or a headland/cliff/scarp has been retained, with minor modifications, in the Open Space Environment. Rules and expanded assessment criteria provide the necessary safeguards for the protection of outstanding landscapes.</p>
<p>Objective 10</p>	<p>Consistency with Proposed Plan Change 12</p>
<p>To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:</p> <ul style="list-style-type: none"> an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration; adequate levels of daylight and sunlight in dwellings; adequate levels of darkness for sleep; a safe environment; an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land; adequate levels of on-site privacy; healthy air quality. 	<p>The City has an extensive coastline and foreshore around the two harbours much of which is in the Open Space Environment. Land acquired along the larger streams is also in the Open Space Environment. The Proposed Plan Change includes minor changes to the Riparian Margins/Coastal Edge Natural Area rules that balance the need to protect the interface of water and land with recreational opportunities, including the provision of access. Hence, vegetation alteration and earthworks for parks maintenance is a permitted activity with parks infrastructure a limited discretionary activity. New assessment criteria are included to address issues relating to the use of land in the Open Space Environment.</p> <p>The Proposed Plan Change reflects the importance of the City's network of parks with a range of activities provided for by the new parks definitions that include parks facilities, parks field structures, parks furniture and parks signs to facilitate passive and active recreation. While Operative Reserve Management Plans are no longer used to determine whether a proposal is a permitted or non-complying activity under the rules of the Open Space Environment, new assessment criteria include reference to them or in their absence the Parks Strategy. This reflects the importance of these documents in the management and planning for park development.</p> <p>District Plan policy 10.7 relates specifically to ensuring the safety of users of public spaces by</p>

	<p>meeting design criteria and would continue to be a key determinant for the use and development of land in the Open Space Environment. Policy 11.5 relates to the amenity value that land acquired by subdivision for recreation should satisfy. This policy remains relevant. However, two new policies are formulated to strengthen the focus of the ongoing development of existing land in the Open Space Environment. The existing bulk and location rules relating to parks buildings have been expanded to include the new provisions for parks facilities, furniture, field structures, signs and infrastructure. A new policy (10.28) reflects the need to relate development to the size of the park and the properties adjoining it.</p>
Objective 11	Consistency with Proposed Plan Change 12
<p>To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:</p> <ul style="list-style-type: none"> • the quality and character of different patterns of settlement within the City's intensively settled residential areas; • the pedestrian-orientated amenity values of the town centres and the character of those areas as retail centres; • the utilitarian nature and character of the industrial areas; • the natural and physical features that give each rural and coastal village its particular and unique character; • the pastoral/rural character of the northern parts of the City; • the complex, mixed landscape of the foothills. 	<p>The City's parks and reserves are in the Open Space Environment and the Proposed Plan Change continues to provide facilities for passive and active recreation, albeit in a different format, but consistent with this objective. Furthermore, the changes to the Natural Area rules will continue to provide various levels of environmental protection based upon the character and sensitivity of the particular landscape to development given that the land in the Open Space Environment includes small urban spaces, sports fields, coastal parks and regional parks in the Waitakere Ranges.</p> <p>The proposed Plan Change includes a new policy (11.32), developed to emphasize the importance of balancing the need for recreation facilities whilst protecting the elements and qualities of the natural environment. Specific matters include protection of natural landscape elements and outstanding vegetation and where applicable enhancement of the natural environment such as restoration planting and maintenance of infrastructure and facilities on parks to provide a high level of amenity. This policy highlights the responsibility of public body's to maintain land in the Open Space Environment including the assets and facilities on it.</p>
Objective 12	Consistency with Proposed Plan Change 12
<p>To manage the effects of activities on the City's valued heritage in a way that:</p> <ul style="list-style-type: none"> • maintains its variety and complexity; • recognises and protects its national, regional and local significance; • protects the links between particular heritage objects and the surrounding 	<p>Significant areas of the City's valued natural heritage, which includes trees and landforms, are in the Open Space Environment. There are also some heritage buildings located in this environment. The Proposed Plan Change does not change the Heritage Rules and the items listed in the Heritage Appendix of the District Plan would continue to be protected.</p>

<p>context;</p> <ul style="list-style-type: none"> integrates that heritage with people's everyday lives; where possible and appropriate. 	<p>The bulk and location controls in the Open Space Environment have been amended to incorporate the various parks facilities and buildings. Heritage buildings would be subject to the same rules.</p> <p>In the Open Space Environment vegetation alteration is provided for under the Natural Area rules. Parks maintenance is the only permitted activity allowing for vegetation alteration. However, there are specific limits on the height and the distance from a track or trail for vegetation alteration and these limits are consistent with the rules for vegetation alteration that are permitted around a dwelling. Furthermore, the requirement that the work is undertaken in accordance with a Parks Contract which entails supervision and monitoring, is an added safeguard.</p>
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It is concluded that Proposed Plan Change 12 is consistent with the objectives of the District Plan for the above reasons. The focus of the Proposed Plan Change is to continue to provide for the development and use of parks in the City by rules, albeit in a way which simplifies existing processes. The Open Space Environment includes land within all Natural Areas in the Green Network and activities and development are regulated to ensure that where the impacts of on natural and physical resources could occur a resource consent would be required. Thus the Rules and assessment criteria address the issues related to the environmental effects on these resources and provided that certain performance standards are satisfied, there will be certainty of a sustainable environmental outcome.

Section 5 sets out the purpose of the Resource Management Act. The objectives of the District Plan have been formulated to reflect this purpose in terms of the natural and physical resources of the City. Addressing the consistency of the objectives of the District Plan above has demonstrated that the Proposed Plan Change is necessary to achieve the purpose of the Act. Management of the Open Space Environment is necessary to ensure that the recreational needs of the City's residents are satisfied without compromising the natural resources contained within them. The regulation of development in the Open Space Environment of the District Plan was always considered an interim measure until reserve management plans were completed for each park. Only about 24% the Reserve Management Plans for the parks are completed (includes 2 draft management plans about to made operative, and 3 due for review) and this situation has created compliance costs for the Parks Section of Council. The Proposed Plan Change would achieve a more efficient use of resources by ensuring development can be undertaken more efficiently in a cost effective manner without compromising environmental bottom lines.

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. A range of objectives, policies and rules in the District Plan relate specifically to the preservation of the natural character of the coastal environment, the protection of significant indigenous vegetation, fauna habitat and the maintenance and enhancement of public access to and along the coastal marine area and lakes and rivers. However, although existing policies and rules in the District Plan manage adverse environmental effects, the Proposed Plan Change is necessary to ensure the development is managed efficiently, effectively and is sustainable.

The Coastal Edge/Riparian Margin Natural Area classification specifically provides for the protection of the land and its interface with the water. The Open Space Environment includes the many esplanade reserves around the coast. The proposed changes to the vegetation alteration and earthworks rules of the Coastal Edge/Riparian Margins Natural Area or Coastal Natural Area will ensure that the environmental effects of parks activities are managed by limiting permitted activities to include only Parks Maintenance and parks signs, provided that the work is undertaken in accordance with a Parks Contract (requiring supervision best practice methods such as erosion and sediment controls, weed disposal etc). For other development, such as the establishment of parks infrastructure, a resource consent is required. The proposed rules provide different levels of protection for a range of activities to ensure ongoing protection of this sensitive natural environment.

Similarly, the existing Natural Area rules for the Green Network limit vegetation alteration and earthworks to protect significant indigenous vegetation and significant habitats of indigenous fauna, and the Proposed Plan Change only modifies these rules to the extent of achieving greater efficiency for the maintenance of the Open Space Environment within it, whilst not compromising the effectiveness of the rules in terms of environmental protection. The City's outstanding natural features and landscapes are protected from inappropriate use and development by limiting development on natural landscape elements such as sensitive ridges or headland/cliff/scarps as already identified by the Planning Maps of the District Plan. Although the rule in the Open Space Environment protecting these elements is modified by the Proposed Plan Change, the level of protection is maintained by limiting parks activities and development to the same degree as any other development or activity to ensure the adverse effects are minimised.

In conclusion for the above reasons it is considered that the Proposed Plan Change does not compromise the matters of Section 6.

Section 7 deals with other matters to which particular regard shall be had, in achieving the purpose of the Act. All the matters of Section 7 are of particular relevance to this Proposed Plan Change. Firstly, the Open Space Environment relates to publicly owned land often vested in the crown because of its amenity and natural heritage values. The ongoing acquisition of land for parks is therefore part of the efficient use of natural and physical resources which is not affected by the Proposed Plan Change.

