

# *a sustainable future*

In December 1993, the Waitakere City Council adopted a 20 year strategic plan - "City Futures". In this, the Council embraced "Eco-City" as a goal and as a strategy to shift human behaviour from unsustainable systems and customs to a sustainable future. It also adopted a range of principles which would help achieve these changes. These principles were agreed to internationally at the Earth Summit, Rio de Janeiro, 1992, as an agenda to take the natural and human world into the 21st Century. This became Agenda 21 - a document that would guide sustainable development of human communities.

The central idea which underlies Agenda 21 is the view that if a truly sustainable future is to be possible, then the totality of human existence must be considered. Above all, a sustainable world must be just and inclusive of all groups, and able to recognise their needs. Human settlement patterns and economic systems, systems to produce goods and to move them, and ways of consumption, must all be organised in a way that recognises and is in harmony with the capacity of the environment to absorb their impacts. The adoption by Waitakere City Council of the draft "Greenprint" in 1994, signalled further commitment to an integrated approach to sustainable development.

Within this general framework, which tries to encompass the totality of human existence within and alongside the natural world, two documents guide the way Council embraces the future: the Treaty of Waitangi which sets the parameters for relations between Maori and Pakeha, and the Resource Management Act. The latter directs how Council will deal with two very important but very specific aspects of this sustainable future, sustainable management of natural and physical resources, and protection of the environment.



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## 2.1 A STRATEGY FOR THE FUTURE: THE PLANNING CONTEXT

The District Plan is a key component of the City's strategy for the environment. It sets out the objectives and policies in relation to managing the effects of activities on the environment. It does not address wider issues of economic and social development and the way these must be managed as part of the overall eco-city and Agenda 21 goals of a sustainable future. In particular, the District Plan does not regulate activities to achieve a social or economic outcome. As such, the District Plan occupies a very specific niche within the City's overall planning systems.



It is important, however, that the way the District Plan fits into the City's planning framework is understood. Although it has a specific statutory status it is only one of a number of planning documents produced by Waitakere City Council.

The primary Council documents are the draft Greenprint which sets out Council's general framework and vision, and the Strategic Plan which provides a series of key platforms and actions that guide the direction of Council decision-making in forthcoming years. Neither document is binding on Council but is a point of reference for the future. The key platforms of the Strategic Plan are set out in Table 2.1(a) on the opposite page as a basis for understanding the general direction that has been adopted for the next twenty years. Although subject to change, it provides a context for the District Plan. It is not intended to pre-empt the specific requirements and directions set under the Resource Management Act. These are set out in Part 2.2.

## STRATEGIC PLATFORMS

<p><b>In the area of urban development</b></p>	<ul style="list-style-type: none"> <li>• preserve the non-urban character of the Waitakere Ranges;</li> <li>• afford maximum protection of the Waitakere Ranges;</li> <li>• limit development to areas where adverse environmental effects can be mitigated, and put in place strict controls to ensure that the environment is protected (generally, a consolidation approach to urban development is pursued);</li> <li>• ensure that a key factor in determining the rate, type and direction of growth is Council's ability to service the infrastructure requirements of growth;</li> <li>• promote energy efficiency, community values, quality, affordability, accessibility and high residential amenity.</li> </ul>
<p><b>In the area of economic development</b></p>	<ul style="list-style-type: none"> <li>• increase economic independence;</li> <li>• stimulate and sustain economically viable activities;</li> <li>• focus on attracting skill rich, environmentally clean, export-oriented growth performance;</li> <li>• facilitate sustainable economic development;</li> <li>• promote the City's economic strengths;</li> <li>• liaise with business leaders;</li> <li>• strengthen linkages with other organisations;</li> <li>• enhance the City's image and upgrade town centres.</li> </ul>
<p><b>In the area of infrastructure</b></p>	<ul style="list-style-type: none"> <li>• put in place cost-effective, environmentally sound, maintenance, renewal and development practices;</li> <li>• apply business principles to the delivery of infrastructure services;</li> <li>• ensure Waitakere City's interests in transportation and environmental standards for infrastructure are fully represented at central, regional and local level;</li> <li>• managing transport and transport infrastructure, facilitating a multi-modal network and facilitating integrated transport management.</li> </ul>
<p><b>In the area of environmental quality</b></p>	<ul style="list-style-type: none"> <li>• practise sustainable environmental management;</li> <li>• affirm controls to safeguard the nationally significant Waitakere Ranges;</li> <li>• ensure minimal development in the Waitakere Ranges and maintenance of forest cover;</li> <li>• protect the diversity of rural landscapes for their tourism potential, visual and lifestyle values;</li> <li>• "green" the urban areas to assist effective land-use management;</li> <li>• improve on the quality and safety of harbours, coast and freshwater resources;</li> <li>• minimise waste generation and ensure that waste management practices minimise adverse environmental, cultural, social and economic effects;</li> <li>• liaise with tangata whenua on matters of joint concern;</li> <li>• reducing environmental effects of transport on the environment.</li> </ul>

