

NOTICE OF MEETING

ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that an Ordinary Meeting of the Environmental Management Committee will be held on:-

DATE: **Tuesday, 12 November 2002** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

7 November 2002



Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

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

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

(Quorum 5 members)

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

**AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 12 NOVEMBER 2002,
COMMENCING AT 9.30 AM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFIRMATION OF MINUTES	1
4	PRESENTATION - WAITAKERE BRANCH FOREST AND BIRD AND THE NEW ZEALAND NATIVE FRESHWATER FISH SOCIETY	1
	<u>PART I - REGULATORY / ENFORCEMENT</u>	2
5	LEGAL UPDATE (AS AT 31 OCTOBER 2002)	2
	<u>PART II - DISTRICT PLAN / STRUCTURE PLANS</u>	7
6	PROPOSED PLAN CHANGE 3 - RE-IDENTIFICATION OF ROADS IN THE DISTRICT PLAN ROADING HIERARCHY	7
7	CONNECTION TO THE INNER DRAINAGE AREA - PROPERTIES WITHIN BIRDWOOD URBAN CONCEPT PLAN AREA	15
8	DRAFT BIRDWOOD URBAN CONCEPT PLAN - BACKGROUND REPORT	18
	<u>PART III - ENVIRONMENTAL MANAGEMENT</u>	20
9	SUBMISSION TO RODNEY DISTRICT COUNCIL - KUMEU, HUAPAI, WAIMAUKU AND RIVERHEAD WASTEWATER SERVICES OPTIONS	20
10	SHOPPING TROLLEYS IN STREAMS	23
11	CITIES FOR CLIMATE PROTECTION - ENERGY EFFICIENCY - ACTION PLAN AND MONTHLY UPDATE	28
12	THE NEW ZEALAND WASTE STRATEGY - HOW DOES WAITAKERE MEASURE UP?	33
13	PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY	41

AGENDA FOR AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 12 NOVEMBER 2002, COMMENCING AT 9.30 AM.

1 APOLOGIES



2 URGENT BUSINESS

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

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

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

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



3 CONFIRMATION OF MINUTES

Ordinary - Tuesday, 8 October 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 8 October 2002, as circulated, be taken as read and now be confirmed.



4 PRESENTATION - WAITAKERE BRANCH FOREST AND BIRD AND THE NEW ZEALAND NATIVE FRESHWATER FISH SOCIETY

Ken Catt, will make a presentation regarding their survey on streams in the Little Muddy Creek Area.



PART I - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 31 OCTOBER 2002)

INTRODUCTION

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

ENVIRONMENT COURT

APPEALS

Waitakere City Council v Auckland Regional Council (SH16/18) (14 March 2002)

Appeal filed by Waitakere City Council against decision of Auckland Regional Council on earthworks, stormwater and related resource consents sought by Transit for SH16/18.

Several other parties have also filed appeals (namely Transit, John Boyle, Ockleston Family Trust). It now appears that the appeals aside from Waitakere City Council's appeal will soon be settled. Transit has now settled its appeal with Auckland Regional Council, by entering into a consent memorandum that confirms that the total amount to be spent by Transit on mitigatory measures for the entire SH16/18 project is \$768,000. Waitakere City Council is continuing with ongoing settlement negotiations with Transit. Waitakere City Council has recently agreed to resolve that part of its appeal that relates to the Greenhithe side of the motorway project. The basis upon which settlement has been reached is that Transit has agreed to consult with both Waitakere City Council and the North Shore City Council prior to the allocation of the mitigation package of \$768,000. This will ensure that Waitakere City Council has some input into the allocation of the funds. The remainder of Waitakere City Council's appeal remains live.

Selak v Waitakere City Council (7 March 2002)

Collett and Nye v Waitakere City Council (8 March 2002)

Appeals have recently filed by the applicant Messrs Selak and their neighbours, Messrs Collett and Nye. Both appeals relate to the operation of the Selaks' Go-kart track on their property at Kennedy's Road, Whenuapai. The Selaks have appealed a condition disallowing use of the track on Sundays and public holidays. The Colletts and Nyes have appealed Council's decision to allow the Go-Kart activity. The matter is to be set down for a hearing of 2 days when Court time is available, most likely to be early next year.

Mobil Oil New Zealand Limited v Waitakere City Council (Appeal filed late September/early October 2001)

Henderson Valley Developments Limited v Waitakere City Council (12 October 2001)

Both the above appeals relate to the proposed 264 residential unit development intended for 2-6 Henderson Valley Road. There are on-going negotiations with the applicant/developer and valuations are currently under consideration. The parties reported to the Court on 20 August 2002 that negotiations were continuing and requested that the appeals be set down for the next call over.

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

Estate Homes has appealed the financial reserves contribution assessed as payable for the second stage of its subdivision at 13-15 Sturges Road. A cash bond of the amount of the contribution in dispute has been paid and on that basis Council has consented to an Order allowing the subdivision to proceed. The matter has been set down for a hearing of 1½ days when Court time is available, most likely to be in the first quarter of 2003.

Druker and Michaels v Waitakere City Council and Anor (9 August 2001)

This is an appeal by AS Druker and AC Michaels against a decision by Council to grant an application for resource consent for an auditorium, youth lounge, administration office, Sunday School rooms and additional car parking at Green Bay Community Church in Vardon Road, Green Bay. Mediations took place on 28 January and 18 February 2002 and did not resolve the matter. The church has issued proceedings in the District Court relating to the use of a right of way shared by the church and the Drukers/Michaels. The Church has now requested that the Environment Court proceedings proceed to hearing prior to the District Court proceedings, the matter is yet to be set down.

Coastal Environments Limited v Waitakere City Council - Coastal Subdivision at Piha (5 March 2001)

This is an application for subdivision consent lodged by Coastal Environments Limited, which was declined by the Council. The Waitakere Ranges Protection Society and several residents groups are parties to the appeal. Coastal are presently considering whether to revise their proposal and this matter will be set down for the next call over list.

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

This is an appeal by Mr Spencer against a decision of the Council to refuse consent to allow a subdivision of his property located at Lone Kauri Road, Karekare. Both Waitakere Ranges Protection Society and several residents groups are parties to the appeal. An on-site meeting between all parties took place on 6 September 2002. A proposal has been put forward by one party and negotiations are continuing.

HIGH COURT APPEALS

Waitakere City Council v Kitewaho Bush Reserve Company Limited and Ors (Filed 22 January 2002)

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

These proceedings involve applications for declarations and enforcement orders by Kitewaho and associated companies relating to 8 different subdivision applications and related applications for certificates of compliance. On 18 October 2001 Judge Treadwell released an interim decision rejecting Kitewaho et al's declaration and enforcement applications, and essentially finding in Council's favour.

In December 2001 the Court released its final decision. In that decision the Court found that the proceedings issued by Kitewaho and related companies were an abuse of process and largely misconceived. Costs were reserved. In other words, Council was successful in its defence of all aspects of these proceedings (other than certain findings by the Court in relation to Section 91 and Section 92 RMA).

At a meeting of Council on 19 December 2001, it was resolved that an appeal should be lodged to the High Court to clarify the Court's decision in relation to matters of interpretation of the Resource Management Act. That appeal was filed on 22 January 2002 and has been served on the other parties involved (ie. Kitewaho and related entities and the Auckland Regional Council).

Kitewaho and related entities has now served its own appeal on Council. Council has applied for security for costs and to admit some new evidence. The Court will hear these applications once Kitewaho has amended its appeal.

Separate to the above High Court appeals, both Waitakere City Council and the Auckland Regional Council have applied to the Environment Court for substantial costs against Kitewaho and related entities. The Court has deferred any decision on the costs application pending the outcome of the above High Court appeals.

The appeals were reviewed in the High Court on 9 September 2002. On the direction of the Court Kitewaho has been directed to file an amended appeal. An interlocutory hearing as to the extent of the evidence produced in the Environment Court that will be accepted by the High Court is to take place on 6 November 2002.

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

Appeal against consent conditions imposed for proposed subdivision at Ranui Station Road. The appeal primarily relates to financial contribution conditions imposed, as well as certain conditions relating to the provision of infrastructure (water mains and roading). The parties have been involved in negotiations over the appeal, but have not resolved matters. The matter has recently been set down for hearing in the Environment Court when Court time is available, expected to be in the first quarter of next year.

ENFORCEMENT ORDERS

Derek Moors - 17 Erangi Place, Bethells Beach (17 May 2000)

An application by Council for enforcement orders against Mr Moors for the presence of unpermitted dwellings, buses and caravans on the property for a long period. The caravans and buses have been used periodically to provide semi permanent rental accommodation. The Enforcement Order proceedings have been adjourned after Mr Moors made an application for resource consent.

The application submitted seeks to provide a central ablutions block and regularisation of disposal of waste from the existing buildings. Some local residents oppose this application. A joint hearing (along with the Auckland Regional Council) occurred as scheduled on 24 May 2002. A decision was released on 6 June 2002 that granted consent in part, limited to the retention of three established buildings. Mr Moors has not appealed the decision relating to the consent. After this decision Mr Moors agreed to have enforcement orders made that reflected the resource consent conditions. Enforcement orders were made against Mr Moors by consent requiring him to remove various buildings and vehicles from his property and upgrade those that are to remain.

Waitakere City Council v Borrett – Sunnyvale Road, Red Hills

Application for Enforcement Orders in relation to an alleged illegal landfill site in Sunnyvale Road. A search warrant and an Order to inspect the property were obtained from the Court in September 2001 and Council officers have since inspected the property. As a result of that inspection, amendments to the Enforcement Orders being sought were made. An agreed settlement has now been reached in principle with final details being resolved and final Enforcement Orders ultimately to be issued by the Court that will include cessation of the works and mitigation measures.

PROSECUTIONS

Barry Cargill - 58A Rauhuia Crescent, Huia (17 May 2001)

Informations have been laid against Mr Cargill under CRN Nos.1090017265 & 66 in relation to the clearance of bush in the Coastal Natural Area. The matter was set down for a depositions hearing on 14 June 2002, at which time the defendant conceded that he had a case to answer and he was committed for trial. The defendant's representatives and Council are finalising a replanting plan to remedy the damage caused on the property. Mr Cargill has pleaded guilty. Sentencing submissions have been made and the hearing adjourned to 14 November for remediation to be evaluated. The defendant's representatives are making progress in developing this remediation package.

J and D Gionis / Jayel Contracting Limited - 69 Trig Road (7 November 2001)

Mr and Mrs Gionis and Jayel Contracting have been charged with permitting and/or undertaking earthworks on the property without consent. Jayel Contracting Limited has pleaded guilty to carrying out those earthworks. The Gionis pleaded not guilty and the matter went to a two-day hearing on 23 and 24 September 2002.

The Gionis were found guilty of permitting earthworks greater than 10,000m³ on the site. Jayel Contracting Limited has pleaded guilty but is disputing the facts as to the volume they are responsible for bringing onto the site. A hearing of the facts relating to the sentencing of Jayel and the sentencing of the Gionis' is set down for December 17 2002.

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

A number of informations were served on Mr Gordon in relation to breaches of the Resource Management Act for allowing car bodies to be stored on his property and allowing multiple household units to be established. Council alleges that these activities are contrary to the District Plan and to Enforcement Orders made against Mr Gordon by the Court in 1993. Mr Gordon has intimated a not guilty plea to all charges. The matter has been adjourned to depositions hearing on 27 November 2002 for a one day hearing.

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

Two informations in relation to breaches of the Building Act 1991 were served on Mr Gordon in relation to the alleged construction of a workshop on his property without building consent. The matter was set down for a formal proof hearing on 3 October 2002, however the matter could not proceed on that day because of the amount of other defended fixtures proceeding. The matter has been adjourned to 17 December 2002 for hearing. Mr Gordon has indicated that he is prepared to remove the building and Council may reconsider the prosecution if this occurs within a reasonable timeframe.