The Proposed Plan Change includes two new policies specifically relating to Section 7 matters. These are maintaining and enhancing amenity values, intrinsic values of ecosystems and the maintenance and enhancement of the quality of the environment. Proposed Policy 10.28 is about providing for the recreation needs of the City's residents by ensuring that development is appropriate to the size and function of a park and is well designed, located and maintained particularly with respect to adjoining properties, thereby maintaining and enhancing amenity values. Policy 11.32 deals with balancing recreation opportunities with protection of the natural environment by protecting outstanding natural features and vegetation from development, enhancing the natural environment by planting and restoration and maintaining infrastructure and facilities to provide a high level of environmental amenity.

The proposed rules reflect these policies, particularly by providing for Parks Maintenance as a new activity that encompasses weed removal, track and trail maintenance and repairs, restoration planting. The inclusion of Parks Maintenance in the rules for the Open Space Environment and the Natural Areas is necessary to ensure that the City's parks are efficiently maintained, thereby enhancing their amenity values. Provision in the rules for Parks Infrastructure and Parks Facilities will provide for the physical development of the Open Space Environment in a co-ordinated manner which reflects the maintenance and enhancement of the quality of the environment by managing development in accordance with the particular Natural Areas in which it is located.

For more significant development in the Open Space Environment such as new buildings, a resource consent is required, and being a Discretionary Activity there is opportunity for a thorough assessment of environmental effects.

Hence, it is considered that land located in the Open Space Environment will be more efficiently used and managed as a result of the Proposed Plan Change.

Section 8 of the Act requires that the principles of the Treaty of Waitangi are taken into account. The rules for each Natural Area include assessment criteria that require consideration of the relationship of Maori and the natural environment. There are existing mechanisms and protocols within Council to facilitate consultation with Iwi to ensure that appropriate input is obtained to satisfy these criteria.

4.1.2 Whether, having regard to efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives (s32(3)(b))

Council is required to have regard to other methods that may be used in achieving the objective of the Proposed Plan Change. This includes non-statutory methods such as education, provision of services, incentives and levying of charges. Other methods could be taking no action at all (i.e. removing all rules) or of retaining the existing rules (the status quo).

The following alternative methods have been identified and are considered below:

- Retain the existing rules (the "status quo" option)
- Have no rules (the "do nothing" option)
- Complete Reserve Management Plans for all parks in the City – an option that can be considered with either retaining the existing rules or the option of having no rules
- Remove fees for all applications on land in the Open Space Environment including the relevant Natural Area

4.1.3 Benefits and costs of policies, rules or other methods (s32(4)(a))

The Proposed Plan Change

Benefits

The Proposed Plan Change would address the need for a wider range of activities and facilities in the Open Space Environment and Natural Area rules of the District Plan in order that general parks activities and development can be undertaken without the need for resource consents. The Natural Area rules relating to vegetation alteration, earthworks, impermeable surfaces, establishment of vegetation, buildings and stock currently apply to all parks activities. There is provision in the General Natural Area rules for "any vegetation alteration for the maintenance or provision of track and trail systems where provided for in park management plans...", and in all other Natural Areas where there is provision in the rules for "any vegetation alteration for track and trail systems where provided for in park management plans...". A large number of activities generate earthworks in the Open Space Environment and there is no provision for these in the rules. An analysis of resource consent applications indicates 63% of consents were for infringements of the natural area rules and 10% were for both Natural Areas and Open Space Environment rules, with the remaining 21% relating to the Open Space Environment rules.

The Plan Change would address the reliance on Operative Reserve Management Plans as a method for managing activities in the City's public open space given that only 24%* of reserves currently have such plans, when reference to other parks documents such as the WCC Parks Strategy 1999 could be used as a guide. By providing for parks maintenance, parks infrastructure, parks field structures, parks furniture, parks facilities and parks signs as permitted activities in the General Natural Area, which is where the majority of facilities are located, there will be both time and cost savings. (*see previous comments relating to the actual breakdown of this figure)

While resource consents will still be required for a range of activities, further benefits (savings) will be achieved by many activities no longer being non-complying activities but limited discretionary activities which have a significantly lower threshold for notification. Specific provisions are also included in the Proposed Plan Change to minimise the need for notification in specific circumstances including applications for proposed parks buildings in the Open Space Environment where there is general compliance with a relevant Operative Reserve Management Plan.

As all parks and reserves are publicly owned, potentially, the Council meets most of the costs for resource consents. Currently, spending on parks and reserves is 15% of every dollar from the rates, being the second highest expenditure after wastewater. Research undertaken for the preparation of the Proposed Plan Change identified that at least \$32,000 per year is spent on fees for resource consents. This figure of \$32,000 is considered to be conservative as it is based upon analysis of costs almost two years ago when fees for resource consent application were less. Apart from the monetary savings of resource consent fees, the Parks Section of Council use consultants to prepare applications and two years ago these costs were \$30,000 annually. In addition to these costs there are staff costs relating to the time spent briefing consultants preparing resource consents.

The Proposed Plan Change does not provide for all parks activities to be permitted by the rules for the Open Space Environment and Natural Areas, therefore some resource consents will still be required. It is difficult to estimate the total savings but the annual costs of \$62,000.00 should at least be halved, and there will be efficiency gains in staff time currently spent briefing consultants on preparation of resource consents as fewer resource consent applications will be required. The funds saved from not requiring resource consents will then be available for other projects, particularly the ongoing

maintenance costs of parks such as weed control and restoration which is a significant aspect of asset management.

In the context of existing expenditure on parks, the importance placed on the Green Network and the provision of open space for the well being of the city's residents, and the increasing usage of parks expected in the future, the provision of timely, cost effective and sustainable development is essential.

Thus the Proposed Plan Change will achieve a more efficient outcome in terms of the management of the parks assets for the Parks Section of Council and would reduce compliance costs whilst still protecting the amenity and environmental values of parks and reserves.

Costs

The costs are likely to be in the vicinity of \$15,000 to process this Proposed Plan Change, with additional costs, should the Council's decision be appealed to the Environment Court. The cost of notifying the Proposed Plan Change will be met through existing budget and staff resources.

Retain the existing rules (the status quo)

Benefits

The main benefit of accepting the status quo would be that no further work on the Proposed Plan Change would be undertaken and a saving of \$15,000 would be made. A further benefit from continuing with the status quo would be that the Consent Services Section of the Council would continue to obtain revenue for processing applications for resource consents. Consultants would continue to benefit from providing their services to the Council.

Costs

This approach is generally considered to be an inefficient method. The existing rules were promulgated in the Proposed District Plan and have been in place since 1995. During this period there has been extensive evaluation of the existing rules, and given the need for resource consents for any activity regardless of its potential effect on the environment when there is no Operative Reserve Management Plan it is clearly resulting in the inefficient administration of the District Plan and is contrary to the sustainable management of natural and physical resources in the city.

As discussed above, the costs to the Parks Section of the Council associated with obtaining resource consents for work in the Open Space Environment is \$32,000 annually and likely to be rising. Apart from the annual costs of resource consent fees, there are staff costs in the Parks Section of Council spent briefing consultants preparing resource consents estimated at \$30,000 annually by the Parks Section in 2002. It is worth noting that these costs sometimes exceed the value of the work being undertaken. These annual costs of \$62,000 for the Parks Section of the Council will not then be available for other projects, particularly the ongoing maintenance costs of parks such as weed control and restoration which is a significant aspect of asset management. As already stated existing expenditure on parks, is 15% of every dollar from the rates, being the second highest expenditure after wastewater and with these costs likely to continue rising the provision of open space for the well being of the city's residents, and the increasing usage of parks expected in the future, will become increasingly unsustainable and may lead to parks not being developed and maintenance being deferred.

Alternatively, if the Council continues meeting the community's expectations, for well developed and maintained parks the increasing compliance and associated costs will keep rising and this will lead to an increasing burden on ratepayers.

It is therefore considered that this would be an inefficient option not only in terms of compliance costs but also in terms of the effectiveness and efficient administration of the District Plan.