*Table 2.1 (a) Strategic Platforms*

*Note: those matters shown in italics are given direct effect through the District Plan.*

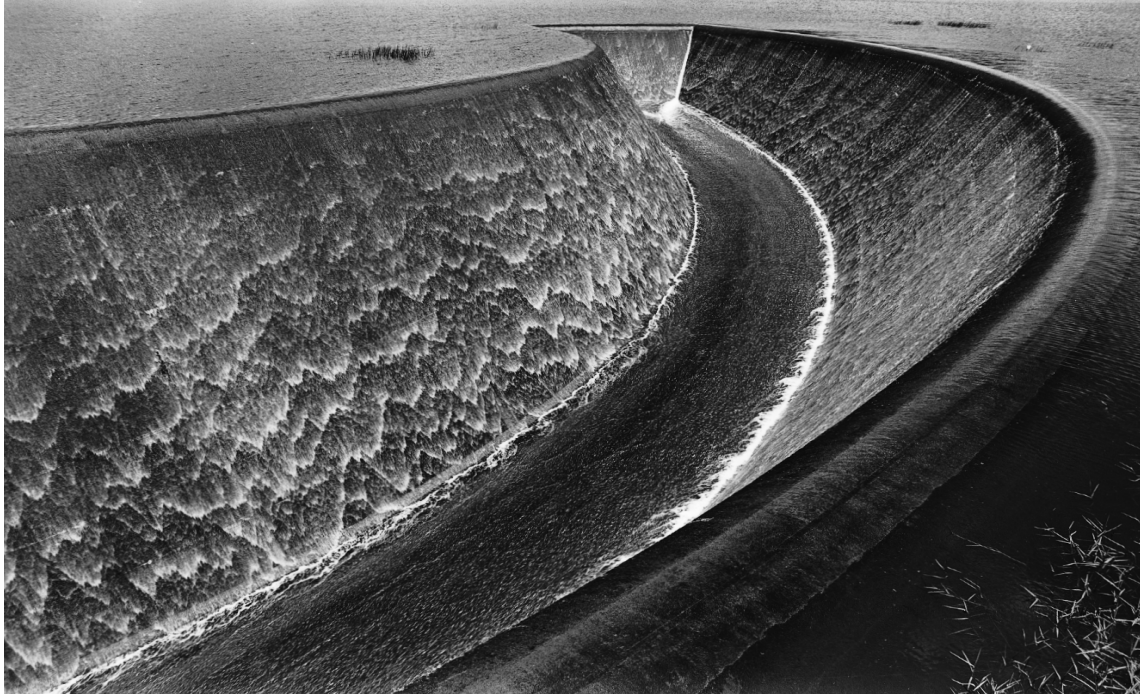


*a sustainable future*

STRATEGIC PLATFORMS continued	
In the area of city image and town centre upgrading	<ul style="list-style-type: none"> <li>• create an integrated and diverse city image;</li> <li>• enhance the attractiveness of town centres to shoppers;</li> <li>• enhance the environmental image through tree planting along major routes;</li> <li>• protect tourism potential of vineyards, orchards and specialist agricultural areas;</li> <li>• promote the City's artistic, historic and cultural heritage;</li> <li>• recognise and emphasise stream networks;</li> <li>• ensure heritage buildings are identified and protected appropriately.</li> <li>• supporting compact and sustainable urban form and sustainable land use intensification.</li> </ul>
In the area of community services, leisure activities and recreation	<ul style="list-style-type: none"> <li>• develop an interagency approach to achieving a healthy city, with emphasis on the voluntary sector;</li> <li>• facilitate improved provision for leisure and recreational services and community facilities to meet residents' expectations, in partnership with business and community;</li> <li>• act as an advocate for the City, particularly for children, with the voluntary sector and interest groups, on issues such as health, social equity, well-being, unemployment, childcare and public safety.</li> </ul>
In relation to tangata whenua	<ul style="list-style-type: none"> <li>• identify and respond to issues arising from the Treaty of Waitangi and relevant legislative obligations to Maori as they affect the City;</li> <li>• recognise Te Kawerau A Maki and Ngati Whatua as having tangata whenua status within Waitakere City;</li> <li>• liaise to ensure services are provided equitably to the Maori community;</li> <li>• consolidate the role of Te Taumata Runanga ( Maori Perspectives Committee);</li> <li>• include in the systematic annual review of services, a review of services to the Maori community.</li> </ul>

*Table 2.1 (a) Strategic Platforms*

*Note: those matters shown in italics are given direct effect through the District Plan.*



## 2.2 THE STATUTORY CONTEXT: PURPOSE AND PRINCIPLES

The Resource Management Act has as its purpose, the promotion of sustainable management of natural and physical resources [Section 5(1)]. Under Section 5(2), sustainable management is defined 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 eco-systems; and
- (c) avoiding, remedying or mitigating any adverse effects on the environment.”

The Resource Management Act is the first piece of legislation in New Zealand to make sustainable management a clear duty of government. The Waitakere City Council sees this as a significant new task for local authorities, requiring a new approach to many of the traditional land-use management techniques of the past.