Derek Moors - 17 Erangi Place, Bethells Beach (17 May 2002)

A number of informations were pursued against Mr Moors in relation to breaches of the Building Act for completely unauthorised building works on this property. This work comprised of upgrading and new construction work on an existing area of development linking two existing buildings. This prosecution was taken because of the previous history of unauthorised development on the site in the past and which has required Council to enforcement action (as referred to above).

On 27 September Mr Moors pleaded guilty to one charge of permitting this work. His Honour Judge Johnson sentenced Mr Moors to a fine of \$7,500 and ordered that he pay prosecution costs of \$400 and Court costs of \$130.

Borrett Prosecution - 49 Sunnyvale Road, Red Hills (3 June 2002)

Breach of alleged vegetation clearance, earthworks and interim enforcement orders. The Borretts have entered a plea of not guilty and requested trial by jury. The matter has been set down for depositions on 14 November 2002.

HIGH COURT - APPEALS FROM PROSECUTIONS

Aik Law and Kim Lai - 34 Rathgar Road, Henderson (21 August 2001)

These defendants rented an unsanitary building, previously a garage, to a family of 6 for a period of four years and three months. On 25 May 2001, they were convicted in the Waitakere District Court pursuant to CRN Nos.0090028151 & 52 and sentenced to total fines of \$40,500. The defendants subsequently appealed the conviction and sentence and were granted leave by the High Court to produce a significant amount of new evidence during the course of the appeal. Council also produced evidence in response to this at the hearing, which took place in the Auckland High Court over three days from 24 to 26 July 2002.

On 16 August 2002 Justice Harrison gave a decision in Council's favour, and he dismissed the appeal both in relation to conviction and sentence. The High Court found that the new evidence did not affect the fact that the building was unsanitary for the time that it was occupied, and that those conditions must have been obvious to the owners of the property. Accordingly, the High Court upheld the full level of the sentence that had been imposed in the lower Court, even though it was and remains the highest imposed under the Building Act.

Costs in respect of the High Court appeal have been awarded to the Council of \$20,000.

The defendants have been refused leave to appeal to the Court of Appeal on sentence. A hearing took place in the Auckland High Court on 20 September 2002 before Justice Harrison. However it was indicated that should leave be refused then an application may be made to the Court of Appeal for Special Leave.

RECOMMENDATION

That the information be received.

Report prepared by: Catherine Knight, Contract Solicitor.



PART II - DISTRICT PLAN / STRUCTURE PLANS

6 PROPOSED PLAN CHANGE 3 - RE-IDENTIFICATION OF ROADS IN THE DISTRICT PLAN ROADING HIERARCHY

PURPOSE OF THE REPORT

The purpose of this report is to seek the approval of the Environmental Management Committee to publicly notify a change to the District Plan as soon as practical, once it is made operative. The Proposed Plan Change (3) relates to several lengths of road within the City that require re-identification in the District Plan Roading Hierarchy.

A1-A9 The detailed changes to the District Plan Roading Hierarchy Maps are attached at pages A1 to A9.

BACKGROUND

A10-A11 The District Plan establishes a hierarchy of roads throughout the City. The hierarchy is described as attached at pages A10 to A11 of the Policy Section of the Plan, and establishes two types of road, "Major Roads" and "Neighbourhood Roads". Each of these types of roads has specific design requirements that are based upon their expected traffic flows and the speed at which vehicles can safely and efficiently travel.

Major Roads are categorised into Strategic, Regional and District Arterial Roads. Strategic Arterial Roads form part of the national network, and transport a high proportion of through traffic. Examples of Strategic Arterial Roads are State Highway 16 (including the North Western Motorway) and State Highway 18. Regional Arterial Roads have traffic flows that range between 15,000 to 35,000 vehicles per day, and include roads such as Te Atatu Road and Great North Road. District Arterial Roads cater mainly for traffic between major nodes or suburbs of the City, and have traffic flows that range between 5,000 - 25,000 vehicles per day.

Neighbourhood Roads are categorised as Collector and Local Roads. Collector Roads collect traffic from Local Roads and distribute traffic from arterial roads. They also act as local main roads, with traffic flows that range between 2,000 - 10,000 vehicles per day. Local Roads give access to land abutting the road and have little through traffic. They are designed for safe and efficient operation of vehicles at low speeds, and generally have less than 1,500 vehicle movements per day.

The Major Roads are also defined as "High Noise Routes" in terms of traffic noise. The noise generated from Strategic, Regional and District Arterial Roads can be considerable, and may affect the health of residents in dwellings adjacent to those routes. The Proposed District Plan addresses this by requiring that dwellings constructed adjacent to high noise routes are built to an acoustic standard that mitigates the noise effects. This requirement may mean that additional noise insulation is installed when the dwelling is constructed.

How each stretch of road is described in the Roading Hierarchy also affects the ability of properties adjacent to that road to install vehicle crossings. It is also a criterion in determining whether or not cars may reverse onto the road. Where the traffic flows are high (as occurs on the arterial routes), the District Plan seeks to ensure that on-site turning bays are available, to enable cars to exit the site travelling forward rather than in reverse.

STRATEGIC CONTEXT

The key strategic driver for this Plan Change is the Council's vision that the City is a safe place to work and play. The City has an extensive and ever growing roading network, and while the City's traffic injury ratio is low by New Zealand standards (220 injuries per 100,000 people), the Council needs to ensure that the roading network is maintained and individual roads are given the appropriate hierarchy to ensure the appropriate safety measures available via the Proposed District Plan are implemented. The District Plan controls are only one of many regulatory and non-regulatory initiatives that contribute to traffic safety in Waitakere City.

The Proposed Plan Change seeks to ensure that the City continues to work towards safer roads for vehicular, cyclist and pedestrian traffic. Reversing onto high capacity roads is often dangerous, and often requires precision driving and timing. The likelihood of the reversing driver failing to see an on-coming motorist, cyclist or pedestrian is greater when reversing than when exiting a property going forwards.

The Roding Hierarchy also assist with the planning and establishment of public transport routes. This is in terms of identifying which roads are appropriate for public transport, and hence the design requirements when the road is being upgraded. The hierarchy therefore supports the creation of an efficient and effective public transport network. The Roding Hierarchy also assists businesses to identify where in the City is the best location for their operation (especially in terms of transport movements and customer visibility).

The identification of Major and Neighbourhood Roads also assists the planning and transportation staff to assess the noise, parking and on-site turning requirements when subdivision and land use consents are being processed.

STATUTORY REQUIREMENTS

Section 73 of the Resource Management Act 1991 (the Act) provides for changes to District Plans. The First Schedule of the Act sets out the process that must be followed for plan changes. The Council must also have regard to Section 74 when changing its District Plan. Section 74 states:

- “(1) 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.*
- (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 IV; and*
 - (b) Any -*
 - (i) Management plans and strategies prepared under other Acts; and*
 - (ii) Relevant planning document recognised by an iwi authority affected by the district plan; and*
 - (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.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition.”*

Section 75 requires consistency with the relevant regional policy statement. In Waitakere City Council's case, this means the Auckland Regional Council Regional Policy Statement. In addition, Section 32 imposes a statutory responsibility to evaluate the options available to achieve the Council's particular objectives or policies.

DISTRICT PLAN

The District Plan identifies a safe environment as part of Objective 10, in terms of providing for easy movement and safe entry and exit from properties onto the road. This is then further articulated in the Plan by Policies 10.8, 10.11, 10.15 and 10.16.

Policy 10.8 is the key Policy, and states that:

Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- *safe movement of pedestrians, cyclists and vehicles around the City;*
- *recognising and providing for the interdependence between transportation and other activities;*
- *supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;*
- *protection of the transport corridor for public transport purposes, conveyance of goods and communications;*
- *ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;*
- *maintaining amenity values that contribute to the well-being of residents and workers;*
- *integrating roads with safe and efficient pedestrian cycle routes;*
- *minimising impacts of noise and traffic movement on the amenity of surrounding sites;*
- *contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.*

Explanation

There is a need to manage the use and development of the City's transportation resources in a way that enables people in communities to provide for their social and economic well-being, while providing for the sustainable management of the City's environment. The roading system has been designed around the efficient flow of vehicle traffic and relief of congestion. These aims are important, but just as important are the health of surrounding residents, amenity levels and the need to provide adequately for public transport, pedestrian and cycle access. The transportation system must provide for an adequate balance of these concerns.

Methods

District Plan Rules:

- *Subdivision Rules.*
- *General Noise Standards Rules.*
- *Assessment criteria for subdivision design on green fields sites require, amongst other concerns, that roads are designed to ensure safe and efficient movement of traffic. Criteria also include assessment of impacts on amenity values.*
- *Subdivision along high noise routes (strategic arterial roads, regional arterial roads, distinct arterial roads, as shown on the primary roading network, Maps Section of the District Plan) must be designed to minimise or mitigate the impacts of traffic noise.*
- *Rules relating to financial contributions provide a formula for calculating the impact levy for the supply of infrastructure. (See Part 7.2.12 for further explanation of financial contributions.)*

The District Plan then includes Rules in seven of the Human Environments (Living, Countryside, Foothills, Rural Villages, Coastal Villages, Bush Living and Waitakere Ranges) relating to traffic generation, access and car parking. These Rules seek to ensure that those who live or work adjacent to, or use high capacity roads do not endanger themselves and/or other vehicular, cycling or pedestrian traffic by reversing their cars onto the busy carriageway or being affected by the noise.

The Rules require that sufficient on-site turning is available to enable the vehicles to exit the site travelling forwards. The key assessment criteria used in these seven Human Environments when assessing resource consent applications relating to the Roding Hierarchy is “.... *the capacity of roads giving access to the sites having regards to the roads function in the roading hierarchy*”

The City Wide Noise Rules 1.2 and 1.3 apply to High Noise Routes, and therefore apply in all Human Environments.

ROADS REQUIRING AN AMENDED HIERARCHY

A1 **Shaw Road From West Coast Road To Scenic Drive (Fig 1 attached at page A1)**

The development of the Oratia Structure Plan and the expected increase in rural residential lots along Shaw Road during the next ten years requires the status of Shaw Road in the Roding Hierarchy to be increased from Local Road to Collector Road. This will ensure that, as traffic volumes increase, traffic safety is maintained on what was once a rural road with low traffic volumes.

A2 **Waitemata Drive From Swanson Road To Luanda Drive (Fig 2 attached at page A2)**

This section of Road (approximately 600 metres in length) was identified as “Future Roding” on the Roding Hierarchy Map. Since that time it has been constructed, and the Roding Hierarchy Map needs to be amended to assign the District Arterial Road Hierarchy to this stretch of road. This will ensure that cars will have on-site turning available, to reduce the likelihood of cars reversing onto what will be a busy road, and the appropriate acoustic design requirements can be included in resource consents for new dwellings.

A3 **Summerland Drive From Sturges Road To Munroe Road, And Munroe Road From Summerland Drive To Pooks Road (Fig 3 attached at page A3)**

Summerland Drive was not constructed when the District Plan Maps were prepared. It was consequently identified as "Future Roding" on the Roding Hierarchy Map. Since that time the road has been constructed, and the Roding Hierarchy Map needs to be amended to assign the District Arterial Road Hierarchy to this stretch of road and along the length of Munroe Road. This will ensure that cars will have on-site turning available, to reduce the likelihood of cars reversing onto what will be a busy road, and the appropriate acoustic design requirements can be included in resource consents for new dwellings.