Have no rules - the do nothing option

This option would have the effect of removing the relevant Human Environment and Natural Area rules from the District Plan for land which is a park. Activities and development of parks could be established as desired. However, this is not a practical option as there would be community resentment that public bodies could undertake development without any controls while the private

sector had to abide by the rules of the District Plan when undertaking development. Reserve management plans, where available, would be used as the management tool for the development of parks. However, the development of parks may not be adequately assessed in terms of environmental effects given that the Reserves Act 1977 under which reserve management plans are prepared is more concerned about reserve classification, the purpose of the reserve and development being appropriate for the purposes for which it was classified. Reserve Management Plans provide a policy framework within which maintenance and development decisions are made rather than providing the detailed design of works to be undertaken on a park. Furthermore it is likely that development of parks without a reserve management plan would either be deferred or would occur without adequate planning and consultation. It is therefore considered that this scenario would not be acceptable given that the issue relates to the administration of the District Plan.

Benefits

There would be a cost saving of approximately \$15,000 for not undertaking the Plan Change. There would also be a short term financial gain from the Parks Section not having to pay for applications for resource consent. The savings made could be used to further develop, and undertake maintenance of parks, but this would be offset in the longer term by the Council losing creditability by being exempt from the rules of the District Plan. The development of those parks with Operative Reserve Management Plans could no doubt continue reasonably efficiently. However, those parks without a management plan may be left undeveloped or under developed, until such time as an operative reserve management plan was developed. This could result in the inequitable distribution of recreation opportunities in the City. More importantly the environmental effects, both adverse and positive, could not be evaluated without development of parks being required to comply with the Open Space Environment and Natural Area rules of the District Plan.

Costs

There would be strong community pressure for the equitable management of all the parks in the City. The Council would be open to litigation from residents dissatisfied about the development of parks adjoining their properties if environmental effects were not adequately assessed. The Council administration of the District Plan would lose credibility by not having an appropriate zone for the City's parks and regulatory processes for development. The sustainable management of natural and physical resources as defined in the Act would be compromised.

It is therefore considered that the continued identification of the Open Space Environment and regulation relating to it in the District Plan is justified to achieve the sustainable management of the City's resources.

Other Methods

Reserve Management Plans:

There are two possible outcomes if this method is to be adopted. The basis of this alternative method would be for the Parks Section to embark on an intensive programme to complete the reserve management plans for all the parks and reserves in the City as quickly as possible and for them to be the management tool for parks administration. The completed reserve management plans could be used in association with the current rules of the District Plan (status quo) or could be used alone by discarding the rules of the District Plan (the do nothing option) relating to the Open Space Environment.

However, it would require a significant increase in staff resources in the Parks Section to implement such a programme. Currently there is one landscape planner processing reserve management plans who has advised that approximately two reserve management plans per year are currently being completed. The Reserves Act 1977 sets out a statutory process for the preparation of reserve management plans which involves consultation with the community. Each reserve management plan takes about two years to complete, although this depends on the complexity of the park and amount of research and design required. In addition to preparing new reserve management plans it is necessary to review reserve management plans at least every 10 years and also from time to time deal with requests to modify current or operative reserve management plans. Therefore, although this option would have some merit the process takes time and it would still be several years before all plans were completed. Furthermore, the completion of reserve management plans would not eliminate the need

for resource consents under the status quo option, as many resource consents are for vegetation alteration and earthworks under the Natural Area rules. Therefore completing reserve management plans quickly and using them as the management tool for parks under the status quo or with the no rules option is not a really practical alternative.

Benefits

The completion of all reserves having management plans would provide limited benefits for the status quo option of retaining the current rules of the District Plan because although there would be an overall concept for the development of each park, analysis of the problems of relying entirely on reserve management plans has shown that often development cannot be undertaken strictly in accordance with what is proposed in a plan. This occurs when detailed investigations are undertaken to establish proposals on a park with a reserve management plan. The exact location and design of a building may not be identical to the original concept in the plan necessitating an application for resource consent. The writer is aware of several examples one being toilets on Les Waygood Reserve; the refurbishment of the existing toilets were included in the Operative Reserve Management Plan for the park, but during investigations for the development of the detailed design it was determined that the construction of a new toilet block would be more cost effective and feasible. A better location for the toilet block was also identified. Hence both the change in location and larger size of building necessitated an application for resource consent.

As mentioned under the have “no rules” option, entire dependence on the reserve management plans would eliminate the current compliance costs for parks activities but such savings would be outweighed by possible litigation from neighbours adjoining parks from potential adverse environmental effects and loss of public confidence in the administration of the District Plan. For the above reasons this option is likely to result in an inefficient use of natural and physical resources in the City over time.

Costs

The costs of completing the reserve management plans would include the salaries of additional landscape architects/parks planners employed to undertake the work, as well as the ongoing costs of maintaining and reviewing the reserve management plans and community consultation and printing. There is no funding provided for in the current LTCCP for the completion of the reserve management plans. It is therefore not an appropriate option given that if it were to be considered it could not be implemented until the LTCCP was reviewed in 2006 with a period of two or three years following that to complete the reserve management plans.

Therefore, until this option could be implemented in full, there would be the ongoing District Plan compliance costs and the ongoing Parks staff costs of completing reserve management plans in the interim. If this option was adopted by the review of the LTCCP in 2006-2007 there would be a further delay of at least three years to hire staff and complete the management plans. There would be a continuation of the current situation with respect to compliance and consultants costs and then there would be a large outlay for the additional staff to prepare the reserve management plans and review those already out of date. It is likely that the implementing and completing this option would take at least six years and would involve significant costs in that period.

In conclusion there are several reasons why this option is not appropriate for both the status quo (retaining the current rules of the District Plan) or the do nothing option of having no District Plan rules for parks. Firstly, the Proposed Plan Change could be operative within eighteen months depending whether appeals were lodged and this outweighs the long lead in time for all the reserve management plans to be completed. Secondly, compared to the approximate \$15,000.00 cost of the Proposed Plan Change the costs of undertaking this option would be much greater both in terms of time and associated staff costs. Thirdly, the outcome under the status quo would not resolve the need for all resource consents. Pursuing this option would not therefore be an efficient use of resources.

No Fees For Work In Parks:

Fees for processing applications for resource consent for development in the Open Space Environment could be eliminated thereby saving \$32,000 annually but the consultants fees for preparing the applications is \$30,000 annually and this would remain a cost. Already applications for resource consent for vegetation alteration, that is not associated with a land use or subdivision, are

processed free of charge. The reason that there are no processing fees for applications for vegetation alteration and trees relates to the importance of the 'Green Network', which is an integral component of the Council's strategic direction. The Green Network is "the combination of significant and outstanding natural and physical resources within the City which are grouped together to enable a comprehensive management approach. Areas included in the Green Network are significant and outstanding vegetation and fauna habitat, natural coastal areas, riparian margins, outstanding natural features and ecological linkages and restoration areas." The Natural Areas in the District Plan are the management layer of the Green Network and the rules relate to the level of protection required for the vegetation (and its habitat for fauna) for each natural area. The Council decided not to require a fee for applications for vegetation alteration when it does not relate to a proposed development in order to encourage the protection of vegetation, to encourage compliance with the rules and to enable Council arborists to provide professional advice to the residents of the city. Both the Parks Section and residents of the City must however prepare applications for vegetation alteration and this can involve the cost of obtaining the services of a professional arborist, so while there are no resource consent processing fees there are other costs. However, the fact that there are no fees for such applications is fair because it applies to both residents and all sections of the Council.

Benefits

The main beneficiaries of making all applications for development in the Open Space Environment free would be the Parks Section of Council, EcoWater and clubs and community organisations located on parks. Cost recovery or 'user pays' applies to all consent services except for the provision of planning advice and information to the public. The Council's current philosophy of 'user pays' is to ensure that development costs are not borne by the ratepayers of the City. However, currently the rate payers of the City ultimately end up paying the compliance costs for most parks development in their rates. It is likely that some City ratepayers would not accept that sports clubs and community groups were exempt from fees for development of parks.

Costs

By removing fees for applications and retaining the existing provisions of the District Plan the end cost of processing applications would continue to be borne by the ratepayers given there is no provision in the LTCCP for additional funding for the Consents Section of the Council. Therefore as compliance costs increase there would be an equivalent increase in rates to cover these costs. Given the competing demands for spending rates it is likely that over time less funds would be available for parks and the provision of facilities and the maintenance of parks could be static or diminish. Given that the Residents Satisfaction Surveys conducted annually generally indicate a high level of satisfaction for the variety and location of parks in the City the community is unlikely to support a reduction in the provision of facilities and maintenance in parks. Therefore, while eliminating fees may seem an attractive idea most costs would ultimately be passed on to the ratepayer and this option would not address the need for better management of the Open Space Environment in the District Plan and the sustainable management of resources.