The Act is very much concerned with ensuring that, in safeguarding natural and physical resources, human wellbeing and those aspects of the environment valued by humans are provided for. Economic wellbeing is of similar importance to social and cultural wellbeing, and the health and safety of communities and individuals. It recognises that if wellbeing is to be achieved, then people must consciously manage not only the way they use the natural and physical world, but also the rate of use and development of resources. Future generations have a status in these decisions. Present generations must ensure that the country’s resources are capable of supporting future human life.

Even more clearly, the Act intends that such wellbeing is not achievable, and should not be achieved, at the expense of the life supporting capacity of air, water, soil and ecosystems. This explicitly recognises that these elements exist together in a series of processes that maintain life - through the cleansing of water, the replenishing of oxygen in the air and the creation and retention of soils.

Finally, the Act establishes the general principle that, where possible, harm to the environment should be avoided, remedied or mitigated. This inclusion of the general concept of ‘environment’ takes the Act’s concerns well beyond the issue of sustaining basic ecological processes. The definition of environment in the Act recognises that it has a number of aspects:





- tangible natural and physical resources - land, water, air, soil, minerals, energy, all forms of plants and animals and all structures - that all people can recognise and understand;
- ecosystems and the processes and elements that comprise them (including people and human communities). Although humans might use aspects of the environment as resources, they must also recognise that humans are also members of wider ecological systems;
- that the environment is also defined by the value placed on it - the emphasis that people place on aspects of the environment for their beauty, order, coherence and cultural and recreational importance;
- that there will be different perspectives on these things depending on the cultural, social, economic and aesthetic conditions of any one time.

The notion of ‘environment’ presented in the Resource Management Act is a complex one - ranging from the tangibles such as earth and water to notions of the spirit, of value and of cultural perspective.

This last point is particularly important. It recognises that attitudes and circumstances will change over time. The approach places great emphasis on the local community defining what it values and what it will protect from harm. However, this is balanced by the fact that Section 5 of the Resource Management Act does establish bottom lines in terms of protecting basic life-supporting processes. Sections 6 and 7 of the Act establish further guidelines - either by placing emphasis on particular aspects of the environment or by emphasising kinds of values that should be paid special regard.

