



NOTICE OF MEETING

ENVIRONMENTAL MANAGEMENT COMMITTEE

I hereby give notice that an Ordinary Meeting will be held on:-

DATE: **Tuesday, 14 May 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.

9 May 2002

Sidney Hargis
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
	GB	Presland
	GW	Russell
	CA	Stone
	VS	Neeson, JP

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, 14 MAY 2002,
COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

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

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

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

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



3 CONFIRMATION OF MINUTES

Ordinary - Tuesday, 9 April 2002
Emergency - Tuesday, 9 April 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 9 April 2002 and the Emergency Meeting of the Environmental Management Committee held on Tuesday, 9 April 2002, as circulated, be taken as read and now be confirmed.



PART I - REGULATORY / ENFORCEMENT

4 LEGAL UPDATE (AS AT 26 APRIL 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, 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, information's 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). These appeals have all been set down for a call over in the Environment Court on 13 May 2002.

Selak v Waitakere City Council (7 March 2002)

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

Appeals recently filed by the applicant Messrs Selak, and their neighbours, Messrs Collett and Nye. Both appeals relate to the operation of the Selak's Go-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. These appeals have been set down for call over in the Environment Court on 13 May 2002.

PJ Lipsham v Waitakere City Council (24 October 2001)

Appeal against consent conditions imposed for proposed subdivision within Oratia Structure Plan area. The parties have undertaken mediation on two separate occasions and are due for a third mediation session on 18 April 2002.

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 development intended for 2-6 Henderson Valley Road. Council granted consent to this development subject to conditions on 18 September 2001. Mobil has filed an appeal relating to traffic conditions including a proposed roundabout. The applicant Henderson Valley Developments has appealed several conditions relating to payment of financial contributions. Discussions are currently underway with Henderson Valley Developments Limited; its appeal is set down for call over in the Environment Court on 13 May 2002.

8 Wallace Road Limited v Waitakere City Council (14 September 2001)

This is an appeal filed by 8 Wallace Road Limited against a decision by Council refusing consent to a medium density housing proposal for 31 residential units in Wallace Road, Ranui. The appeal has been set down for a call over in the Environment Court on 13 May 2002.

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

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 appeal has been set down for a call over in the Environment Court on 13 May 2002.

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, Sunday School rooms and additional car parking at Green Bay Community Church in Bardon Road, Green Bay. Mediations took place on 28 January and 18 February 2002 and did not resolve the matter. The church is to issue proceedings in the District Court relating to the use of a right of way shared by the church and the Drukers/Michaels and accordingly this matter has been adjourned indefinitely until those issues are resolved. Solicitors for the church are to report back to the Court by 1 March 2003.

Greg Miller v Waitakere City Council (14 May 2001)

Appeal filed by Mr Miller relating to geotechnical consent conditions imposed on subdivision consent granted for property at 657 South Titirangi Road. This appeal has been resolved by minor amendments being made to the consent conditions, and a consent order has now been issued by the Court.

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. The appeal has been set down for a call over in the Environment Court on 13 May 2002.

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. A mediation between all parties took place on 28 November 2001, where it was agreed that a further mediation would take place, following an agreed process to obtain further information. In the event that the appeal does not settle, the Court has set the appeal down as a back-up fixture in the week of 20 May 2002.

Kitewaho Bush Reserve Company Limited and Ors v Waitakere City Council - Declaration/Enforcement Proceedings - (1996)

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 eight different subdivision applications and related applications for certificates of compliance. This matter was heard Judge Treadwell over seven days between 12-20 July, with closing addresses delivered on 27 July 2001.

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 Resource Management Act).

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 (i.e. Kitewaho and related entities and the Auckland Regional Council).

Kitewaho and related entities has now served its own appeal on Council.

Both of these appeals will be allocated a Directions Conference shortly in the Auckland High Court.

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.

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. This application is opposed by some local residents. A joint hearing (along with the Auckland Regional Council) is scheduled for the 24 May 2002. A pre-hearing meeting is scheduled for 6 May 2002.