4.1.4 The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)(b))

It is considered that Council has both certain and sufficient information, and has utilised this information in the preparation of the Proposed Plan Change, regarding the subject matter (including policies, rules and other methods) of this Plan Change. Therefore, it is not considered necessary to investigate the risk of acting or not acting as outlined in s32(4)(b) of the Act, and ultimately no further assessment is deemed necessary in this regard.

4.1.5 Summary of evaluation and reasons for evaluation

The Proposed Plan Change seeks to regulate the development of land in the Open Space Environment to provide for minor works which would have negligible adverse effects on the environment as Permitted Activities. The Open Space Environment consists of land which is publicly owned. The approach taken in the District Plan has been to integrate Reserve Management Plans to direct activity in the Open Space Environment. Although Reserve Management Plans were seen as the most suitable tool for managing park development (activity programmes, recreational facilities and design issues), the lack of Operative Reserve Management Plans for parks has meant that the approach has not been as effective as was intended and has created significant compliance costs.

The completion of Reserve Management Plans is not within the current capability of the Parks Section of the City given their resources under the LTCCP.

The continued reliance on Reserve Management Plans as the primary method relating to development of parks in the District Plan cannot be justified given that only 24%* of parks have such plans. (*see previous discussions relating to the calculation of this figure)

Other options such as dispensing with fees would either be a burden on ratepayers or result in a diminishing of funding for parks activities and maintenance. The Proposed Plan Change regulates by way of newly defined generic activities, that are controlled by rules based on their potential effects on amenity and environmental values, and will achieve the sustainable management of the City's resources and the purpose of the Act.

It is considered that the above evaluation fulfils Council's requirements with regard to section 32 of the Act, and that the analysis of alternatives benefits and costs has been carefully undertaken and summarised accordingly. Further, this evaluation will be available for public inspection at the same time as the Proposed Plan Change is publicly notified.

4.2 Assessment of Potential Adverse Effects

Under Section 31 of the Act Council's function includes "*the control of any actual or potential effects of the use, development, or protection of land*". Section 76(3) requires that in making a rule, a territorial authority is to have regard to the actual or potential effect of activities on the environment. Likewise, section 5(2)(c) provides for avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The development of land in the Open Space Environment would be managed and regulated to ensure that potential adverse effects are mitigated or no more than minor. The regulation of parks activities provided in the Proposed Plan Change is to ensure that those with the potential to have adverse effects on the amenities of the surrounding environment require a resource consent in order that a thorough assessment is undertaken. The usual conditions of consent to manage potential effects of establishing an activity, conditions to ensure ongoing compliance of an activity and bonds are all part of the management tools to ensure land and development in the Open Space Environment is managed to minimise adverse effects on the environment.

Parks Contracts have been introduced to ensure that development such as Parks Maintenance which is a permitted activity in all Natural Areas meets "best practice" methods in the industry. It includes the use of contractors with a 'proven track record', pre site meetings and supervision, and it is envisaged that the contract will include the mitigation measures identified as necessary for the particular project to ensure that for example erosion and sediment controls, vegetation disposal or weed disposal methods ensure the environment is protected.

It is therefore considered that the regulation of the development in the Open Space Environment in the Proposed Plan Change includes adequate safeguards to ensure adverse effects on the environment are minimised. Monitoring the new rules would be necessary to ensure that the rules were delivering an appropriate outcome.

These effects are further discussed below, together with an assessment of the extent to which the proposed plan change will assist the Council to control them.

4.3 Assessment under Sections 74 and 75 of the Act

Provisions for Open Space in the Waitakere City Transitional Plan – Waitemata Section

Maintaining and protecting amenity values of the City's parks and reserves was a concern of the Transitional Plan but its emphasis was on managing activities whereas the Proposed Plan is concerned with the management of the effects of activities. The Plan Statement of the Transitional Plan noted that "To protect the character of recreational open spaces and their surrounding neighbourhood all development must be controlled. Any development (particularly buildings) on recreational open space should relate to the purpose of the land, its natural environment and the

amenity of the neighbourhood. On land for informal pursuits little or no development will be necessary.”

Thus the Transitional Plan allowed playing fields, lawns, greens sports grounds pastures and associated field structures, hardcourt areas, skateboard bowls, golf courses, swimming pools and farming (excluding buildings) in the active reserves but most buildings were controlled activities, the exception being clubrooms etc and camping/residential accommodation associated with the function of the activity ground which are discretionary activities. However the zone accommodating community facilities provided for a range of buildings including pre-school facilities, CAB's, Plunket rooms, community houses, other welfare uses, libraries, and clubs and even other facilities such as churches, St Johns ambulance stations and educational institutes including associated accommodation. In the passive reserves childrens play equipment, park furniture and shelter structures and works undertaken by ARC in the reserves in their jurisdiction were the only permitted activities. Tramping huts, wardens cottages toilet facilities and information centres were controlled activities. Car parking was not provided in any of the zones. The policies regarding landscaping and the design and external appearance of buildings in the section on Visual Amenity, and Management of Recreational Open Space were the criteria for assessing controlled activities.

Provisions for Open Space in Other Territorial Local Authorities

North Shore City Council

The Operative North Shore District Plan (June 2002) provides for open space within four traditional recreation zones “to ensure that the impacts of the use and development of open space land can be managed so that adverse effects on the open space and surrounding properties can be avoided or minimised.” The introduction acknowledges the role of the Reserves Act to classify parks, and that the recreation zones should be compatible with these classifications and together provide the basis for determining the specific provisions for the use, development, preservation control and maintenance of each reserve. It states “The provisions of the District Plan and, where applicable, reserve classification and management plan must be complied with before any activity, building or other works can be established on a reserve.” However the activities permitted in each zone have been formulated to reflect the reserve classification and there is no reference to the Management Plans.

There are 4 zones relates to a table of uses and activities, which are listed as permitted, controlled and discretionary activities in each zone or not provided for. The four zones are described as follows:

Recreation 1 – conservation

Recreation 2 – neighbourhood activities

Recreation 3 – water related activities

Recreation 4 – organised sports

The rules provide for those activities, which are appropriate to the function of the reserve as a permitted activities, such as playing fields etc, goal posts, cricket nets, park furniture, sculptures, walking trails and maintenance etc, and small ancilliary buildings such as toilets, changing rooms are controlled activities. There are three bulk and location controls (height, yards and building coverage) and there is a “control flexibility” which allows a specified relaxation of the rules in some zones as a limited discretionary activity. In addition there are other general rules, which include signs, transportation, cultural heritage, natural environment, subdivision and pollution, hazardous substances and waste management and developments must comply with them. Assessment criteria including design and appearance along with the Parks Strategy, Reserve Management Plans etc. are included for controlled and discretionary activities

Of note were the changes to the recreation zones following the submission process: the first policy under the objective 19.3.3 Management of the effects of Activities and Development was expanded to have ‘regard to...and the provisions of the relevant approved Reserve Management Plan’. Two new assessment criteria for controlled and discretionary activities were also included, one requiring consideration of the extent to which the proposed development and activities comply with an approved Reserve Management Plan, and the other change relates to proposals being assessed in terms of the loss or exclusive use of Open Space, and the effects on the opportunities for recreation by the general public with regard to development or exclusive leases, any deficiencies in Open Space identified in the North Shore Parkland strategy or any subsequent study and any compensating provision of other open space, recreational/community facilities in the vicinity. (writers emphasis)

Overall the provisions for open space in the Operative North Shore District Plan (June 2002) are activity based and include similar activities to the generic activities provided for by the Proposed Plan Change. It is likely that the four recreation zones reflect the classification of the park or reserve under the Reserves Act 1977. The approach with the Proposed Plan Change is more reflective of the multi purpose functions of reserves in Waitakere City which may include active and passive activities or recreation and protected areas of vegetation. The controls relating to earthworks or tree/bush clearance in the Waitakere City District Plan relate to the Green Network and are less permissive than the controls in the Operative North Shore District Plan (June 2002) appear to be.

Rodney District Council

The opening statement in the section on Open Space in the Proposed District Plan 2000 is “the strategy for open space areas is essentially a regulatory approach. The Plan aims to maintain the quality of open space areas and the surrounding environment, while enabling the use of these areas for a range of recreational activities suited to the values of the site and its purpose.” There are 4 zones almost identical to those of the North Shore District Plan but a fifth one for private open space.

The role of Reserve Management Plans in the plan is to resolve detailed issues, for example the allocation of space and any conflicts between activities on the reserve as specific local circumstances can be taken into account. However the zones in the District Plan are the guide to the process as they determine what activities can occur within each zone.