A4 **Chadlington Avenue From Summerland Drive To The Palm Lakes Subdivision (Fig 4 attached at page A4)**

The development within the Sturges Road area has created roads that were not in existence when the Roding Hierarchy Map was compiled. Since that time Chadlington Avenue, which connects Summerland Drive to the Palm Lakes Subdivision has been constructed. The Roding Hierarchy Map needs to be amended to assign the Collector Road Hierarchy to this stretch of road. Chadlington Road has had four roundabouts constructed at intersections along its length in anticipation of the Collector Road Status.

A5 **Palm Lakes Subdivision (Fig 5 attached at page A5)**

The development of the Palm Lakes Subdivision has commenced (the land was previously used for the filming of the Xena television series). The roding within this extensive subdivision has been designed to ultimately connect to Tasman Avenue and to San Bernadino Drive. Tasman Avenue then intersects with Simpson Road. San Bernadino Drive connects to Palamino Drive.

The Roding Hierarchy Map needs to be amended to assign the Collector Road Hierarchy to Bibury Avenue (which connects to Chadlington Avenue) and to the length of Lake Panorama Drive. A small portion of this road crosses through another property adjacent to but not part of the Palm Lakes subdivision, and so it may be some time before the roding connection to Tasman Avenue is achieved.

A6 **San Bernadino Drive From Sturges Road To Palamino Drive (Fig 6 attached at page A6)**

San Bernadino Drive was not complete when the Roding Hierarchy Map was compiled. With the development of the Palm Lakes Subdivision, the road connection between the newly formed Lake Panorama Drive and Palamino Drive will have sufficient traffic to enable this length of road to be re-identified as Collector Road.

A7 **WCCRP5 From Pooks Road To North Candia Road (Fig 7 attached at page A7)**

WCCRP5 is a Road Purposes Designation that passes through 9 North Candia Road. This Designation will eventually connect North Candia Road to the intersection of Pooks and Candia Road. It is expected that this road will be constructed this summer (2002/2003). The Roding Hierarchy Map needs to be amended to assign the Collector Hierarchy to this stretch of road. The current Collector road that creates a "dog leg" along Pooks Road and O'Neills Road will be re-identified in the Roding Hierarchy as Local Road.

A7 **North Candia Road From Swanson Road To WCCRP5 (Fig 7 attached at page A7)**

This short section of Road (approximately 100 metres in length) is currently a cul-de-sac. With the construction of the road currently identified as WCCRP5, the Roding Hierarchy Map needs to be amended to assign the Collector Road Hierarchy to this stretch of road, to reflect the increased traffic that will use this road.

A8

Westgate Drive From Fernhill Drive To Lazurite Drive (Fig 8 attached at page A8)

This section of Road (approximately 350 metres in length) was not in existence when the Roding Hierarchy Map was compiled. Since that time it has been constructed, and the Roding Hierarchy Map needs to be amended to assign the Collector Road Hierarchy to this stretch of road.

A9

Gunner Drive From Harbour View Road to Te Atatu Road (Fig 9 attached at page A9)

The development within the Harbour View area has created roads that were not in existence when the Roding Hierarchy Map was compiled. Since that time Gunner Drive, which connects Te Atatu Road to Harbour View Road, has been constructed. Part of Gunner Drive was previously called Beach Road, however this stretch of road was recently re-named Gunner Drive. The Roding Hierarchy Map needs to be amended to assign the Collector Road Hierarchy to these two stretches of road. It is expected that these two roads will be used by traffic wishing to bypass the intersection of Te Atatu Road and Harbour View Road.

This Proposed Plan Change will **not** seek to amend:

A10-A11

- The descriptions of the Roding Hierarchy as attached at pages A10 to A11 of the Policy Section of the District Plan;
- Policies 10.8, 10.11, 10.15 and 10.16; and
- The Rules relating to car parking in the Living, Countryside, Foothills, Rural Villages, Coastal Villages, Bush Living and Waitakere Ranges Environments;
- The City Wide Noise Rule.

SECTION 32 CONSIDERATIONS

Section 32 of the Resource Management Act 1991 requires a rigorous test to ensure that before any objective, policy, rule or other method is adopted, a local authority has had regard to:

*The necessity of the objective, policy or rule or other method;
Other means of achieving the purpose of the Resource Management Act 1991;
Reasons for and against adopting the proposed objective, policy or rule or other method; and*

Evaluation of the likely costs and benefits of the principal alternative means; including consideration of effectiveness and efficiency.

These matters are addressed in the following sections of this report.

***The necessity of the objective, policy or rule or other method; and
Reasons for and against adopting the proposed objective, policy or rule or other method;***

It is necessary to update the District Plan to incorporate these specific sections of road into the Roding Hierarchy. This will assist the Council to achieve greater road and acoustic safety along those roads. This is in terms of ensuring that cars are able to turn on their site, thereby avoiding the need for those cars to reverse onto the road. It also clarifies the District Plan requirements that dwellings that are constructed adjacent to high noise routes are built to an acoustic standard that mitigates the noise effects of traffic for the people who live within the dwellings.

The Proposed Plan Change to amend the hierarchy given to the identified sections of roads within the City would not involve the adoption of any new objective, policy or method. The existing framework of policies and rules within the Proposed District Plan is adequate to address any adverse effects on natural and physical resources arising from land and resource use on land adjacent to the roads that are subject to the amended hierarchy.

Other means of achieving the purpose of the Resource Management Act 1991; and Evaluation of the likely costs and benefits of the principal alternative means; including a consideration of effectiveness and efficiency.

There is no other means of achieving this update of the Rooding Hierarchy within the District Plan. The implementation of this update to the Rooding Hierarchy will assist the Council to ensure that access to and from properties along these lengths of road is as safe as can be. This provides benefits to those who reside at those properties, and also those road users who drive, cycle and walk alongside these lengths of roads. To avoid cars reversing onto the road removes a traffic hazard. The benefits of this, while not able to be quantified in financial terms, are a positive outcome in terms of reducing the potential disruption associated with traffic accidents, the cost of medical care for injured people, the social costs associated with disrupted lives and the cost of repairing vehicles. The implementation of acoustic standards will ensure that the quality of life inside dwellings along high noise routes will not be adversely affected by road noise.

RESOURCES

No additional staff resources or funding is sought to progress this Plan Change. Progressing the Plan Change through the statutory process is adequately resourced from existing budgets. The matter of notification is discussed below.

NOTIFICATION OF PROPOSED PLAN CHANGE

This Report also seeks direction from the Committee on the approach to be taken to notifying the proposed Plan Change. This has an implication in terms of the resources required to publicly notify the Plan Change.

The First Schedule of the Resource Management Act 1991 requires the following in regard to public notification:

- "5. Public Notice And Provision Of Document To Public Bodies*
- (1) A local authority that has prepared a proposed policy statement or plan shall publicly notify it.*
 - (1A) A territorial authority shall, not earlier than 60 working days before public notification or later than 10 working days after public notification of its plan, either -*
 - (a) Send a copy of the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, to every person whose name for the time being appears in the occupier's column of the valuation roll for the area of the territorial authority where that person, in the local authority's opinion, is likely to be directly affected by the proposed plan; or*
 - (b) Include the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, in any publication or circular which is issued or sent to all residential properties and Post Office box addresses located in the affected area-*
- and shall send a copy of the public notice to any other person who, in the territorial authority's opinion, is directly affected by the plan."*

In the past the Council has generally chosen to implement Clause (1A)(b) when publicly notifying variations to the Proposed District Plan. This is also relevant to the Proposed Plan Change.

A copy of a Proposed Plan Change is sent to the Ministry for the Environment, other relevant government agencies, the Auckland Regional Council, adjacent territorial local authorities and iwi. These organisations are required to be notified by the Resource Management Act 1991.

The Council has usually advertised such notices in the New Zealand Herald. The community newspapers such as the "Western Leader" and the "West Weekly" do not have sufficient coverage to meet the requirements of the Resource Management Act 1991. The advertised Proposed Plan Change is also made available for public inspection at Council Offices, and at the Council Libraries located throughout the City.

It is not considered necessary to individually notify the residents of the entire City by post, nor generally the adjacent landowners to each of the roads where the Roding Hierarchy is to be changed. However in the past the Council has put a notice in its publication "Waitakere City News". This publication is distributed to households in the first week of each month and it is considered that this fulfils the statutory requirement to reach all residential properties and Post Office Box holders.

CONCLUSION

The growth of the City has meant that lengths of road that were not included in the Roding Hierarchy when it was originally created now need to be included. This will enable development along those lengths of road to be appropriately assessed during the subdivision and resource consent process to ensure on-site turning and appropriate acoustic protection is available. This, in turn, will reduce the likelihood of cars reversing onto the roads, and hence the likelihood that traffic accidents will occur. The inclusion of the updates to the Roding Hierarchy is a timely addition to the District Plan, and will assist in creating a safer, more efficient roading network across the City.

RECOMMENDATIONS

1. That the information be received.
2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to publicly notify Proposed Plan Change 3 to the Operative Waitakere City District Plan to make amendments to the Roding Hierarchy Maps as attached at pages A1 to A9.
3. That the Environmental Management Committee endorse that the notification of Plan Change 3 to be initiated, as soon as practicable, once the Proposed District Plan has been made operative.

A1-A9

Report prepared by: Eryn Shields, Service Planner.



7 **CONNECTION TO THE INNER DRAINAGE AREA - PROPERTIES WITHIN BIRDWOOD URBAN CONCEPT PLAN AREA**

PURPOSE OF THE REPORT

The purpose of this report is to enable the Environmental Management Committee to consider an application for a connection to the Inner Drainage Area of properties located within the Birdwood Urban Concept Plan Area and a small cluster housing area identified in the Birdwood Structure Plan area.

BACKGROUND

Properties in the city provided with wastewater services are defined by the Inner Drainage Area established under the Auckland Metropolitan Drainage Act 1960. Additional properties may be included in the Inner Drainage Area by following the process defined in said Act, as follows:

- Making an application to the Auckland Regional Council and Watercare Services Limited;
- Public notification; and
- Gazetting.

The former Works and Services Committee at its meeting of 9 April 2001 approved the inclusion of part of the Birdwood Urban Concept Plan Area into the Inner Drainage Area, namely properties at 4 - 6 Crows Road and 97 - 133 Birdwood Road subject to approval from Watercare Services Limited.

A Variation to the Proposed District Plan is now being considered for the Birdwood Urban Concept Plan to enable urban development that will require reticulated wastewater services. These include the following properties:

Lot 5 DP 40763
Lot 2 DP 114138
Pt Lot 4 DP 77301
Pt lot 1 DP 34613
Pt Sec 20 Block XIV Survey district Waitemata
Pt Lot 2 DP 64720
Lot 1 DP 64720
Pt Lot 19 parish of Waipareira
Pt Sec 10 Block XV Survey District Waitemata
Pt Sec 10 Block XIV Survey District Waitemata
Lot 1 DP 46893
Sec 22 Block XIV Survey District of Waitemata
Lot 7 DP 48191
Pt Lot 30 DP 45620
Pt Sec 7 Block XIV Survey District Waitemata
Pt Sec 37 Block XIV SO 48831

In addition, an extension to the Inner Drainage Area is also required to include the area identified as cluster housing on the Birdwood Structure Plan. This includes part of the property:

Pt Sec 34 Blk XIV SO 4883

A12-A13

Attached at pages A12 to A13 is a plans showing the location of these properties.

A background report has been prepared by Deanne Rogers to introduce the Committee to the Birdwood Urban Concept Plan and to support this proposal to extend the Inner Drainage Area.

STRATEGIC CONTEXT

The Council's strategies for wastewater are as follows:

- The city's water and wastewater systems are sustainable, respond to growth pressures and integrate well with the natural water cycle and aquatic ecosystems.
- The city's wastewater network is managed to "best practice" standards and safeguards public health and the environment, while allowing people choices about disposal options and wastewater minimisation.