The Enforcement Order proceedings have been allocated a call-over on 13 May 2002.

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. The Court has now set this matter down for a priority hearing in the week of 6 May 2002.

Peter Millman v Waitakere City Council – Woontons Lane, Titirangi (1999)

Appeal by Mr Millman against an abatement notice issued by Council relating to alleged excessive noise from activities taking place on Mr Millman's property. This matter proceeded to mediation in July 2001, with an agreement in place for review of the abatement notice. It is expected that this matter may settle shortly.

Shan Ali and Sarul Nisha - 3 Bellaire Court, West Harbour (20 November 2000)

On 20 November 2000, Council applied to the Environment Court for Enforcement Orders requiring the respondents to alter their house so that it comply with Rules 4 and 5 of the Living Environment Rules of the Waitakere City Proposed District Plan. Those rules relate to a height infringement and a height to boundary infringement.

The respondent eventually agreed to the Enforcement Orders being made by consent and Council reserved its right to apply for costs if the Enforcement Orders are not complied with. The respondents are to modify the dwelling so that it complies with the above rules, and then provide a certificate from a registered surveyor confirming compliance. On 21 March 2002, Judge McElrea of the Environment Court made Orders by consent reflecting the above.

PROSECUTIONS

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

Informations have been laid against Mr Cargill under Nos.1090017265 and 66 in relation to the clearance of bush in the Coastal Natural Area. The matter is set down for a two day defended hearing in the week beginning 27 May 2002.

Apelu Talatonu and TNT Tree Surgeons - 53 Helena Street, Massey (22 June 2001)

Informations have been laid against both of the above defendants on the basis that they approached the owners of the above property and offered to cut down a large liquid amber tree. On 16 November 2001, Mr Talatonu entered a plea of guilty to the charges, which were transferred to the Environment Court for sentencing. The matter is to be called in the Environment Court for sentencing on 30 April 2002.

Graham Gordon - 202 Shaw Road, Titirangi (7 July 2001)

On 16 November 2001, a number of information's 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. This matter was called on 26 April 2002 and was transferred to the Auckland District Court for hearing before an Environment Court Judge.

Graham Gordon -202 Shaw Road, Titirangi (7 July 2001)

On 16 November 2002, two information's were served on Mr Gordon in relation to the alleged construction of a workshop on his property without building consent. These matters were called on 26 April 2002 and transferred to the Auckland District Court to accompany the Resource Management charges.

BUILDING ACT PROSECUTIONS

Peter Engel - 54 Pleasant Road, Glen Eden

The defendant removed part of the foundations of a house, leaving it overhanging an area under which workmen were laying concrete. He pleaded guilty to 2090011713 for carrying out building work without a consent and was sentenced in the Waitakere District Court on 26 April 2002 by Judge Johnson.

The Court noted that there was a potential for the building to collapse and endanger those working under and around it. The Court fined the defendant \$15,000, with \$130 Court costs and \$400 solicitors costs.

Heather Piper - 20 Bancroft Crescent, Glendene (17 November 2000)

Informations 0090031258-65 were laid against Ms Piper for a number of offences under the Building Act. The matter was heard on 18 December 2001 in front of Judge Hubble and he delivered his decision on sentencing on 17 April 2002.

The Court took into account that the defendant had taken swift steps to co-operate with Council, employed fire experts, applied for resource and building consents, and spent approximately \$18,000 in attempting to rectify the problem. The defendant was convicted on all charges and ordered to pay \$1,000 prosecution costs.

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 six for a period of four years and three months. On 25 May 2001, they were convicted in the Waitakere District Court pursuant to Nos.0090028151 and 52 and sentenced to total fines of \$40,500. The defendants subsequently appealed by the conviction and sentence.

In response to an application by the appellants, Council filed an application to produce further evidence on the appeal. On 24 April 2002, Justice Glazebrook granted Council's application to produce further evidence and allowed the appellants to produce further evidence in reply. The matter is to be set down for a pre-trial conference in the week of 13 May 2002.

RECOMMENDATION

That the information be received.