Permitted to non-complying and prohibited activities are listed for each zone. A full range of activities are provided for and it is interesting to note that the permitted activities in all zones include amenity facilities such as boardwalks, bridges, fencing, picnic and barbecue areas, seating, memorials and sculptures. Public toilets, changing rooms, shelters storage and implement sheds are permitted up to 50m² in area in all zones and controlled above this except in the conservation zone where they are discretionary. Walking tracks up to 1.7m in width are permitted activities in all zones. Dune stabilisation is also a permitted activity in all zones.

The standard development controls apply to development on reserves. There are assessment criteria for all controlled activities, with additional criteria for specific activities including cycle and bridle trails, grazing, childrens playgrounds (Rec 1) and toilets and accessory buildings when these are over 50m², as well as skate board bowls and outdoor skating rinks. There are criteria for restricted discretionary and discretionary activities, the latter being quite specific.

The Proposed Plan deals with Urban Land Modification and Vegetation Protection with the main objective being “To avoid, remedy or mitigate the adverse effects of earthworks and vegetation removal...”, and the policies and rules have been formulated to reflect this.

Conclusion

The Auckland City District Plan was not assessed in detail but is similar to the two District Plans discussed above. In conclusion, the Waitakere City District Plan has been formulated as an “effects based” document unlike the City’s previous District Plan and the District Plans of the three adjoining local authorities, all of which rely on traditional zoning and use lists for development of public open space. However, the generic parks activities proposed in the Plan Change are similar in terms of the range of activities provided for in the traditional recreation zones of these other District Plans and the use categories, which reflect the potential of each type of activity to create adverse effects on the environment. It is therefore concluded that although the Waitakere City District Plan is an “effects based” document the overall thrust of the Proposed Plan Change would not be inconsistent with the philosophy of the adjoining territorial authorities and would thus satisfy Section 74 of the Act.

5.0 WAITAKERE CITY DISTRICT PLAN

5.1 Existing District Plan Objectives/Policies/Rules

District Plan Rules

Two layers of management areas form the basis for applying policies and methods of the District Plan.

The first layer lies across the whole City and is concerned with the management of effects of activities on natural and physical resources (other than structures). These management areas (called Natural Areas) are defined around certain key resources, around their relative significance or importance, and the level of protection required to ensure their continued health and survival.

Natural Areas

There are five Natural Areas collectively known as the Green Network, the overall term that conveys the shape and form of the City's primarily natural resources and ecosystems. Some policies apply to the Green Network as a whole while others apply to components within it. The natural areas are as follows: Restoration, Managed, Coastal, Protected and Riparian Margins/Coastal Edges. The General Natural Area is outside the Green Network and includes much of the urban area and pastoral part of the rural or countryside part of the City.

The rules for each natural area have been designed to reflect the vulnerability of the natural resources present and the level of protection they require. Thus, there are different thresholds for vegetation alteration or clearance, volume of earthworks, area of impermeable surfaces, which relate to the degree of protection required in each natural area.

Some recent changes standardising the rules affecting both native and exotic vegetation have occurred in the process of the District Plan becoming operative. These changes are likely to have only a very minor effect on the number of resource consents required for vegetation alteration, which the Parks Assets section currently requires to undertake work in parks and reserves.

Human Environments

The second management layer also lies over the whole city and is collectively known as the Human Environments. The Human Environments are defined around the City's landscapes and local areas, which are identified in Part 3.6 and Part 3.7. They form the basis for managing the effects of activities on landscape, amenity values, neighbourhood character and heritage and for managing the effects of activities on human health and safety. The Open Space Environment is located within urban and non urban areas of the City unlike the other Human Environments. Natural landscapes and the mix of buildings within them are the primary defining feature of environments outside the urban area and the variations in both the types of buildings, and the character derived from the dominant activities that take place in different areas defines the Human Environments within the urban area.

Open Space Environment

The Open Space Environment, as defined in the District Plan, is a Human Environment, which comprises areas of publicly owned space ranging from large park areas in the Waitakere Ranges to small local reserves in the urban environments. These areas enable people and communities to provide for their social and recreational wellbeing.

The rules relate to bulk and location and include height, height in relation to boundary, yards, building coverage, traffic generation, noise, infrastructure, glare and signs. The rules reflect the standards for residential development in the urban part of the city. The height, height in relation to boundary, yards, building coverage and traffic generation rules apply to parks buildings. The building location in relation to natural features applies to parks buildings and development on sensitive ridges or headland/cliff/scarp. The noise rule applies to Non-Residential Activities and the glare, infrastructure and signs rules apply to any Activity.

The land identified as Open Space Environment in the District Plan includes the entire range of natural areas.

The general themes of the District Plan objectives and policies that apply to the Proposed Plan Change have been previously discussed in the report. The Policies that are listed below are also relevant to the use and development of land in the Open Space Environment but the proposed changes to the rules will maintain consistency and relevance.

Policy 10.7 “New public and semi-public spaces should be designed in a way that ensures the safety of all users and, in particular, should provide for:

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

Policy 10.20 “Subdivisions should be designed and adequate public access set aside so that;

- potential demand for public access between areas of public land; and
 - potential demand for public access to and along the City’s waterways and coast; and,
 - potential for recreational use of the adjacent sea, harbour, river or lake;
- can be provided for, where that use or access is compatible with protection of conservation values.”

Policy 11.5 “New public open space should be designed and located in a way that:

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

The methods for achieving the latter two policies are articulated through the subdivision rules rather than the rules of the Open Space Environment, being specifically concerned with ensuring land to be obtained for open space, is appropriate and well located. The objectives and policies for the Open Space Environment relate more to the obtaining land for new reserves and its consequential development.

The overall emphasis of eight of the twelve objectives and policies relate to the protection and enhancement of the natural resources of the City, and include water quality, indigeneous fauna and flora, ecosystems – stability, natural features including coastlines and streams. These natural resources form the basis for the comprehensive management of the “Green Network” of which the City’s network of parks is a major component. Objective 2 deals with the protection of the City’s native vegetation and fauna habitat, and includes protecting:

- The quality and resilience of the resource;
- The variety and range of species and their contribution to the biodiversity of the City;
- Their ecological integrity;
- Their healthiness as a potential source of harvest for cultural purposes.

The Natural Area Rules are considered the main method for achieving the protection and enhancement of natural resources, and the Proposed Plan Change maintains and respects this outcome.

5.2 Summary of Proposed District Plan Rules/Policies

The Proposed Plan Change Policies and Rules are attached to this report in Appendix A

6.0 OTHER STATUTORY ASSESSMENTS

6.1 National Coastal Policy Statement

The purpose of the New Zealand Coastal Policy Statement 1994 is to state policies in order to achieve the purpose of the Resource Management Act in relation to the coastal environment of New Zealand. Chapter 3 – Activities Involving The Subdivision, Use Or Development of Areas Of The Coastal Environment of the New Zealand Coastal Policy Statement 1994 has been considered in relation to the Proposed Plan Change where it applies to coastal land in the Open Space Environment. As mentioned previously in this report it is not mandatory to prepare reserve management plans for esplanade reserves. However much of the public open space around the City’s harbours and coastline are included in plans and this includes the relatively recent Manukau Harbour Foreshore Reserve Management Plan. The Coastal and Riparian Margins/Coastal Edges Natural Areas relate to the most sensitive environments of the coast and the only activity permitted by the plan change is Parks Maintenance. All other activities involving vegetation alteration or earthworks would require a resource consent and the assessment criteria require reference to be made to any Operative Reserve Management Plans. Other less sensitive parts of the coast in the Open Space Environment are within the General Natural Area with provision for a broader range of activities and facilities. This is considered desirable given the public demand for recreation within these environments.

Section 3.1 deals with Maintenance and Enhancement of Amenity Values and it is considered that the Proposed Plan Change supports this objective by providing for Parks Maintenance to ensure a high level of environmental amenity.

6.2 Auckland Regional Policy Statement

The Auckland Regional Policy Statement (ARPS) seeks to maintain a quality environment for the Auckland Region and at the same time, maintain and enhance opportunities for the region’s future growth. The RPS comprises four parts: Regional Overview and Strategic Direction; Resource Management Matters of Significance to Iwi; Transport and Energy; and Environmental Protection. Each part identifies issues, objectives, policies, methods, reasons and the environmental results anticipated as a result of implementation of the RPS.