Section 6 of the Act states in part that:

“In achieving the purpose of [the] 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 subdivisions, use and development;

- (b) The protection of outstanding natural features and landscapes from inappropriate subdivisions, 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.
- (f) The protection of historic heritage from inappropriate subdivision, use and development.

What the amenity and heritage values of the listed heritage items are, is primarily for the local community to decide. However, some heritage items and landscape views in the City, also have regional or national significance.

Section 7 of the Act states that:

“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 have particular regard to...

- (c) the maintenance and enhancement of amenity values;

[Amenity values are defined in the Act as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes”]

- (d) the intrinsic value of ecosystems;
- (e) maintenance and enhancement of the quality of the environment;
- (f) the protection of the habitat of trout and salmon.”

The Act clearly states that ecosystems are valued for their inherent characteristics and not merely because of their use value. They are given particular status under the Act.

The Resource Management Act also sets out a particular way of making decisions. It is concerned with managing the consequences or effects of actions on those valued aspects of the environment - whether they are valued because of their usefulness or their inherent characteristics. In addition to the key principles of Section 5, the Act also gives some guidance on how these effects are to be managed.

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Council is required to pay particular regard to any finite characteristics of natural and physical resources [Section 7(g)] and to their efficient use and development [Section 7(b)].

Alongside this system of decision-making the Act provides for a whole other dimension of environmental values and resource management decision making which must be integrated into Waitakere City Council's own resource management decisions. Having given particular weight to the protection of indigenous vegetation and fauna habitat, the coast, landscapes and natural features, the Act requires that Council give similar consideration to certain matters affecting tangata whenua.

Sections 6 and 7 state that:

“The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu [sacred sites] and other taonga [treasured things] must be recognised and provided for as a matter of national importance.” [Section 6(e)]

The Act offers a particular definition of the environment which recognises that culture will affect how the world is regarded and valued. The relationship Maori have with their taonga includes how they define the environment, how they see humans fitting in that environment and those structures, institutions, processes and protocols that bind them to it. This clause states that any view held by Maori about what constitutes the environment and what is valued, and therefore what should be protected - is of national importance equal in status to other concerns in Section 6.

This clearly fits with the Act's emphasis on the environment as a cultural construct and gives particular weight to the Maori view in acknowledgement of their status as joint signatories to the Treaty of Waitangi.

One relationship in particular is given further emphasis. Section 7(a) requires that Council shall pay particular regard to kaitiakitanga. This is defined in the Act as “the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship on the nature of the resource itself.” In effect, Council is required to give particular regard to Maori customary systems of environmental management as it prepares and administers the City's resource management systems. Those concepts are discussed further in Part 4 (Tangata Whenua).

Thus the Act gives legal status to particular “layers” of the environment that make up the whole.

It sets out a process for achieving sustainable management of natural and physical resources, and protecting the environment as a whole, that must be adhered to by the Council. It provides for the recognition of Maori relationships with their ancestral taonga, and in particular the relationship expressed through kaitiakitanga, and also recognises the diversity of points of view and value that are placed on the environment by the community.

## 2.2.1 The Treaty of Waitangi

Section 8 of the Resource Management Act states:

“In achieving the purpose of this Act, will persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

The basis of the partnership between Council and tangata whenua is the Treaty of Waitangi, which was signed in 1840 by the British Crown and representatives of certain iwi [tribes] and hapu [sub-tribes]. As an agent of the Crown, Council must be sure that it operates within the delegated responsibilities it holds from the Crown.

The preamble and the three articles of the Treaty, which are expressed in Maori and English, set out the rights, responsibilities and obligations of the Crown and the tribes. These articles are still the subject of debate in terms of interpretation and meaning, and it is only in recent years that there has been consistent reference by the Crown and the courts to the Treaty itself as the basis for managing relations between the two signatories.

The process of understanding is an ongoing one, that sits alongside the recognised need to address grievances that have arisen from confiscation and alienation of land. In recent years the establishment of a series of Treaty principles by the Judiciary has aided understanding. These principles include:

- the essential bargain - kawanatanga (government) and te tino rangatiratanga (tribal self regulation);
- partnership;
- active protection of resources;
- redress of past grievances.