ISSUES

The inclusion of these properties in the Inner Drainage Area will eventually increase flows in the wastewater network, with the following effects:

- For Waitakere City's networks in the Birdwood catchment there are no capacity constraints;
- Watercare's Swanson Branch sewer serving this catchment has additional capacity; and
- Watercare's Western Interceptor is nearing capacity and overflows during periods of heavy rain. However, the additional flow from the Birdwood Urban Concept Plan will be minor.

Capacity constraints can be mitigated as follows:

- Setting conditions to require wastewater minimisation as part of consent approvals;
- Levying financial contributions; and
- The Council's wastewater planning and upgrading programmes for the city's future wastewater requirements.

There are a number of reasons why this application should be considered favourably, as follows:

- The subject properties are located within the Auckland Regional Policy Statement's Metropolitan Urban Limit. The strategic intent for this land is that subject to it being suitable for residential development that urban services should be provided;
- An application is required to be made at this time to Watercare for inclusion into the Inner Drainage Area as the process will take 12 to 24 months to complete and servicing will be required once the District Plan Variation is complete.

RESOURCES

Once approval is granted to include the Birdwood Urban Concept Plan in the Inner Drainage Area, Watercare will advise the charges for wastewater services to this catchment. No provision has been made in the 2002/2003 Annual Plan for these costs, however, the charges will not be levied until at least 2003/2004 and will be included in the Long Term Council Community Plan. Watercare's costs will be recovered as a charge on rates for wastewater services.

CONCLUSION

Any future Council decision to enable urban development within the Birdwood Urban Concept Plan requires that this area be provided with wastewater services and included in the Inner Drainage Area.

Approval of this proposal should be granted on the following basis:

- That this area has always been allowed for in wastewater planning by both Watercare Services Limited and Council to be included into the Inner Drainage Area.
- That any cumulative adverse effects on the existing wastewater network can be mitigated, through consent conditions, financial contributions and long term planning.

RECOMMENDATIONS

1. That the information be received.
2. That an application be made to the Auckland Regional Council and Watercare Services Limited to include in the Inner Drainage Area properties in the Birdwood Urban Concept Plan, namely:

Lot 5 DP 40763

Lot 2 DP 114138

Pt Lot 4 DP 77301

Pt lot 1 DP 34613

Pt Sec 20 Block XIV Survey district Waitemata

Pt Lot 2 DP 64720

Lot 1 DP 64720

Pt Lot 19 parish of Waipareira

Pt Sec 10 Block XV Survey District Waitemata

Pt Sec 10 Block XIV Survey District Waitemata

Lot 1 DP 46893

Sec 22 Block XIV Survey District of Waitemata

Lot 7 DP 48191

Pt Lot 30 DP 45620

Pt Sec 7 Block XIV Survey District Waitemata

Pt Sec 37 Block XIV SO 48831

Pt Sec 34 Blk XIV SO 4883

Report prepared by: Tony Miguel, Manager: EcoWater Solutions.



8 DRAFT BIRDWOOD URBAN CONCEPT PLAN - BACKGROUND REPORT

PURPOSE OF THE REPORT

The purpose of this report is to introduce the Committee to the Birdwood Urban Concept Plan and provide background information in support of a report from EcoWater Solutions regarding a proposed extension to the Inner Drainage Area.

BACKGROUND

A14

The Birdwood Urban Concept Plan area is located in Massey and is bounded by Don Buck Road in the east, and the Chamberlain Stream in the west. The Concept Plan area comprises 67 hectares and is wholly contained within the Auckland Metropolitan Urban Limits. The concept plan area forms the Chamberlain Stream catchment area that drains into the Swanson Stream, upstream of Don Buck Bridge. A plan of the Birdwood Urban Concept Plan area is attached at page A14.

The Birdwood Urban Concept Plan Area is identified as Birdwood Special Area in the Proposed District Plan. The Proposed District Plan states that a concept planning process will be undertaken to determine the development capacity of this area subject to environmental constraints. In Waitakere City, a distinction is made between structure plans and concept plans. Structure plans relate to rural areas and concept plans relate to green field areas that are intended for urban development.

A number of technical studies have been undertaken for this area including stormwater, wastewater, land stability, ecological and landscape. In addition, consultation has been undertaken with landowners and the local community, as well as Auckland Regional Council and Iwi.

A14

Based on these technical studies and consultation, a draft concept plan has been prepared and sent to landowners and key stakeholders for their feedback. A copy of this draft plan is attached at page A14.

Part of the feedback that has been received to date is a request from Auckland Regional Council that the Council investigate any potential contamination of the land that has resulted from historical rural land uses. In response to this feedback, Council has engaged Environmental and Earth Sciences to carry out a Phase I assessment to establish the historical use of the land. In particular the assessment would investigate whether any past horticultural uses may have led to contamination of soils. Should the report identify areas that have been subject to the use of contaminants, soil samples may have to be taken to determine their extent.

STRATEGIC CONTEXT

The Birdwood Urban Concept Plan Area represents one of the few areas of green field land within Waitakere City that is currently within the Metropolitan Urban Limits. Whilst it is relatively constrained by land stability and stormwater management issues, it does provide an opportunity for the City to accommodate future growth. Development of the Birdwood Urban Concept Plan Area is consistent with the Northern and Western Sectors Agreement and will form a proportion of the 74% Growth Capacity within the existing urban area of Waitakere City.

ISSUES

It is intended that a full report be brought to the Environmental Management Committee once all the technical information is available and the proposed plan changes have been drafted. However, it is important that the Committee has the background to the Birdwood Urban Concept Plan so that it can consider a report from EcoWater Solutions to extend the Inner Drainage Area to include the Concept Plan area. The Inner Drainage Area is the area that can be serviced with reticulated wastewater.

Whilst a Variation or a Plan Change for the Birdwood Urban Concept Plan area has not yet been publicly notified, it is still important that other planning processes such as extending the Inner Drainage Area are able to continue concurrently as to delay this process would mean a considerable lag time between completion of the plan change and the ability to service the Concept Plan Area with reticulated wastewater. It is unlikely that the plan change process or the results of the contamination study will significantly alter the kinds of urban densities that are proposed by the draft Birdwood Urban Concept Plan. Sufficient technical information has been obtained to indicate that development is possible within this area at densities that require reticulation of wastewater. For this reason, it is considered quite appropriate to initiate a process to extend the Inner Drainage Area. This process is likely to take at least 12 months.

RESOURCES

No additional resources are required.

CONCLUSION

The purpose of this report is to introduce the Birdwood Urban Concept Plan to the Committee and provide background to a report from EcoWater Solutions that proposes to extend the Inner Drainage Area. It is intended that a full report be prepared once all outstanding technical information has been completed and the necessary plan changes drafted. However, in the interim it is considered appropriate to initiate a process to extend the Inner Drainage Area to include the Birdwood Urban Concept Plan area so that this does not cause unnecessary delays when the plan change is finalised.

RECOMMENDATION

That the information be received.

Report prepared by: Deanne Rogers, Locality Planner.



PART III - ENVIRONMENTAL MANAGEMENT

9 SUBMISSION TO RODNEY DISTRICT COUNCIL - KUMEU, HUAPAI, WAIMAUKU AND RIVERHEAD WASTEWATER SERVICES OPTIONS

PURPOSE OF THE REPORT

The purpose of this report is to seek approval from the Environmental Management Committee to make a submission to the Rodney District Council on its proposals for Kumeu, Huapai, Waimauku and Riverhead wastewater services options. It is also proposed that Rodney District Council will provide a presentation on these options.

BACKGROUND

Council participated in the Western Wastewater Workshop from 1993 to 1995 as part of an initiative by Watercare Services Limited to define future wastewater services requirements to cater for growth in Waitakere City and parts of Rodney District.

The Western Wastewater Workshop identified the need to provide new wastewater collection, treatment and disposal facilities, although no consensus was achieved on the optimum solution. The reason for this was that Watercare Services Limited and Rodney District Council at that time favoured the construction of a large central wastewater treatment plant, whereas Waitakere City Council favoured a combination of stand-alone and decentralised facilities.

Subsequently, Watercare Services Limited proceeded to purchase a property in Amriens Road, Taupaki for the construction of Project West and sought public submissions on the proposals. Council objected to the proposal and subsequently Project West has not progressed further.

Decisions made by Rodney District Council with regard to wastewater services will have an impact on the future planning for wastewater in Waitakere City and thus it is appropriate that the Council makes a submission on this matter.

STRATEGIC CONTEXT

Council's strategies for wastewater are as follows:

- The City's wastewater network is managed to "best practice" standards and safeguard public health and the environment, while allowing people choices about disposal options and wastewater minimisation.
- Safe treatment and disposal of wastewater is provided to the community in a way that -
 - encourages demand management and alternative treatment solutions;
 - ensures treatment systems are compatible with reuse and recycling initiatives and the natural water cycle; and
 - provides the opportunity for the community to make choices over their wastewater disposal.

Planning for wastewater and stormwater services is also included in the Sector Agreement developed with Rodney District Council, North Shore City Council and the Auckland Regional Council. This agreement states that Sector partners will share technical knowledge and work co-operatively on innovative approaches for managing stormwater and wastewater.

ISSUES

The Rodney District Council has carried out a number of investigations, over a period of some twenty years, into options for providing wastewater services to the townships of Kumeu, Huapai, Waimauku and Riverhead.

A15-A20

In October 2002, Rodney District Council released a report entitled *Kumeu, Huapai, Waimauku and Riverhead, Wastewater Services Options, Preliminary Investigations*. A summary of this report is attached at pages A15 to A20.

The report presents a summary of the investigations to date, and provides a preliminary assessment of environmental effects for the preferred option.

Wastewater services are needed in Kumeu, Huapai, Waimauku and Riverhead if the area is to progress. The area is largely serviced by privately owned, onsite septic tanks. It is expected that anywhere from 10% to 30% of these are likely to be performing poorly, and pose potential environmental and health risks. The lack of adequate wastewater services also constrains the provision of water services, which poses a further health risk from an inadequate treated water supply. Increasing population pressures are expected to increase these risks still further. Adequate water and wastewater services are needed for the future of this area.

Options Considered

A21-A26

The options considered in the Preliminary Investigations report include connection to the Watercare Services Limited network, standalone community schemes for Kumeu-Huapai and Riverhead, a combined community scheme for all four townships, and the provision of decentralised wastewater treatment systems under Rodney District Council Management, as attached at pages A21 to A26.

Connection to the Watercare network would occur in two stages. Initially, wastewater would be sent to the Mangere Wastewater Treatment Plant via the Western Interceptor. In the future, Watercare propose to construct a satellite treatment plant near Taupaki, called Project West, to treat wastewater from the whole of Waste Auckland. Stage 2, therefore, would involve connection to Project West once it was commissioned.

Two community stand-alone schemes were considered. The first scheme would involve a treatment plant located at the site of the existing Huapai Wastewater Treatment Plan and would service Kumeu-Huapai. Disposal of effluent would be to a surface-flow wetland prior to discharge to the Kumeu River. The second scheme would service Riverhead only with disposal of effluent to Riverhead Forest. A stand-alone community scheme for Waimauku was not considered.

The combined scheme for all four townships is the same as for the Kumeu-Huapai stand-alone scheme, except that the plant would be larger and disposal of treated effluent could be either to the Kumeu River (via a surface-flow wetland), or by irrigation to Woodhill Forest (rather than Riverhead Forest).

The above wastewater management options are generally referred to as “centralised” or “conventional” schemes. The term “centralised” in this sense refers to the treatment plant as the central point for collection of the wastewater, rather than its geographical position (which is usually remote from the community it serves). The fourth option considered is generally referred to as a “decentralised” approach to wastewater management.

DISCUSSION

A15-A20

Details of the economic analysis and environmental effects are provided in the report as attached at pages A15 to A21.