It is considered that Proposed Plan Change 12 is consistent with the following objectives of the RPS for the following reasons:

Strategic Objectives	Consistency with Proposed Plan Change 12
<p>Strategic Objective 1</p> <p>To ensure that provision is made to accommodate the Region’s growth in a manner which gives effect to the purposes and principles of the Act, and is consistent with these strategic objectives and with provisions of the RPS.</p>	<p>The Proposed Plan Change is consistent to the extent that it seeks to promote the efficient use and management of publicly owned land in the Open Space Environment to ensure that the passive and active recreation needs of the City’s population are provided for.</p>
<p>Strategic Objective 2</p> <p>To maintain and enhance the overall quality of the environment of metropolitan Auckland, including its unique maritime setting, volcanic features, cultural heritage values, and <u>public open space</u>. (writer’s emphasis).</p>	<p>The Proposed Plan Change does not change the emphasis on the qualities of the natural environment, rather it seeks to facilitate activities and facilities in the Open Space Environment whilst accommodating the range of natural areas encompassed. The changes to the natural area rules for vegetation alteration and earthworks relate to the need to provide for parks maintenance as a permitted activity for all agencies provided that it is undertaken in accordance with a parks contract that encompasses best practice and supervision, or in the case of ARC parks by Parks staff using best practice methods as outlined in the definition. Other activities and facilities in the Open Space</p>

Strategic Objectives	Consistency with Proposed Plan Change 12
	Environment require an application for resource consent to ensure that proposals which have potential effects can be adequately assessed.
<p>Strategic Objective 8</p> <p>To manage the Region's natural and physical resources in an integrated manner.</p>	<p>The Proposed Plan Change is consistent with this objective to the extent that the provision for facilities and activities in the Open Space Environment is integrated with the Natural Area Rules to ensure that the natural and physical resources of parks and reserves in Waitakere City are appropriately managed.</p>
<p>Objective 7.3</p> <p>1.To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development</p>	<p>The Proposed Plan Change does not alter the existing provisions in the District Plan relating to subdivision and the acquisition of land along the coast. The proposed changes to the Open Space Environment and Riparian Margins/Coastal Edges and Coastal Natural Area Rules are integrated to maintain the continued protection of public land in the coastal environment from inappropriate use and development.</p>
<p>6. To maintain and enhance public access to and along the CMA and to publicly-owned land in the coastal environment.</p>	<p>The Proposed Plan Change is consistent with this objective because the Riparian Margins/Coastal Edges Natural Area Rules include provisions for the maintenance of existing walkways on land in the Open Space Environment and for the establishment of new walkways and facilities.</p>

It is considered that Proposed Plan Change 12 is entirely consistent with the objectives of the ARPS as the Plan Change will ensure the efficient use and management of the publicly owned land and protection of natural and physical resources in the Open Space Environment.

6.3 Auckland Regional Plan: Air, Land and Water

The Auckland Regional Plan: Air, Land and Water applies to the management of air, land and water resources in the region, and includes air, soil, rivers and streams, lakes, groundwater, wetlands and geothermal water. The Proposed Plan Change would not be inconsistent with the relevant outcomes the Plan promulgates such as maintenance of water quality and instream habitat diversity, because the regulation of activities in the Green Network Natural Areas of the Open Space Environment provides for the protection and enhancement of natural resources. Likewise, the Proposed Plan Change will indirectly facilitate air quality by promoting the provision of walkways and cycleways within the Open Space Environment. It is therefore concluded that the Proposed Plan Change will not compromise objectives of this Plan.

6.4 Auckland Regional Plan: Sediment Control 2001

The purpose of this Plan is to maintain or enhance the quality of water in waterbodies and coastal water and to sustain the mauri of water in waterbodies and coastal waters ancestral lands, sites wahahi tapu and other taonga. Regional Plan:Sediment Control 2001 rules for earthworks are based upon the soil type, area involved and slope of the land and location in or outside the area in the Sediment Control Protection Area (defined by distance to coastal marine areas and distance and plan area for watercourses or wetlands). The rules do not relate to volumes of earthworks, unlike those of the District Plan. However, this means some development in the Open Space Environment both within and outside the Sediment Control Protection Area for development may require resource consent from the Auckland Regional Council in addition to consents under the District Plan. The Proposed Plan Change would remain consistent with the processes already in place.

6.5 Reserve Management Plan(s)

The Reserves Act 1977 requires reserve management plans to be prepared for reserves, excluding local purpose esplanade reserves. The function of the Reserve Management Plans is to manage the development and operation of parks. The preparation of reserve management plans includes a process of community consultation to identify the needs of the public and to ensure park development and enjoyment is based on sound principles. The Management Plans for the larger more significant city wide parks are approved by the Environmental Management Committee of the Council and the plans for smaller parks are approved by the relevant Community Board.

Currently there are 21 Operative Reserve Management Plans, 2 proposed Reserve Management Plans (one due to be approved this month) 3 due for review, including some very old ones, 3 current concept plans for parks with no reserve management plan and 25 old drafts, many of which date back to the eighties. However, although it is not mandatory to prepare management plans for esplanade reserves with the emphasis in the District Plan and LTCCP on the provision of public access around the coast and harbour four of the reserve management plans include many small esplanade reserves. There are 550 reserves in the City and 15% of the parks and reserves in the City are included in an Operative Reserve Management Plan, of which 3 are due for review. With two draft Reserve Management Plans covering 51 reserves to be made operative shortly the percentage increases to 24%. This is still a significant shortfall in terms of management plans particularly as new reserves are being acquired yearly with development and subdivision.

The identification of the Green Network and the integral role of some of the city's parks in it influenced the approach of the existing Open Space Environment and Natural Area rules in the District Plan, which were formulated to manage the development of parks in conjunction with Operative Reserve Management Plans. During the review of the District Plan extensive community consultation indicated that there was high importance on the amenity values of parks. It was considered that the approach to Open Space needed to be more flexible than just listing uses in a range of recreation zones as provided for in the Transitional Plan.

Thus it was considered that reserve management plans would be a more effective tool to manage the impacts on the reserves themselves, allowing for detailed management of the placement of buildings, paths and active play areas in relation to the specific qualities of any park, with concerns relating to noise, lighting, traffic movements and the placement of structures at the boundary being addressed in the District Plan. Under the rules of the Open Space Environment parks buildings and development on a park without an Operative Reserve Management Plan were deemed to be non-complying activities requiring an application for resource consent as was vegetation alteration for the maintenance or provision of track and trail systems in the Green Network natural areas. (The General Natural Area rules allow vegetation alteration for both the maintenance or provision of track and trail systems reflecting a lesser level of environmental protection.

The District Plan currently defines Parks Buildings as including any building other than children's play equipment, goal posts and sheds for parks equipment, but also excluded is all the other infrastructure and development associated with parks, such as sportsfields, signs, paths and seating.

According to the Section 32 Analysis in relation to the Open Space Environment and the Decision Notice "reliance on the District Plan Open Space rules is only an interim measure". The long term intention for the management of parks and reserves as stated in the Decision Notice was that the bulk and location rules for the Open Space Environment would apply to all reserves in the interim. Then once the Reserve Management Plans are implemented the District Plan rules would be reviewed.

The low percentage of operative management plans is clearly an obstacle or barrier to the efficient functioning of the District Plan and management of parks. There are also other problems associated with depending on reserve management plans to determine the planning process under the Open Space Environment rules. As mentioned previously the level of detail in Reserve Management Plans, may not include designs for new buildings, additions to existing buildings and the like. Even when Reserve Management Plans do include concept drawings for a park much of the information is schematic. It is not until a design brief for a new footbridge, path or building addition is formalized that the detailed investigation occurs and the best or most practical location is identified. Unless proposed

buildings are located exactly as indicated in a Reserve Management Plan they are deemed to be non-complying and an application for resource consent is needed. Furthermore it is considered that there will always be a need for bulk and location rules which relate to minimising the potential adverse effects of development on the properties beyond the external boundaries of a park. Both the lack of reserve management plans for the City's parks and reserves and the lack of detail for future development in existing reserve management plans necessitate a large number of resource consents.

However reserve management plans remain an important tool for the management of parks. The proposed plan change includes new assessment criteria under both the Open Space Environment and Natural Area rules to ensure all proposals requiring resource consent consider any relevant Operative Reserve Management Plan or Concept Plan or where these are not available the Parks Strategy April 1999. The Natural Area rules have not previously referred to reserve management plans and this was considered an oversight, which will be remedied as part of the Plan Change. Furthermore, changes to the notification rules for resource consents will give greater recognition to proposals on parks where there is an operative reserve management plan in determining whether public notification is necessary.