The Treaty establishes a basis upon which Pakeha and Maori can build a partnership that is beneficial to both. At its most simple, the partnership embodied in the Treaty is concerned with achieving the best



possible balance between the interests of the public, including individual Maori, and those communal Maori interests encompassed in the concept of rangatiratanga [tribal authority]. The final balance, assessed over time and across the range of society's activities to which the Treaty applies, must be mutual and equal in its benefits.

Working through these principles gives the challenge of creating a sustainable future for New Zealand a special quality, focus and urgency. Exploring the neglected European heritage of environmental stewardship and giving effect to the Maori system of kaitiakitanga lies at the heart of a partnership in environmental management.



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## 2.3 COUNCIL RESPONSIBILITIES UNDER THE RESOURCE MANAGEMENT ACT

Integrated management of the environment requires a perspective well beyond the boundaries of Waitakere City. Agenda 21, which has been embraced by Council, is a global initiative. The City cannot be isolated from the effects on the environment which occur on a regional, national or even international scale. Waitakere City Council's vision encompasses an holistic view of the environment: it also encompasses Maori principles of resource management and the adoption of a range of tools, of which the District Plan is only one, to pursue the principle of integrated management.

In the statutory context, the central and regional levels of government have responsibilities under the Resource Management Act which must be recognised by Council when undertaking its own resource management responsibilities. It must also take into account the management approaches of adjoining territorial local authorities, any relevant planning document recognised by iwi authority, any Historic Places Trust registered item and any regulations affecting management of taiapure (fisheries).

Central government has responsibility for national resource management policies such as the New Zealand Coastal Policy Statement. It may also, when considered necessary, issue National Environmental Standards which have the force of regulation. These standards can relate to noise, contaminants, water quality (level or flow), air quality and soil quality in relation to discharges. The Auckland Regional Council's responsibilities are set out in section 30 of the Resource Management Act. These responsibilities include:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:
- (b) The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:
- (c) The control of the use of land for the purpose of -
  - (i) Soil conservation:
  - (ii) The maintenance and enhancement of the quality of water in water bodies and coastal water:
  - (iii) The maintenance of the quantity of water in water bodies and coastal water:
  - (iv) The avoidance or mitigation of natural hazards:
  - (v) The prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.....
- (e) The control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body.....
- (f) The control of discharges of contaminants into or onto land, air, or water and discharges of water into water.

Waitakere City Council's functions under Section 31 of the Resource Management Act are:

- (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 for the purpose of the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances;
- (c) the control of 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 and rivers and lakes.

The District Plan can set out any matters relating to the management of these concerns. Clause (b) above gives Council control of the effects of the use, development, or protection of land and associated natural and physical resources. Land uses can have adverse effects on the environment. The environment is defined as "ecosystems and their



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constituent parts, including (a) people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters”. If the use, development, or protection of land and associated natural and physical resources affects any aspect of the environment, then a District Plan may control those effects. Air and water quality are frequently regarded as solely Regional Council matters. However, given the division of responsibilities, integrated management is very dependent on territorial authorities, such as Waitakere City Council, assuming their responsibility to manage the effects of land use and development on air and water. Consequently, and within the context of achieving integrated management, the District Plan includes sections on air and water quality, along with other matters.

The District Plan may also deal with how management decisions affect “the community or any group within the community (including minorities, children and disabled people); other natural and physical resources; natural, physical or cultural heritage sites and values, including landscape, land forms, historic places and waahi tapu” [Second Schedule, Resource Management Act].

Finally, the District Plan can set out how and when it may take financial contributions and how it might take land for esplanade reserves or esplanade strips.

This division of responsibilities is complex, with each layer of government responsible for setting out guiding statements about how certain matters should be managed, and with each layer able to regulate some actions. To date, a number of guiding documents have been issued by central and regional government which Waitakere City Council must take into account when managing the effects of activities. These are: by central government (New Zealand Coastal Policy Statement), and by regional government (Auckland Regional Policy Statement and the Auckland Regional Coastal Plan). These documents set down the general framework and parameters for managing activities within the region and, in particular, around the coast. In addition, the Auckland Regional Council has produced a number of Regional Plans. These plans set out the specific requirements of the Auckland Regional Council in terms of such things as discharges and the management of soils. They contain regulatory

provisions and have a similar force to any regulations provided for under the District Plan.