The preliminary evaluation of options based on previous investigations indicates that the decentralised approach is preferred over the other options. This approach compares favourably in all aspects of economic, environmental, social and technical considerations.

The decentralised approach would require Rodney District Council management of the systems including the enforcement of appropriate design, construction, operating and maintenance standards.

The assessment of environmental effects indicates that no significant adverse environmental effects are expected from the decentralised option, and the risk to public health is assessed as extremely low. However, a detailed environmental assessment is required to confirm this.

Further investigations of the decentralised approach should only proceed if clear public support for this option is obtained following the public consultation process.

RESOURCES

There is no impact on resources apart from staff time to provide the submission and liaise with Rodney District Council.

CONCLUSION

The wastewater services options favoured by Rodney District Council for decentralised wastewater collection, treatment, recycling and disposal are considered more sustainable than connection to the Watercare network and in the future to Project West.

Accordingly, it is recommended that the decentralised option be supported.

Decisions made with regard to wastewater planning in Rodney District Council will have an impact on wastewater planning for Waitakere City. Further, under the Sector Agreement, Rodney, North Shore and Waitakere will work jointly on developing innovative approaches for managing stormwater and wastewater. Thus it is recommended that the Manager EcoWater Solutions be authorised to discuss planning and innovation for wastewater and stormwater services in co-operation with Rodney District Council and North Shore City Council.

Further progress reports will be submitted on this matter once Rodney District Council carries out further investigations.

RECOMMENDATIONS

1. That the information and presentation by Rodney District Council be received.
2. That the Manager EcoWater Solutions be authorised to make a submission to the Rodney District Council supporting the adoption of decentralised wastewater collection, treatment, recycling and disposal for Kumeu, Huapai, Waimauku and Riverhead.
3. That the Manager EcoWater Solutions be authorised to discuss planning and innovation for wastewater and stormwater services in co-operation with Rodney District Council and North Shore City Council.
4. That progress reports be submitted to the Environmental Management Committee as required.

Report prepared by: Tony Miguel, Manager: EcoWater Solutions.



10 SHOPPING TROLLEYS IN STREAMS

PURPOSE OF THE REPORT

The purpose of this report is to provide the Committee with information on the process for introducing a Bylaw to control the depositing of shopping trolleys in public places, and to include a suitable draft Bylaw.

BACKGROUND

The issue of shopping trolleys being dumped in streams was considered by this Committee at its meetings on 12 March 2002 and 13 August 2002.

The Environmental Management Committee resolved on 12 March 2002, as follows:

“That the Chief Executive be requested to report to this Committee on the process for introducing a Bylaw to control depositing shopping trolleys in public places, the report to include a draft of a suitable Bylaw.”

407/2002

On 13 August 2002 after a further report on this issue the Environmental Management Committee adopted the recommendation, as follows:

“That the proposed Bylaw amendments as outlined in the agenda report to control the abandonment and dumping of trolleys, including fines and recovery costs, be reported back to the Environmental Management Committee at its 8 October 2002 meeting.”

2563/2002

It was not possible to provide a report to 8 October 2002 meeting, as there were some standing legal issues to be considered.

ISSUES

The dumping of shopping trolleys raises a number of issues for Council, which are discussed below.

Effects

There are significant effects associated with the illegal dumping:

- Environmental: Trolleys cause adverse effects on the habitat of aquatic ecosystems in streams, acting as a barrier to the passage of fish and invertebrates by trapping them. As a consequence they are not able to reach breeding grounds and populations are reduced.
- Costs to the consumer: Trolleys cost \$300 to \$400 each and it is estimated that it is costing supermarkets in the City up to \$50,000 per year for the replacement of lost trolleys. In addition, supermarkets employ staff to collect trolleys. These costs are then passed on to consumers.
- Costs to the ratepayer: The cost of removing trolleys from streams and roads is estimated to be \$40,000 to \$50,000 per year.
- Health and safety concerns and resulting inconvenience to the public due to the dumping of trolleys. Council has received numerous complaints regarding abandoned shopping trolleys in public places. These have become both a public nuisance, and a Health and Safety risk since many are abandoned on footpaths and beside traffic lanes, remaining there over many nights and in some cases for weeks at a time.
- Visual: Dumped trolleys reduce the amenity value of streams. Shopping trolleys abandoned on footpaths give an untidy appearance to the City's streets and can cause a hazard to pedestrians.

Control Devices

The most effective option would be if supermarkets installed systems to avoid the dumping of trolleys in waterways and roadways. Some examples of systems are:

- Coin operated locking devices on shopping trolleys; these are in common use overseas and work by releasing the locking device when a coin the equivalent size of a \$2 coin is inserted to release the trolley.
- Electronic devices that lock trolley wheels at the supermarket car park boundary.

EcoWater and Solid Waste have both communicated with supermarket and shopping mall management on a number of occasions in an attempt to get them to establish this kind of proactive solution to better control shopping trolleys. To date, none of the supermarkets in Waitakere City have made any investment in these types of systems to prevent shopping trolleys being removed from their property.

Pak'n'Save at Glen Innes has trialled a system of this kind. The trial proved very effective and that supermarket has now purchased the system outright for approximately \$30,000. It has been reported that the installation of these devices has been successful in the control of shopping trolley dumping.

Council considers that the implementation of these devices at supermarkets and other shopping outlets across Waitakere City would substantially, address the difficulties caused by abandoned shopping trolleys. There has however been little indication that the supermarkets and shop management are willing to do this.

OPTIONS AND EVALUATION OF OPTIONS

There are a number of options that can be considered to address this issue. It is apparent that the issue will not be addressed through the adoption of one measure, but that a number of measures will be required. It is essential that measures are also implemented to ensure that the ownership of trolleys is clearly identified.

The options available to Council are discussed below.

Resource Management Act

There are no specific provisions in Council's District Plan that addresses this issue. However it is possible that Council could look to impose conditions in respect of this issue on any resource consents that allow future supermarket developments.

Under Section 17 of the Resource Management Act, Council is able to issue abatement notices or seek enforcement orders requiring steps to be taken that are in the opinion of the Environment Court or an enforcement officer, necessary in order to avoid, or mitigate any actual or likely adverse effects on the environment caused by, or on behalf of, that person. This section provides an ability for Council to pursue enforcement action under the Act to require measures to be taken to address the abandonment of trolleys. In appropriate cases Council officers could issue an abatement notice requiring proactive measures, including the implementation of control devices. Supermarkets and shops would have the right to appeal against Council's requirements to the Environment Court in respect of any such notice. As an alternative an application for enforcement orders could be made to the Environment Court seeking an order that control measures be installed.

Although a somewhat formal process, it is considered that the use of abatement notices and/or the enforcement orders process would be appropriate if Council were seeking to require a supermarket to install the types of control measures described above, which could constitute a somewhat significant infra-structural item and involve some operational changes to the supermarkets procedures.

The Resource Management Act also provides Council with the ability to seek an order recovering the costs of addressing environmental damage. This may provide Council with the ability to seek recompense for expenses in recovering trolleys that are damaged, and which the supermarkets do want returned.

Another option under the Resource Management Act would be to promote a District Plan Variation, requiring any new premises that provide shopping trolleys to demonstrate how the adverse effects are to be avoided, mitigated or remedied.

It is recommended that consultation be undertaken with stakeholders over the implications of adopting the measures available under the Act.

The measures under the Resource Management Act are not favoured at this stage, as they will take longer to implement due to the likelihood of having to include the Environment Court process.

Bylaw

Bylaws provide a potential instrument to control this problem. Currently the City's Bylaws do not specifically address the issue of shopping trolleys. Waitakere City Council General Bylaw No. 4 (1990) Chapters 1 and 2 do provide some control in respect of obstructions and these have some application to the problem.

Chapter 2, clause 219 prohibits the placement or the leaving of obstructions in or on any public place or waterway whereby life or limb is likely to be endangered or the obstruction *".... in any wise [sic] obstruct the free flow of water"*. The justification for council to remove the obstruction comes from Chapter 1 clause 109 which enables Council to remove any 'work' 'material' or 'thing' *"erected or being in contravention of any Bylaw"*. This clause also provides an ability to recover all expenses incurred in removal of the obstruction.

A27-A28

Although the current Bylaws provide some assistance this is somewhat limited. This Committee has indicated a preference to introduce a specific Bylaw to control the abandonment of shopping trolleys in a proactive way. In response a draft Bylaw has been prepared by Council's legal advisers that specifically addresses shopping trolleys. The draft Bylaw is attached at pages A27 to A28.

In comparison to the existing Bylaws the proposed Bylaw has a number of advantages when addressing the issue of shopping trolleys:

- It is specific to the issue of dumped trolleys. It is hoped that this will have a significant effect in terms of the public perception of the issue. The introduction of the new Bylaw will raise public awareness of this issue and highlight the seriousness with which Council regards the problem. It is hoped that it will send a clear message to the supermarkets, shop managers and general public that the continued removal and dumping of trolleys cannot be tolerated. It is expected that the consultation process required by the Bylaw Act will assist in raising the profile of this issue.
- The proposed Bylaw extends the current Bylaw. While it mirrors the current Bylaw provisions by creating an offence for persons to place trolleys where they are, or could create an obstruction, it also creates an offence in respect of owners of trolleys who allow trolleys to escape from their premises where they could later create an obstruction. This is a significant change which seeks to place an onus on the owners of the trolleys in addition to the person or persons who abandon it. It is hoped that this onus will create a positive incentive for supermarkets to implement proactive measures to prevent this problem.
- The Bylaw also empowers Council to remove trolleys without notice if the trolleys are obstructing or are likely to obstruct a public place or waterway and gives Council the ability to seek compensation for this. The current Bylaw provisions require prior notice and that the owner be given an opportunity to remove the trolley. This can create difficulties for Council staff in a lot of circumstances and leads to continued obstruction and/or unsightliness during the period of notice.
- The proposed Bylaw is unified and comprehensive. The existing Bylaw is spread across different sections of Waitakere City Council General Bylaw No. 4. This does not make it easy to access.
- The proposed Bylaw not only addresses shopping trolleys but also other receptacles that are still owned by their supplier but that are deposited in the City and cause obstructions.

The fine for a failure to comply with the Bylaw is \$500 and \$50 per day for each day the breach continues. This is the maximum provided for under the Local Government Act 1972. Section 683 of the Local Government Act provides that Council can seek an injunction from the Court requiring compliance with the Bylaw if a continued breach is occurring. This may be another means of seeking a Court order to require the supermarkets to implement infra-structural changes to control their trolleys.

A Bylaw is resolved, amended or revoked by Special Order utilising the procedure set out in Section 681 and Section 716B of the Local Government Act 1974. That requires public notification, deposit of a copy of the resolution at Council offices and Libraries (so as to be open for inspection by the public during office hours for at least 21 days) and confirmation at a subsequent meeting of Council.

The new Bylaw comes into force on a date fixed in the resolution confirming the Special Order, but not earlier than 7 clear days after that date. It is intended that the Bylaw is set down for consideration and confirmation at the Ordinary meeting of Council scheduled for 28 March 2003. At the time Council may confirm the Special Order adopting the Bylaw, it may modify it to such an extent as it considers necessary, as a result of any representations made before the date of the confirming meeting.

CONSULTATION

In conjunction with the measures already described Council will be continuing its consultation with supermarkets and other groups in relation to this issue. It is expected that notification of the proposal to introduce the Bylaw and the formal consultation process that accompanies that, will assist this process. It is recommended that the following consultation process be implemented:

Date	Action
27 November 2002	Commence consultation on Bylaw No 33 with stakeholders and invite submissions.
9 February 2003	Closing date for submissions.
13 March 2003	Consideration by the Environmental Management Committee of any submissions received and determination by the Committee for consideration by Council.
28 March 2003	Consideration at the Ordinary meeting of Council to implement the Bylaw, and put Bylaw through the Special Order process.