7.0 NON-STATUTORY PLANNING ASSESSMENTS

7.1 Waitakere Long Term Council Community Plan

The 10 year Long Term Council Community Plan (LTCCP) covers the first decade of Council's 20 year Strategic Direction. The purpose of the LTCCP is to:

- describe the activities of the Council;
- describe the community outcomes desired for the city;
- provide integrated decision making (between the Council and the community) and co-ordination of resources;
- provide a long term focus for the Council's decision and activities;
- provide a basis for accountability to the Waitakere City community; and
- provide an opportunity for community participation.

The LTCCP comprises five priorities and nine strategic platforms. The City's parks and reserves constitute a large part of the Green Network, and enhancing and protecting it, is an integral part of the Council's strategic direction. The importance of parks and reserves in the City is further emphasised in the LTCCP which makes provision for parks and reserves through three of the nine strategic platforms.

Several of the nine strategic platforms in the LTCCP include funding for parks development and facilities on them. The funding is for both current and proposed projects over the next few years. The "Strong Communities" platform provides for major leisure facilities such as the new Waitakere City Events centre/stadium and the "Urban and Rural Villages" platform provides for continuing work with the community on design of parks through the development of Reserve Management Plans and Asset Management Plans, and the Three Waters platform provides for maintaining and enhancing natural and amenity values of riparian margins in conjunction with stormwater management.

However, it is the Green Network strategic platform, which has particular relevance to the Proposed Plan Change. It provides for development of Harbourview/Oringihina Park, stream and coastal riparian margin restoration, pest eradication, Waitakere Ranges protection, the establishment of public walkways around the Waitemata Harbour coast and Opanuku/Henderson esplanade reserves, public access strategy and public acquisition of land for the provision of public access.

Of particular note in the Green Network is the following action: "Design and manage the Council's own properties and infrastructure to protect and restore Green Network values. Seek to better control weeds and pests on Council owned land. Improve integrated management of the Green Network across the Council, different public jurisdictions and land tenures. Improve staff training and the integration of staff expertise. Amend and update the Council's Regulations and Code of Practice to encourage sustainable management solutions.....Deal proactively with encroachments on reserve land. Protect and manage heritage sites on reserve land."

It is considered that the Proposed Plan Change is particularly relevant as it addresses several of the above issues. It includes provision for parks maintenance, which includes weed clearance, as a permitted activity in the Natural Area rules within the Open Space Environment. The use of the Code of Practice, Parks Guidelines and Parks Contracts for parks maintenance and parks infrastructure, is to ensure that work undertaken by contractors on behalf of the Parks Section of Council will meet “best practice” methods (eg using appropriate erosion and sediment controls and weed disposal methods) and provide for the sustainable development of the City’s parks. In the context of the 991 hectares of parkland with its 83km of walking tracks in the City it is considered that facilitating parks maintenance and parks infrastructure is essential to meet the increasing use of parks and the Green Network. As the population grows and as conservation and nature based activities become more popular the importance of maintaining and enhancing the Green Network will increase.

The LTCCP breakdown of ‘what you get for your rates’ states spending on parks and reserves is 15% of every dollar from the rates, being the second highest expenditure after wastewater. In the context of existing and future expenditure on parks, ensuring that the District Plan provisions relating to the Open Space Environment allow for the timely, cost effective and sustainable development of parks and reserves is consistent with the Council’s strategic direction.

7.2 Waitakere City Parks Strategy

The WCC Parks Strategy is another management tool, relating to the management of parks in the City. The WCC Parks Strategy had not been written when the Proposed District Plan was publicly notified in October 1995. The Parks Strategy, approved in April 1999, was developed in accordance with Waitakere City’s GREENPRINT and provides guidelines for the management of parks within the City. This document provides a background and strategic direction for development of parks. It categorises parks and reserves into a hierarchy (unlike the District Plan). This document provides a very useful framework for the development of parks, although it does not deal with the detailed development on a park as occurs with a Reserve Management Plan. All the parks in the City have been put into one of 3 categories according to the particular role they play within the overall strategy.

The 3 categories include City - Wide Parks (large individual parks, or groups of parks that combine to provide significant areas of native ecosystems, and a variety of landscapes and recreation opportunities eg Moire and Parrs Park and Henderson Creek corridor of reserves), Local Parks (medium sized of 1-3 ha in area generally one per suburb, containing one or two sportsfields, areas for casual recreation, landscape planting and native ecosystems eg Ceramco Park) and Neighbourhood Parks (1000 – 4000m² in a neighbourhood with landscaping and play areas eg Bruce McLaren Park).

The Parks Strategy outlines an integrated vision for the future of Waitakere City parks and proposes ten objectives to provide a framework for all park management. The ten objectives in the Parks Strategy involve the integration of objectives relating to the Leisure Strategy, the Green Network, Restoration and Weed Management Strategies and Town Centre Revitalisation Programmes. Clearly all of these strategies are also articulated in the District Plan objectives and policies. The Waitakere City Parks Strategy 1999 forms the basis of preparing reserve management plans which are formulated to include three parts being the general objectives that are relevant to all reserves, other objectives which are relevant to the particular categories of reserve (three) and the specifics of each park. Therefore it is considered appropriate for the Proposed Plan Change to include reference to this document in the assessment criteria of the rules for the Open Space Environment and Natural Areas. 10 objectives as follows

- 1: Increase the use and enjoyment of parks.
- 2: Extend and improve the city’s natural ecosystems.
- 3: Increase the opportunities for people to enjoy nature on parks.
- 4: Parks are managed sustainably as part of the wider landscape.
- 5: Improve the use, range and quality of sports facilities within the city.
- 6: Protect the heritage values within parks and increase the awareness of the heritage of the city and local areas.
- 7: To provide quality local and neighbourhood parks that are within walking distance throughout the city.
- 8: To work in partnership with iwi (and where relevant the wider Maori community) on the management of waahi tapu and sites of significance.

- 9: Involve communities in the design and management of parks.
- 10: To improve the management and administration of parks.

Under Objective 1 Increase the use and enjoyment of parks. (p16)

The first policy is **Provision of Facilities** and it includes the following relevant points:

“1.4 Community facilities should not be sited on neighbourhood reserves or where clearance of native ecosystems would be required.”

“1.5 Community buildings may be located on other parks provided that :

- The Reserve Management Plan allows for the building.
- The building will not adversely affect the use of space for casual recreation.
- Sports club buildings should not be placed on any reserves where there is only a single sportsfield.
- Buildings placed on city wide reserves should only be those which serve a city wide function.

Section 5 of the Parks Strategy is titled ‘Putting the Strategy in Place’ and under the subsection Overall Capital Works Programme one of the strategies is for ‘the development of more city-wide parks, more open space within town centres, and greater areas of restored stream and bush have been identified as priorities’ (P36).

The Parks Strategy is a valuable document providing an overview of parks planning. It is an integral part of the Green Network and is also relevant for the preparation of reserve management plans. Its importance is reflected by inclusion in the assessment criteria for both the Open Space and Natural Area rules as material which should be considered when assessing applications, particularly for those parks without a reserve management plan. A review of the Parks Strategy is planned for the next financial year 2004/2005.

7.3 Auckland Regional Growth Strategy

The Auckland Regional Growth Strategy: 2050 is a non-statutory policy guideline that provides a framework for land and resource planning in the Auckland Region. It seeks to ensure that there is a consistent approach to managing the social, economic, and environmental effects of future growth across the Region. The Auckland Regional Growth Strategy has a 50-year time horizon, with an emphasis on an integrated approach to the long-term management of the Auckland Region. One of the desired regional outcomes of particular relevance to the Proposed Plan Change is “the protection and the maintenance of the character of the region’s natural environment”, and also “sustainable use and protection of the region’s natural and physical resources”. It is considered that the Proposed Plan Change will have a positive outcome in terms of managing the public open space resource. In particular the proposed provisions for park maintenance will ensure a high standard of amenity. The rules relating to the Coastal Edge/Riparian Margins and Coastal Natural Areas reflect the importance of achieving a balance in terms of the protection of the natural environment quality of coastal land within esplanade reserves with the provision of public access. It is concluded that the economic benefits of the Proposed Plan Change will enable more funding for general maintenance of parks in the Open Space, and will facilitate the positive outcome envisaged for the region as it grows.