## 2.4 TOOLS FOR EFFECTIVE RESOURCE MANAGEMENT

The Resource Management Act requires the production of a well structured and reasoned District Plan that is fully justified at all stages in the policy development process. A basic structure must be followed by all Councils, although the actual layout and ordering of the District Plan is at the discretion of the territorial local authority. The Act provides for:

- a clear policy framework which is well-reasoned, justified and has examined all possible alternatives and benefits and costs associated with any choice, and states the outcomes anticipated;
- an implementation strategy that has adopted the most effective, efficient and reasonable methods available;
- a system whereby choices made and actions taken by Council can be monitored for their effectiveness;
- alterations to the District Plan during its life, where appropriate, to ensure that the Plan remains an effective living document.

The policy framework involves:

### ***a statement of significant resource management***

#### ***issues:***

These are the issues of concern to Waitakere City which must be dealt with in the District Plan.

#### ***objectives:***

These are statements of the particular environmental outcomes Council has set itself to achieve, in order to carry out its functions under the Resource Management Act to manage the

effects of activities on the environment.

#### ***policies:***

These indicate the particular approach Council has adopted to achieve objectives.

#### ***methods:***

These are the particular means by which Council will give effect to the policy direction set and ultimately the objectives adopted. They can include rules (a regulatory method) or other means.

#### ***explanations and principal reasons:***

These explain and provide reasons for the adoption of objectives and policies. Explanations are also required for the methods adopted in the Plan.

#### ***anticipated environmental results:***

These are the particular results that are expected to be delivered by the implementation of the objectives and policies. They are more precise and measurable statements of the City's general objectives.

#### ***monitoring indicators:***

These are the measures that will be used to assess whether the results have been achieved, and whether the policies and methods are effective.

Section 32 requires Council to also consider a range of options and their relative effectiveness, benefits and costs before adopting any policy direction. This reasoning must be documented and available to users of the District Plan on request.

The Council is also required under the First Schedule of the Act to undertake consultation with a number of bodies including: the Minister of the Environment and other Ministers of the Crown who may be affected; local authorities who may be affected; the tangata whenua; anyone else the local authority wishes to consult with, and Ministries of the Crown. Waitakere City Council undertook consultation with all these bodies and tangata whenua, and also undertook an extensive process of consultation with pan-tribal Maori, between 1993 and 1995, as part of the preparation of the District Plan.



## 2.4.1 Methods of Implementation

The Resource Management Act requires the Council to consider a range of alternative methods, and their relative effectiveness in achieving an objective, before choosing any particular approach. These methods can be grouped into the following general categories:

- economic instruments
- education and information
- Council services
- Council operations
- advocacy
- private initiatives
- community management
- joint management systems
- regulation
- rules

### **Economic Instruments:**

The use of economic instruments enables Council to use pricing systems that either act as incentives or disincentives to action. For example, developers may be required to carry a full or proportionate cost of infrastructure provision to a development, or to provide financial compensation or compensation in kind for an effect on the environment. These instruments can include:

- bonds: that are deposited with Council to ensure any conditions placed on actions are complied with;
- incentives: in the form of grants and rates relief;
- fees and charges: for such things as water supply and use, or in the form of a carbon tax or taxes on petrol;
- financial contributions: section 108 and Part II of the Act provide for taking of contributions in the form of cash, land, works and services.

### **Education and Information:**

On its own, this method is unlikely to achieve an end to environmental harm, especially where the problems are immediate and pressing, but it can be effective in bringing long term changes in attitude and behaviour. Education and the availability of information on the environment, on issues facing the City and any means for overcoming problems, is seen by Council as a primary method for achieving long term change.

### **Council services:**

The services Council provides are essential to

shaping the investment by the community in a sustainable future. They are also essential in supporting initiatives that may be taken by businesses and residents. For example, Council's recycling service supports individual efforts to separate wastes. The provision of design guidelines and advice also supports the desire of residents to achieve good quality, sensitive design of buildings and infrastructure.