RESOURCES

The implementation of the proposed Bylaw can be achieved with existing resources. Resources are not currently available for implementation of any Variation to the District Plan, but this could be included in the 2003/2004 Annual Plan.

CONCLUSION

A permanent solution to the issue of shopping trolleys being dumped on land and in waterways needs to be developed. It appears that a multi-pronged approach will be required to do this.

The Resource Management Act, through the District Plan and resource consent process, provides a means to address the issue in the long-term. The Resource Management Act also provides a mechanism to require supermarkets to implement infra-structural and operation changes to address the issue in cases where the circumstances of a given case demand formal action of this type. Council staff will apply the Resource Management Act in appropriate cases, but eventually a Variation to the District Plan will be required.

The proposed Bylaw allows Council officers to remove trolleys and recover the costs from the supermarkets. It also creates an offence for supermarkets failing to properly control their trolleys, placing an onus on the supermarkets to implement measures to control this problem.

RECOMMENDATIONS

1. That the information be received.
2. That the Director: City Services be delegated authority to apply the process available under the Resource Management Act, through the issue of abatement notices or enforcement orders where shopping trolleys are causing adverse effects on the environment.
3. That the desirability and feasibility of promoting a Variation to the District Plan requiring any new premises that provide shopping trolleys to demonstrate how the adverse effects are to be avoided, mitigated or remedied be reported back to the Environmental Management Committee by 13 February 2003.
4. That a consultation process on proposed Bylaw No. 33, 2003 be initiated and that the results of consultation be referred to the meeting of the Environmental Management Committee scheduled for 13 March 2003, with the objective of recommending that the Bylaw be considered by the Ordinary meeting of Council to be held on 28 March 2003.

Report prepared by: Tony Miguel, Manager: EcoWater Solutions.



11 CITIES FOR CLIMATE PROTECTION - ENERGY EFFICIENCY - ACTION PLAN AND MONTHLY UPDATE

PURPOSE OF THE REPORT

To seek the Committee's approval for planned climate protection actions and to provide the Committee with an update of this month's energy efficiency initiatives.

BACKGROUND

A29-A30

Council joined the international Cities for Climate Protection programme in March of this year. Since then staff have compiled a draft greenhouse gas emissions inventory for the city. This shows that the city's main sources of greenhouse gas emissions are transport and electricity consumption. A number of meetings were held with staff and external agencies, such as the Energy Efficiency and Conservation Authority and the Auckland Regional Council to brainstorm possible actions to reduce greenhouse gas emissions in the city. A pie chart of the emissions and possible actions is attached at pages A29 to A30. This action plan is the result of that work.

STRATEGIC CONTEXT

Climate protection and energy efficiency are integral parts of Waitakere City's Eco City philosophy. This is being reaffirmed by the current strategic review. This Action Plan has been developed alongside the strategic review work and spans the following strategic platforms: Clean Air, Energy Cycle and Transport and Communication. Indirectly it also relates to most of the remaining platforms.

ACTION PLAN

The following new actions are proposed as part of the climate protection programme for the current and next financial year:

Lobby Central Government and Support Regional and National Climate Protection Initiatives

A large part of the activities that result in CO² emissions are not directly under this Council's control. Council can however actively seek to influence central and regional actions and policies; and support those actions that result in the reduction of greenhouse gas emissions. This will require very few resources apart from staff time, already allocated to this project, and can have considerable impact because Waitakere City is seen to be a leader among local government in New Zealand. Practically this includes:

- Lobbying for cleaner fuels, more efficient vehicles, mandatory emissions testing, mandatory vehicle efficiency labelling, appropriate climate change policy, and any other issues that are important to the achievement of our strategic vision.
- Work with the Auckland Regional Council on air quality and transport initiatives and on regional submissions as appropriate.
- Work with the Energy Efficiency and Conservation Authority, Local Government New Zealand, the Department of Prime Minister and Cabinet and the upcoming national Communities for Climate Protection programme on climate change issues and ensure the Communities for Climate Protection programme develops in a way beneficial to Waitakere City Council.
- Work with others, such as the Energy Efficiency and Conservation Authority and Local Government New Zealand, to obtain better greenhouse gas emissions data for the city.

Actively Undertake Travel Demand Management Initiatives in the City

Council works intensively to ensure that residents will have access to good public transport in the future. However current activities to market public transport and other alternatives to single occupancy car travel are limited. An opportunity has come up to work with the Auckland Regional Council on Destination Marketing. The Auckland Regional Council has undertaken Destination Marketing at Auckland Healthcare with encouraging results. 70% of people who were given a one-week free travel pass used it and 66% of those continued to use public transport after the promotion. The Auckland Regional Council is interested in trailing a similar project with a town centre in Waitakere City as the destination. The Energy Efficiency and Conservation Authority has also indicated that it would support this through making funds available for an evaluation of the project. Initial discussions between the Energy Efficiency and Conservation Authority and Stagecoach have also been encouraging.

Ensure that National Programmes are Delivered Effectively Locally

There are several good National Programmes aimed at energy efficiency. We need to ensure that our community benefits from these programmes and the associated funding available. For Waitakere City these programmes probably present the best opportunity to measurably reduce greenhouse gas emissions from residential electricity consumption. They also have co-benefits for people's health and local employment. The two Energy Efficiency and Conservation Authority programmes staff will look at in more detail are:

- The home retrofit programme. This involves the retrofitting of generally low-income homes with insulation and other energy saving features. The aim would be to retrofit basic water saving devices and safety fixtures (smoke alarms) at the same time.
- The solar hot water programme. This is not an official programme yet, but is likely to go ahead in the near future and be similar to the home retrofit programme.

Both programmes would require some funding from Council to work well. It may also be possible to obtain funding from organisations such as the United Networks Shareholders Society, licensing trusts, electricity retailers, etc. The Energy Efficiency and Conservation Authority has indicated that it would partly fund such projects. The aim is that the programmes themselves would be run by a community organisation, but that Council would help with set up and facilitation.

Support National and Regional Education and Publicity Campaigns on Energy Efficiency, Climate Change and Air Quality

A major shift in people's behaviour is required to address climate change, air quality and energy issues. Supporting campaigns run by other agencies requires relatively little effort and can have large long-term benefits. Practically this will involve:

- Publish climate change information on Council's website to support the national climate change education project. This project targets schools, but the information on our website would also be useful to others interested in climate change.
- From time to time initiate articles in the Waitakere City News on Council's activities.
- Publish press releases as appropriate.
- Disseminate appropriate brochures produced by others.

Maximise the Benefits from the Emissions Testing Facilities at the Council's Testing Station

Emissions testing is currently undertaken at our testing station. Additional promotion and the provision of incentives for those who fail the test to have their cars tuned would be a practical way to help our community take action.

There are also a number of actions planned as part of other Council programmes that will result in climate protection/ energy efficiency/air quality benefits:

A High Profile Renewable Energy Project

The Cleaner Production team in City Services is working on high profile renewable energy opportunities as a part of Council developments.

Solar Panels on the Massey Library

These will be installed in the current financial year.

Eco Buildings Demonstration Project

Talks are under way with the Forest Research Institute who are keen to build one or several eco homes in Waitakere. This is a great opportunity to showcase best practice to the community.

The Sustainable Households Programme

This adult education programme is part of the Cleaner Production Programme and will target a number of environmental issues including energy efficiency and transport.

Efficient Vehicles

Staff are investigating the feasibility of obtaining a high efficiency vehicle, possible a hybrid vehicle, as a fleet vehicle.

Future Initiatives

There are a number of initiatives that were identified through the brainstorming meeting with staff on climate change that have potential. It is proposed that these will be investigated further over the next year.

They include:

- An additional air quality monitoring station in Waitakere City.
- Incentives through the Building Consent/Resource Consent process to build more energy efficient buildings.
- Energy efficient light bulb give away.
- Energy Home Rating Scheme.
- More eco building workshops/seminars.
- Education/regulation on home fires.
- Funding for community energy initiatives.
- Educate professionals about energy efficiency (through UNITEC/AUT/Auckland University).
- An efficient fleets project as part of the Cleaner Production Programme targeting those businesses/organisation that have fleets.
- Undertake more intensive school trip management.
- Emissions controls at the local level.

Existing Initiatives

Council already has a number of initiatives established that help to reduce greenhouse gas emissions and the new initiatives will be integrated with them. The main initiatives are:

The Corporate Sustainability Programme

This ensures that Council is doing all the things internally that it promotes in the community. Making sure Council's own new buildings showcase energy efficiency is part of the Corporate Sustainability Programme.

The Cleaner Production Programme

The Walking School Bus Project

The Resourceful Schools Project/Enviroschools

This is a Cleaner Production project aimed at schools looking at resource use in schools (including energy) and integrating this with education.

Eco Building Education

Regional Transport Work

This includes work on buses, ferries, trains, park and ride.

Walking and Cycling Support

NOVEMBER UPDATE

Solar Panels for the Massey Library

A request for proposal for the design and construction of the solar panels will go out this month, with construction likely in the New Year. Work has also started on a net metering contract with Genesis to ensure that the panels can be integrated with the national grid.

Waitakere Sports Complex

An energy audit of the design by an independent consultant will be undertaken.

Corporate Sustainability

Energy Pro is about to be installed. This is a sophisticated energy monitoring software package. Once this is installed staff will be able to calculate and better manage Council's energy use and cost; and complete a corporate emissions inventory and prioritise actions for the programme.

Staff are preparing a report on street lighting for this committee.

Renewable Energy

Staff are currently investigating renewable energy opportunities in the city.

Resourceful Schools/Enviroschools

Four schools are now monitoring their electricity use weekly.

Rideshare

Rideshare software has been installed on the Council computer network. This will support car-pooling among staff by matching people up that have similar travel needs. The programme will be officially launched this month.

Walking School Buses

The programme now has four walking school buses with a total of eight routes operating daily. Six additional schools are partway through the planning process and a further six have expressed interest in setting up walking school buses.

National Developments

A31-A33

The government has announced its climate change policy and is planning to ratify the Kyoto protocol later this year. There are no unexpected differences in the announced policy package compared to the preferred policy package consulted on earlier this year. A policy summary sheet and government media statement is attached at pages A31 to A33.

RESOURCES

Resources are available to start the described programme in the current financial year. Activities during the current year include the support of national and regional educational campaigns and lobbying of central government on various issues. It is also likely that the Destination Marketing project will go ahead in this financial year, however this is dependent on the Auckland Regional Council having enough staff resources available in this year. The required resources for the 2003/04 financial year will be put forward through the annual budget process.

CONCLUSION

The main areas of action for the climate protection programme will be in the transport area and in home energy efficiency. To achieve maximum impact there will be a mix of strategic "behind the scenes" work and high profile work with the community. The programme will build on Council's existing projects and will be integrated with regional and national activities.

RECOMMENDATIONS

1. That the information be received.
2. That the climate protection action plan be approved, within the pre-existing approved resources.

Report prepared by: Katja Lietz, Project Manager: Sustainability Projects.



12 THE NEW ZEALAND WASTE STRATEGY - HOW DOES WAITAKERE MEASURE UP?

PURPOSE OF THE REPORT

The New Zealand Waste Strategy was officially released on 1 March 2002. Waitakere City Council's Solid Waste Management Plan, adopted in 1999, covers (as the title indicates) only solid waste. The Waitakere Waste Management Plan is due for review, and it is anticipated that the New Zealand Waste Strategy will be the basis for the review. This report comparing the performance of Waitakere City against the New Zealand Waste Strategy targets, is a first step in that review.