7.4 Draft Regional Open Space Strategy

The Draft Regional Open Space Strategy is a non-statutory strategy developed by the Auckland Regional Council in partnership with territorial authorities in the region, the Department of Conservation and the Ministry for the Environment. It is closely aligned to the Regional Growth Strategy: 2050, which identified ‘**Environmental qualities such as the coastal environment, parks and open space are regarded as the most important qualities or resource to protect from the adverse effects of urban growth**’ as being a critical outcome for the region’s future.

The focus in the Regional Open Space Strategy is to advance this outcome by protecting, securing and extending the existing open space network, while improving the quality and use of open space to cater for increasing demands and the changing needs of the community.

The four sector agreements with territorial authorities together with the Regional Open Space Strategy are considered the basis for furthering an integrated approach to the provision and management of open space in the region over the next 20 years.

Five guiding principles have been formulated to assist in the development and management of open space opportunities throughout the region, and include the following: ensuring open space is a primary consideration in the structuring and management of regional growth as an integral part of the shaping of urban form and the rural environment, equitable provision across the region, and sustainable management of open space, community involvement in its planning and design and innovative solutions to maximise the open space in areas of urban intensification as land availability and costs increase. The principles of sustainable management and community involvement are relevant to the Proposed Plan Change, which promotes sustainable and efficient management by facilitating maintenance of parks and community involvement through the plan change process itself, but also by recognising the importance of consultation with adjoining residents and stakeholders for those activities on parks that need resource consent. The Proposed Plan Change does not compromise the other three principles as these are contained in the Waitakere City Parks Strategy which can be referred to as part of the assessment of those activities requiring resource consent.

The top priority project is the development of the Regional Open Space Protection, Acquisition and Management Plan. An implementation plan with four actions is included along with a monitoring programme for the outcomes of the Regional Open Space Network. The draft Strategy was available for public comment between October and December 2003, and will be finalised in 2004.

8 CONSULTATION

Clause 3 to the First Schedule to the Act states that during the preparation of a proposed plan, a local authority shall consult with the Ministry for the Environment, other Ministers of the Crown deemed to be affected, other Local Authorities deemed to be affected and the tangata whenua of the area. Clause 3 also states that a local authority may consult anyone else during the preparation of a proposed plan.

Consultation with affected parties is a key component of the plan change process. The Council has consulted with all internal sections of the Council with an interest in the management of the parks asset and preparation of reserve management plans, including the Parks and Green Assets team, the Landscape Development team, the Principal Advisor District Plan, Strategy and Development and staff in the Consents Section processing applications for resource consent, on all aspects of Proposed Plan Change 12.

8.1 Consultation with Community

No specific consultation has been undertaken with the community with respect to Proposed Plan Change 12. This is because the land in the Open Space Environment is publicly owned by the Waitakere City Council, ARC or Department of Conservation. Many of the sports clubs and community groups, such as Playcentres, Scout groups and Returned Servicemen's Associations with buildings and facilities located on parks and reserves owned and administered by the Council have leases over the land occupied. The Proposed Plan Change may have an impact on these organisations and they will be individually notified as part of the plan change process. It is considered that the effect on these organisations from the proposed changes will not be significant given that much of the change relates to Council operations and management of parks but they will have the opportunity for input by submission. As special interest and environmental groups such as the Royal Forest and Bird Society and the Waitakere Ranges Protection Society are likely to have a greater interest than the general public these organisations will also be individually notified. Those residents living next to a park or with an interest in a park will be able to make submissions once the Plan Change is publicly notified. The Section 32 analysis will also be widely available

It is expected that the outcomes of the above consultation process will be affirmative and any suggested changes will be considered prior to public notification.

8.2 Consultation with Iwi

Council has also consulted with Ngati Whatua and Te Kawerau a Maki about the Proposed Plan Change. These discussions were held with Iwi representatives through the usual channels in Council.

8.3 Consultation with Auckland Regional Council

Consultation with Auckland Regional Council staff has not been ongoing throughout the development of the Proposed Plan Change but circulation of the Proposed Plan Change and the Section 32 Analysis has been undertaken prior to public notification. This has provided an opportunity to address matters raised prior to notification.

9 CONCLUSION

Proposed Plan Change 12 seeks to establish a new framework for the management of open space in the City. The changes to the District Plan introduce new generic definitions that reflect the activities, development and facilities that are required on parks into the City Wide Rules. The bulk and location rules which manage the potential effects on the amenities of the surrounding environment in the Open Space Environment have been amended to accommodate the new activities. The Natural Area rules manage potential effects of parks activities on the natural and physical resources and have also been modified to accommodate the new activities. New assessment criteria have been included to ensure consideration of reserve management plans and other parks documents. Two new policies within the existing framework of District Plan objectives are included in the Proposed Plan Change. Finally there are consequential amendments for signs in the Transport Environment and relating to written consents and notification procedures in the Introduction to the rules and to the guidelines for the Open Space Environment and Natural Area Rules to facilitate understanding of the new rules.

The Section 32 analysis concludes that the proposed plan change would provide for more efficient management of the Open Space Environment which includes all parks and reserves in the City. The Proposed Plan Change provides an appropriate set of rules for the activities that occur in the Open Space Environment and relate to the various Natural Areas. The use of reserve management plans as a tool for managing development in the Open Space Environment has proven inefficient given that most activities normally associated with the development and use of parks without an Operative Reserve Management Plan require a resource consent, or, if included in a reserve management plan may not be detailed enough thereby also requiring an application for resource consent to ensure assessment of potential adverse effects on the surrounding environment. With Operative Reserve Management Plans for only 24 percent of the parks in the City the Parks Section is incurring significant annual costs for resource consents.

Several other options have been evaluated and discussed previously in this report but have been found to be impractical or unacceptable. This included options such as completing all the Reserve Management Plans. This option would not be possible because there has been no financial provision in the LTCCP to employ the additional staff that would be required to complete all the Reserve Management Plans. The LTCCP is not due to be reviewed until 2006 and should funding be gained there would be a further two or three years, at least, to actually undertake the work as the process which involves extensive community consultation generally takes two years to complete.

Retaining the existing rules would result in a continuation of the need for resource consents with increasing costs a likely outcome as fees increase, including those of consultants used to prepare the applications for resource consent.

Another option such as retaining the existing provisions for the Open Space Environment but eliminating fees for processing applications for resource consents for development would not resolve the funding of the Parks Section of the Council because costs would continue to be borne by the ratepayer. Already the Council has made provision for no processing fees for vegetation alteration not associated with a development in order to encourage the protection of vegetation in the city and to encourage compliance with the rules.

It is considered that the Proposed Plan Change achieves the purpose of the Act and is the most appropriate option to achieve effectiveness and efficiency in terms of the management of the Open

Space Environment and the natural areas of the Green Network within this environment. The two new policies in conjunction with the existing framework of Objectives and Policies will assist the Council to carry out its function of control of actual and potential effects of the use, development or protection of land. The proposed rules are aligned with the purpose of achieving the objectives and policies of the Plan.

The City's parks and reserves constitute a large part of the Green Network, and enhancing and protecting it, is an integral part of the Council's strategic direction. Internal processes and documents for managing the Green Network have been evaluated to ensure that the Proposed Plan Change is appropriate within the context of the City's strategic direction. The equivalent regulatory methods for open space in adjoining local authorities have been compared for consistency, the various Auckland Regional Authority planning documents considered and it is concluded that the Proposed Plan Change is not inconsistent with any relevant statutory or non-statutory document as discussed above.

In addition, it is considered that the regulation of the development in the Open Space Environment in the Proposed Plan Change includes adequate safeguards to ensure adverse effects on the natural and built environment are minimised. Monitoring the new rules would be undertaken as part of the Council's responsibilities under the Act.

A summary of consultation undertaken to date has been provided and it is evident that there is general agreement within the Council and Auckland Regional Authority. The Proposed Plan Change process will enable the general public and special interest groups in the local community to be involved in the decision making process.

Currently spending on parks and reserves is 15% of every dollar from the rates, being the second highest expenditure after wastewater. In the context of existing expenditure on parks, the importance placed on the Green Network and the provision of open space for the well being of the city's residents, and the increasing usage of parks expected in the future, the provision of timely, cost effective and sustainable development is essential. To conclude, Proposed Plan Change 12 is required to ensure that the District Plan provisions allow for the timely, cost effective and sustainable development of parks and reserves in the Open Space Environment consistent with the Council's strategic direction.