### **Council operations:**

Council's own work programme, in terms of such things as roading, parks management, water supply and drainage, can have a major influence on environmental outcomes. Council can also be assured of results although it can be constrained by the availability of funds.

### **Advocacy:**

Although not always sufficiently effective on its own to change actions and limit impacts, advocacy of a particular point of view with other government agencies or generally, in terms of public opinion, is a key method that can be used by Council.

### **Private initiatives:**

Private individuals can take actions that protect and enhance resources and the environment generally, and can, through such things as covenants, assure a high level of legal protection. Where a willingness to do this is shown, it is one of the most effective methods available.

### **Community management:**

Where direct community management of an asset can be carried out in an inclusive and accountable way, this can be a highly effective method of bringing about long term changes in actions. The formal delegation of powers and functions is available to Council under Section 34 of the Act.

### **Joint Management Systems:**

This can include a collaborative approach with iwi to incorporate nahui (honest limits) and tapu (use prohibitions) and other management techniques. Such initiatives have already been undertaken by Council and have the benefit of joint action with iwi.

### **Regulation:**

A number of regulatory methods are available to Council, such as by-laws, reserve management plans, listing of noxious plants and animals

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under the Biosecurity Act, and delegated powers from the Auckland Regional Council to administer such things as controls on air discharges. The Resource Management Act also confers on Council the power to make rules to prohibit, regulate or allow activities. The approach to rules is described below: (this description is for information only and should not be used as the basis for applying rules in the District Plan).

**Rules:**

Waitakere City Council has taken the general approach of developing a range of rules that are applied within different land-use management areas according to the characteristics of the area and the pressures on the local environment. These land-use management areas are divided into two kinds: Natural Areas and Human Environments. These are described in detail in Part 6 of the Policy Section.

Generally, performance standards are set out within these areas and environments, to which activities must conform if they wish to proceed without obtaining consent from Council. These standards are set in a way that directly manages a particular effect on the environment. Where an activity does meet these standards, it is a **permitted activity**, or, in some cases, a **controlled activity**, where permission to proceed will be given by Council, but with conditions attached.

Where an activity does not conform to a performance standard, or where an applicant wants to explore a more creative approach within the general policy framework set down by Council, a resource consent will be needed. In some situations, an applicant can apply for a **limited discretionary activity** consent, where there are limits on matters which Council can consider in the consent process. These limits are set out in the rules.

Alternatively, an applicant can apply for a **discretionary activity** consent, in which case, Council will assess the application against the policies and objectives of the Plan and the effects it will create. The level of discretion is greater and the application may be publicly notified. Residents and interested parties then have an opportunity to be involved in the decision making process.

A further category is a **non-complying activity** where an activity is not prohibited, but it does contravene rules and policies of the Plan. Council may grant a consent but must be satisfied that it meets relevant tests set out in the Act. Finally, “prohibited activities” are expressly prohibited and Council cannot consent to them.

Generally, the approach to rules that has been adopted is to avoid the specification of particular activities or activity lists. The preference is to allow

the assessment of any activity on the basis of its compliance either with performance standards, or directly with policy. In some circumstances Council has specified activities where it is clear that the activity will always contravene the performance standards or the policy direction set in the Plan.

## 2.4.2. Monitoring

The Resource Management Act requires that the Council establish a monitoring programme in relation to the District Plan. This involves monitoring the state of the environment to assess the health of each of its parts. It also involves monitoring the effectiveness of policies and methods to understand whether actions taken by the community are effective in achieving improvements to the environment. Finally, monitoring involves assessment of the effectiveness of Waitakere City Council’s procedures, and whether its resource consent processes and advisory services are timely and appropriately targeted. In particular, this involves monitoring of resource consents to assess whether the administration of policies and rules is consistent with policy itself, and also to assess whether changing circumstances may have made any particular policy or rule inappropriate.

A range of indicators has been adopted by the Council to assess both the state of the environment and the quality and effectiveness of policies and methods. These indicators form the basis of the Waitakere City Council’s monitoring strategy and are set out in Part 6 of the Policy Section. The Introduction to the Rules Section details the programmes to be adopted by the Council for monitoring.