BACKGROUND

The New Zealand Waste Strategy is the result of a partnership formed in May 2000 between the Ministry for the Environment and Local Government New Zealand, to look at ways to minimise New Zealand's waste and improve its management.

A Working Group on Waste Minimisation and Management was set up to advise on the strategy's content and direction, and its advice was released for public submission. Both the Working Group and public submissions called for clear national leadership, particularly in the area of reducing the generation of waste, and recognition of the crucial role regional and local government must play in addressing our growing waste problem.

Three priorities - waste minimisation, hazardous waste and waste disposal have been targeted for action, and the strategy also adopts the Waste Management Institute's '*lifeafterwaste*' programme, which aims to close the loop on waste.

Although national targets have been set for priority waste areas, many of these targets can only be considered goal statements rather than mandatory requirements. To set targets requires good information to ensure that they are realistic and can measure progress. In many areas, a relatively poor level of information is presently available on a national level, and the Ministry for the Environment's Environmental Reporting Programme will develop waste indicators to provide information on trends. These waste indicators should be in place within the next two years. The goal statements set by the strategy will be reviewed in 2003 with the expectation of confirming national targets for key waste streams.

STRATEGIC CONTEXT

Through the current review of the Strategic Plan, Councillors have indicated that they wish to adopt a goal for Waitakere City of 'Zero Waste by 2020'. Council waste programmes will be expected to help minimise the amount of waste generated in the city in the first instance, and see that those 'wastes' are recovered, recycled, or re-manufactured so that they become new resources.

Waitakere City could now formally resolve to adopt the 'zero waste' goal, and in doing so, join a growing number of other Territorial Local Authorities in becoming a zero waste Council.

The New Zealand Waste Strategy sets out a useful national framework and targets for working 'towards zero waste' and ensuring that impacts of waste disposal are properly managed. The Ministry for the Environment is keen that Councils adopt the New Zealand Waste Strategy as the basis for their waste management plans, to provide for a consistent approach nation-wide.

An agenda item was placed on the Metro section of the last Local Government New Zealand meeting on behalf of Mayor Bob Harvey indicating that Waitakere City Council is supportive of the New Zealand Waste Strategy and keen to see that it becomes fully implemented at the national level in the short-term rather than the long-term. The item sought support to investigate barriers that exist in New Zealand in working toward zero waste targets and fulfilment of the New Zealand Waste Strategy, in co-operation with the Ministry for the Environment and Local Government New Zealand. The three key issues outlined in the item are:

- The economic impacts of private ownership of the waste industry, including the ownership of landfills. For example, local government ownership of all landfills would avoid the commercial objectives of high waste production.
- Economic instruments to fund recovery and recycling. For example, a levy on the packaging industry and refundable deposit on bottles.
- Statutory backing to achieve -
 - Design for the environment, which covers those elements of product design that reduce waste and other environmental effects.
 - Extended producer responsibility for taking a whole of life cycle approach to their products.

A report will be brought back to the Committee on the outcomes of this initiative.

A34-A49

The framework and targets of the New Zealand Waste Strategy are set out below, together with brief comment on the performance of Waitakere City against these. A more detailed analysis of how Waitakere City performs against the national targets as attached at pages A34 to A49.

ISSUES

New Zealand Waste Strategy - Vision and Goals

The vision of the New Zealand Waste Strategy is:

'Towards zero waste and a sustainable New Zealand'.

Through the Strategic Review, Waitakere City Council is looking to adopt a 'zero waste' approach to waste management. The national strategy recognises that moving towards zero waste is a long-term challenge for New Zealand, with intermediate targets needed, to cut down on the amount of waste we generate and discard.

The New Zealand strategy covers waste in all its forms - solid, liquid and gaseous - a comprehensive approach to minimisation and management which helps avoid policies that might encourage transfer of waste from one disposal medium to another, rather than reducing or removing the waste problem itself. An example is the use of insinkerators that dispose of kitchen waste through the sewerage system.

The Waitakere Waste Management Plan currently deals only with solid waste, but the review would look to bring in liquid and gaseous waste as well.

The New Zealand Waste Strategy has three goals:

- Society - lower waste costs and risks to society;
- Environment - reduce environmental damage from the generation and disposal of waste;
- Economy - Increase economic benefit by using material resources and energy more efficiently.

Maori values relating to waste and kaitiakitanga/stewardship responsibilities are referenced as a core principle of the new Zealand Waste Strategy.

The New Zealand Waste Strategy also adopts the Waste Management Institute's 'lifeafterwaste' programme which aims to 'close the loop' on waste - that is, to get away from the lineal approach of 'resource - use - waste - disposal', to a cyclical approach of 'resource - use - resource'.

Targets of the New Zealand Waste Strategy

The targets in the New Zealand Waste Strategy have been organised under eight headings, being:

1. Waste minimisation.
2. Organic wastes.
3. Special wastes.
4. Construction and demolition wastes.
5. Hazardous wastes.
6. Contaminated sites.
7. Organochlorines.
8. Waste disposal.

A34-A49

A full description of these targets, together with a commentary on how Waitakere City performs against them, as attached at pages A34 to A49. This report contains a brief summary only.

Of the twenty eight targets in the New Zealand Waste Strategy, eighteen are the direct responsibility of the Council and for two, the Council shares responsibility with the Auckland Regional Council. The other eight are a regional or national responsibility.

Waste Minimisation

The New Zealand Waste Strategy contains seven targets under the waste minimisation heading. They relate to:

- Measurement and reporting of waste minimisation by Territorial Local Authorities;
- Systems of managing industrial waste through the resource consent process and waste minimisation and management programmes (2 targets, one for new or renewed and the other for existing resource consents);
- Partnerships between business and central/local government;
- Access to community recycling facilities;
- Provision of space for recycling facilities in multi residential and commercial buildings; and
- Waste minimisation within Council's own operations.

Five of these seven targets are the responsibility of Territorial Local Authorities, and two the responsibility of Regional Councils. In Waitakere City, three of these five targets are already met.

A34 Data from the Transfer Station on the amount of Waitakere City's waste that is diverted from landfill is set out in the table as attached at page A34.

Waitakere City is fortunate in that, unlike the other Councils in the region, it owns and operates its own transfer station, making for easier installation of measuring and monitoring systems. The partnerships target is already met through the Cleaner Production team, as is the access to recycling facilities target. One target (relating to space allocation for recycling) is partially met, since Waitakere City has such provisions for multi residential buildings, but not for commercial buildings.

A37 The corporate waste minimisation policy and procedures manual for Waitakere City is currently being developed under the umbrella of the Corporate Sustainability Strategy. A breakdown of the waste generated each day by Council's offices, libraries, community centres, community houses and enterprises, and the amount currently recycled, is attached at page A37. The programme is yet to be implemented.

Waitakere City could also assist the achievement of the Auckland Regional Council targets, by assisting Waitakere City industrial consent holders to develop recognised waste minimisation and management programmes.

Organic Wastes

The New Zealand Waste Strategy contains five targets for organic wastes, on measuring and target setting, and diversion from landfill of garden waste, sewage sludge and commercial organic wastes. Four of these targets are the responsibility of Territorial Local Authorities, and Council has already met three of these four targets.

Waitakere City measures organic wastes to the Transfer Station, directly by weight in the case of most garden waste that enters the Transfer Station as a separate waste stream. Garden and kitchen waste that comes in the waste bags mixed in with other waste is measured through Waste Analysis Protocol surveys that analyse a sample of waste. Targets are set in the Solid Waste Management Plan for both green waste and food waste. In Waitakere City 7,780 tonnes or 32.4% of the total 24,000 tonnes of organic wastes to the Transfer Station is currently diverted from landfill. Almost all garden waste (94%) is diverted through the vertical composting units at the Transfer Station, and it is expected that once the kitchen waste collection is underway, organic waste diversion will show a substantial increase.

Special Wastes (used oil, tyres, end-of-life vehicles, batteries and electronic goods like computers)

The New Zealand Waste Strategy contains one target under this heading, relating to producer responsibility for waste. Cleaner Production programmes are beginning to address the issue, for example through programmes with printers and boat builders. The task of encouraging businesses to take on extended responsibility for wastes is shared with Regional and Central Government.

A43

The Transfer Station currently recycles special wastes such as oil, tyres, some batteries, gas bottles and some computer and vehicle parts, as attached at page A43.

Construction and Demolition Waste

The New Zealand Waste Strategy contains two targets for Construction and Demolition waste, relating to measurement and target setting, and waste reduction.

While the Waste Analysis Protocol analysis provides some measurement, it cannot be absolutely accurate, and as yet, Waitakere City has no target for reduction of construction and demolition waste. The major issue with construction and demolition waste is that it generally comes co-mingled with other wastes into the Transfer Station, and while some can be separated out on the tipping floor, it is a difficult task. Currently Waitakere diverts around 35% of construction and demolition waste from landfill, not yet at the national target of 50% by 2005.

The next step will be to set targets through the review of the city's waste management plan and to work together with builders on construction sites to set up waste separation systems to encourage separation before delivery to the Transfer Station.

Hazardous Wastes

A43

The New Zealand Waste Strategy contains 3 targets for hazardous wastes relating to a national hazardous waste management policy, appropriate treatment and disposal and establishment of recycling/recovery targets. Hazardous waste deposited separately at the Transfer Station is well managed, with appropriate storage facilities, good data, a strong recycling programme and residual disposal to licensed facilities. Of the 96 tonnes of hazardous waste delivered separately at the Transfer Station, 94% is recycled, as attached at page A43.

It is hazardous waste that comes in co-mingled with household bags or other waste, and inappropriate disposal through the stormwater system that remain the biggest challenges. Focused education and assistance campaigns, accompanied by monitoring and enforcement are seen as the most effective response. Inappropriate storage and disposal of commercial hazardous waste is also an issue of some concern, with Cleaner Production planning a programme that will start to address this issue.

Contaminated Sites

The New Zealand Waste Strategy contains three targets for contaminated sites, relating to identification and rapid screening of potentially contaminated sites, remediation programmes by 2010 for those that qualify as high risk, and setting of a timeframes to address the remainder.

Council is placing a priority on the fifty two old landfill/balefill/cleanfill sites owned by Council or for which Council has responsibility, and the Aftercare section of Council is working towards obtaining consents from the Auckland Regional Council and managing these sites appropriately in accordance with the consents.

Sites that are potentially contaminated because of past practices (most of which were entirely acceptable in their time) are now a significant risk in the City, and will need to be a focus of future programmes. These include the further 79 landfill/balefill/cleanfill sites that have been identified which are in private ownership, potentially contaminated industrial and commercial sites (identified through the hazardous Activities and Industries List) and potentially contaminated horticultural sites. Once identified, screening and, where necessary, remediation programmes will be needed.

Organochlorines

The New Zealand Waste Strategy contains two targets for organochlorines, around meeting New Zealand's international obligations under the Stockholm Convention to collect and destroy PCBs and organochlorine pesticide wastes, and reducing average body burdens of dioxins.

The Auckland Regional Council takes responsibility in the Auckland region. The hazardous waste drop-off centre at the Transfer Station is not licensed to accept either organochlorines or PCBs, and customers are referred to the Auckland Regional Council. The Auckland Regional Council arranges a mobile collection of these chemicals once or twice a year, and also runs an on-demand service.

Trade Wastes (includes hazardous materials from industrial and manufacturing processes that are disposed of through the sewerage system)

The New Zealand Waste Strategy contains two targets relating to trade wastes, focused on implementing and monitoring model trade waste bylaws and waste minimisation and management plans for holders of new or renewed trade waste permits.

Trade wastes in the Auckland region (for Waitakere, Auckland and Manukau Cities and Papakura District) are administered by Water Care Services under a trade waste bylaw equivalent to the model general trade waste bylaw, so the region meets this target. Water Care Services issue and administer trade waste permits for Waitakere City, but Council has the ability to request conditions, and could assist the achievement of target 2 through advocacy and assistance and support to holders of trade waste permits to develop waste minimisation and management plans.

Waste Disposal

The five targets for waste disposal include funding policies that ensure full cost recovery for waste treatment and disposal, user charges on landfills, cleanfills and wastewater treatment plants that cover the full cost of the facilities, compliance by cleanfills with disposal guidelines and two targets relating to the closing or upgrading of substandard landfills and wastewater treatment facilities.

Council is part owner of Water Care Services, the Local Authority Trading Enterprises that operates the Mangere Wastewater Treatment Plant, where Waitakere City's urban wastewater is treated and disposed. Council does not own or operate any landfills or cleanfills, although cleanfills operate under resource consents issued by Council, with appropriate conditions to cover environmental effects and reinstatement.

It is believed that both Water Care Services and the landfill operate on a full cost recovery basis in their charges to Council.

A48

Council funds wastewater through rates, and solid waste to landfill through user charges. A graph is attached at page A48 shows the impact of the introduction of user pays in July 1999 in reducing the amount of waste and increasing recycling in Waitakere City.

Generally high environmental standards and pricing at a level to fund these standards is a feature of waste disposal in the Auckland Region. All substandard landfills are to be closed by 2010, and the recent substantial upgrade of the Mangere Wastewater Treatment Plant ensures it meets the higher environmental standards imposed through the new resource consent.

Litter and Dumping

An issue missing in the New Zealand Waste Strategy is litter and dumping. Litter and Dumping generate significant work in the city, and are currently addressed in Council's Solid Waste Management Plan through two policies and related targets.

One policy relates to provision of a litter removal service, with the target being an 80% satisfaction rate from businesses and residents situated in routine clearance areas. Council has recently implemented a street litter collection service utilising motor scooters, and has set up 'litter booms' across a number of the city's streams to capture litter. Council has, in addition, initiated a scheme that includes the Auckland Regional Council, Water Care Services and other territorial authorities adjoining the Waitemata Harbour, and will, through the Waitemata Harbour Clean up Trust, provide a boat on the Waitemata Harbour to collect rubbish and litter.

The second policy relates to reducing the incidence of illegal dumping of waste into the City's environment. This involves Council in enforcement of fines, collection of dumped waste, collection and disposal of abandoned vehicles, enforcement of bylaws relating to the city's solid waste collection services and community cleanup programmes in conjunction with Keep Waitakere Beautiful. Shopping trolleys dumped in streams are a particular issue that is currently being addressed through a work programme looking at ways of reducing this problem.

CONCLUSION

The New Zealand Waste Strategy considers wastewater as well as solid waste and provides a useful framework for the review of the Waitakere City Waste Strategy, although Waitakere City's success in already meeting a number of the targets will need to be taken into account in setting new targets for the city. Of the twenty eight targets in the New Zealand Waste Strategy, twenty are the responsibility or partial responsibility of Council. Of these, eight are already achieved in their entirety, while a further three targets are partially achieved. Council has programmes or planned programmes in place for many of the remaining target areas. Council would need to add targets round litter and dumping, and a further area that may need to be considered are targets relating to gaseous waste.

Council ownership and management of the Transfer Station located at the Concourse in Henderson is a major key to Council's zero waste strategy. It provides a focus point for a significant portion of the city's waste and presents Council with a direct ability to recycle, process, and recover materials from the waste stream.

Waitakere City has made big gains during the last few years in increasing the amount of solid waste diverted from landfill. Major programmes have been the introduction of user pays for domestic waste collection, installation of the vertical composting units at the Transfer Station to compost green waste, and development and ongoing improvement of the resource recovery facility at the Transfer Station. The weighbridge facilities at the Transfer Station have meant more accurate measuring and monitoring of waste. The Learning Centre at the Transfer Station also has a significant number of visitors each year.

The Cleaner Production team has made progress in working with business and schools, with much of this work being at the top end of the waste hierarchy, for example, finding substitutes to reduce the amount of hazardous materials (and waste) in printing and boat building manufacturing processes, and 'joining up' producers of 'waste' with those that can use this 'waste', for example food waste from restaurants and cafes with pig farmers.

The next significant step planned by Council to reduce waste to landfill is a domestic kitchen waste collection. Implementation is currently awaiting issue of a resource consent from the Auckland Regional Council for composting of this kitchen waste through the Vertical Composting Units at the Transfer Station. The two sets of targets of the New Zealand Waste Strategy that will need particular attention in the next few years in Waitakere City are construction and demolition waste and contaminated sites.

The major changes likely in the city's new Waste Management Strategy through the impending review will be a zero waste goal together with interim targets towards achieving that goal, and the inclusion of liquid waste as part of the strategy.

Further reports will be brought to Council on steps to be taken in achieving the long-term goal of zero waste.

RECOMMENDATIONS

1. That the information be received.
2. That Council formally adopt a goal of 'zero waste by 2020'.
3. That the New Zealand Waste Strategy be adopted by Waitakere City Council as the general framework for the review of Council's Waste Management Plan, with changes as appropriate.
4. That targets set through the review of the Council's Waste Management Plan be generally in line with those in the New Zealand Waste Strategy, with additions and alterations where appropriate.

Report prepared by: Jenny Macdonald, Strategic Leader.



13 **PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY**

PURPOSE OF THE REPORT

A50-A51

The purpose of this report is to present the eleventh of the monthly Painted Apple Moth update reports from the Ministry of Agriculture and Forestry, as requested by the full Council meeting 17 August 2001. The Ministry of Agriculture and Forestry report is attached at page A50. The latest moth trap catch map is attached at page A51. Additional information on the painted apple moth eradication programme also presented here.

BACKGROUND

Aerial Spray Operation

Nine targeted aerial sprays against painted apple moth were completed over the period from January to September 2002. A combination of a fixed wing aircraft and a helicopter sprayed up to 900ha. The fixed wing aircraft targeted the residential blocks while the helicopter concentrated on the smaller and trickier terrain.

A52-A53

The Government announced its approval of \$90 million over the next three years for the revised painted apple moth eradication programme on 9 September 2002. The revised eradication programme includes an expanded aerial spray area of up to 12,000 ha. Attached at page A52 illustrates the targeted aerial spray zone and page A53 illustrates the expanded spray zone of approximately 8,000 ha.

STRATEGIC CONTEXT

The Ministry of Agriculture and Forestry has an obligation to do all that is required in terms of its legal responsibilities under the Biosecurity Act 1993. Council has encouraged and facilitated this where possible.

Council has an obligation to protect native ecosystems, native flora and fauna habitat and the ecological processes associated with these systems both under the Resource Management Act 1991 and under the District Plan issues 5.2 and 5.5. Equally, Council has an obligation to protect and represent the residents of Waitakere City.

ISSUES

Current Aerial Spray Programme

After being delayed for nine days due to poor weather, the first expanded aerial spray round of 8,000ha was completed in one day on 23 October 2002. Three aircraft - a Fokker Friendship, a small, fixed wing aircraft and a helicopter - covered the suburbs of Te Atatu South, Massey West, Ranui, Henderson North, Western Heights, Oratia, Glen Eden, Sunnyvale, Henderson, Glendene, Kelston, Harbour View, Avondale, Waterview, New Lynn, Mt Albert, Point Chevalier and Blockhouse Bay. Traherne Island and the northwestern motorway between Lincoln Road and Waterview ramps were also included in the aerial spray zone.

The spray zone was divided into two large blocks. The Friendship covered the lower block (about 5,000 hectares) at the Waitakere ranges end of the zone and the small plane covered about 3,000 hectares at the seaward side of the zone. Both flew at the Civil Aviation Authority-approved height of 45 metres and worked in a racecourse style circuit - large oval circles starting from one end of the allotted area and moving methodically northeast.

The helicopter was used to target small areas of heavy caterpillar infestation - two gullies in the Wairau Creek and Glendene Stream, the Waikumete Cemetery and an area in Swanson near the Stagecoach bus depot.

The second expanded aerial spray is scheduled for 11 November 2002.

Health Issues

Waitakere City Council regards the health issues surrounding aerial spraying as one of the single most important issues for the Ministry of Agriculture and Forestry to manage well, in the interests of the community.

Council's position is that the health service has not been appropriate to meet the needs of the community and that many people believe:

- They have not been treated with sufficient respect;
- That health conditions they believe are related to spraying have not been adequately treated or investigated.

To address this issue yet again Council convened an informal meeting of health providers and the Ministry of Agriculture and Forestry's National Manager for the programme, Mr Ian Gear on 7 October. Medical professionals strongly urged Mr Gear to allow painted apple moth health services to be delivered via the people's own chosen health professional (GP, naturopath, practice nurse, etc.) as these relationships are already established and based on mutual trust and respect - something that does not automatically exist between people and the Ministry of Agriculture and Forestry's health providers. Although no commitment was given Mr Gear undertook to examine the option. This process is being facilitated by Cr. Hulse and at the time of writing she was due to meet with Mr Gear in Wellington to further discuss the matter.

Moth Trap Catches

Weekly moth trap catches ranged between 1-6 moths per week for September with the exception of 7-13 September when the population peaked and 22 moths were trapped. Most moths caught were inside the targeted aerial spray zone. Four moths were caught on the periphery of the spray zone in Pt Chevalier and one moth trapped in Birkenhead.

Weekly moth trap catches ranged between 5-8 moths per week for October. Again, four moths were caught on the periphery of the spray zone in Point Chevalier. One moth was trapped approximately four kilometres from the spray zone in Sandringham, a distance that is within the known flight capability of the moth.

Comparison of the 2002 moth trap catch data with 2001 figures is not possible as Council has not been provided with trap catch data from 7 September to 17 November 2001. However, the moth's range was expanding in September 2001 with the first moth caught in a trap on Scenic Drive, Titirangi and moths were also caught in traps on West Coast Road near Piha Road.

Ground Survey Finds

Repeat larval finds have been made at Waikaukau Bridge, opposite Waikumete Cemetery, at the Swanson Depot, Swanson Road and on the banks of the Henderson Creek where the northwestern motorway crosses the river. Host removal work has been undertaken at the Swanson and Henderson Creek sites. Host removal work is scheduled to begin shortly at the Waikaukau Bridge site.

Reinstatement Issues for Council

The removal of host vegetation, particularly wattle species, by the Ministry of Agriculture and Forestry may require remediation work to protect sensitive areas. The Ministry of Agriculture and Forestry has not yet identified the extent of host removal work, and therefore the extent of reinstatement work that may be required, is unknown at this point in time.

Estimated costs and areas for reinstatement were outlined in September's report to the Environmental Management Committee. Discussions have begun between Council and the painted apple moth General Manager to address host removal work and reinstatement issues and the costs involved.

RESOURCES

An earlier report detailed the resourcing levels required for this project. With the issue continuing into the 2002/2003 financial year, the impact on current and proposed work programmes is significant. It is not expected that Council will put any additional financial resources into the eradication operation as it is a matter of national biosecurity and is under the jurisdiction of the Ministry of Agriculture and Forestry through the Biosecurity Act 1993.

However, as stated in a previous report, funding may be required for revegetation of Council land where host removal work has been undertaken by the Ministry of Agriculture and Forestry. The current Annual Plan expenditure does not allow for plantings and maintenance that Council may be required to undertake as a result of host removal by the Ministry of Agriculture and Forestry.

CONCLUSION

Nine rounds of targeted aerial spraying to eradicate the painted apple moth have been completed along with the first expanded aerial spraying. The date for the second round of expanded aerial spraying is 11 November 2002.

Discussions continue with the Ministry of Agriculture and Forestry to resolve the issues around health and host removal/reinstatement. However, there may still be financial implications with the latter issue for Council.

RECOMMENDATION

That the information be received.

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