Report prepared by: John Watson, Contract Solicitor.



5 SALE OF LIQUOR POLICY REVIEW

PURPOSE OF THE REPORT

The purpose of the report is to advise a process for reviewing of Councils Sale of Liquor Policy.

BACKGROUND

Council introduced its Sale of Liquor Policy in May 1992. The policy was developed primarily as a result of the introduction of the Sale of Liquor Act in 1990. That Act placed significant duties in relation to the Sale of Liquor on Local Authorities as the District Licensing Authority with little guidance at the time, outside the strict wording of the legislation, as to how they or the Liquor Licensing Authority would operate. Indication from the Liquor Licensing Authority was that there was an expectation that Councils would develop policy guidance as to how they viewed the Act operating within their areas.

This Council was one of the first to produce a policy and received acclaim at the time from the Liquor Licensing Authority for its quality. The process involved production of a document from scratch, wide public consultation, hearing of submissions and formal launch. While that policy has served relatively well over the last 10 years, it is being recommended a review occur.

STRATEGIC CONTEXT

The policy links in with a number of safety strategies that Council views as important. There are key support links to the safety for pedestrians and road users which are important in a number of pathways. There are also key links with child safety and home safety. The policy links in to the Wellbeing of the City's residents by adding to the promotion of health and social cohesion.

SPECIFIC POLICY ISSUES

There are a range of reasons why a review should now occur. These include:

1. A significant change to the legislation which occurred last year placing much more responsibility in Councils hands. It is important internal officers have clear policy guidance given these wider powers.
2. The Liquor Licensing Authority is now clearly ensconced in the role and a lot clearer precedent has been set under decisions and guidance provided by the Authority.
3. The various roles within Council such as Liquor Liaison and are now well embedded and to be complete, the policy needs to make reference in these areas.
4. Other policy areas, such as the District Plan, have changed significantly over the time and policies relating to these are probably out of date
5. Licensed premises demographics have matured.
6. It is clear from its operation that the Policy is "wordy" and difficult to operate.

RECOMMENDED PROCESS

Feedback by various interested parties in the liquor area indicates that they would welcome the opportunity to provide feedback / be involved in consultation in any changes to the policy.

Rather than merely ask for feedback on the current policy or conversely attempt to rewrite the same and then seek consultation, it is suggested that an issues document (similar to that produced for the Local Government Act) be produced to form the basis for consultation.

Examples of the key issues in that document would be:

1. Aim of the policy;
2. Key principles;
3. Role of the public in the process;
4. Specific Regulatory Issues;
5. Health promotion and communication.

Clearance of that document by this Committee would need to occur as a first step.

Actual consultation would be intended to be wide with, at the lower end, advertising to the public and at higher end direct consultation and meeting with the larger groups such as Police, the Licensing Trusts, Liquor Liaison groups etc.

From this consultation a draft policy would be reported to this committee for consideration and ultimately a finalised document to Council for adoption.

Work is commencing on the draft discussion document. Resourcing for this part of the project and the subsequent steps is intended to be supported through available funding in the Safe Waitakere Alcohol Project with support from the Sale of Liquor staff as required. This resourcing and costs are provided for in the current Annual Plan. It is intended to present the draft document to this committee at its July meeting. From that point it is seen the process taking a number of months to go through the consultation process and draft write up with the new policy in place by Christmas.

CONCLUSION

The Sale of Liquor policy needs reviewing and updating. This should occur as a consultation process through this Committee.

RECOMMENDATIONS

1. That the information be received.
2. That the process for review of the Sale of Liquor Policy 1992 as outlined in this report be adopted.

Report prepared by: Anthony Higgins, Manager: Support Operations.



6 QUALITY CONSTRUCTION ISSUES - THE WEATHERTIGHTNESS OF BUILDINGS

PURPOSE OF THE REPORT

The purpose of the report is to provide some information for the Environmental Management Committee regarding the current issue within the housing construction industry relating to buildings that are not weather tight.

The report also outlines the Council's position and proposed action in relation to the issue.

BACKGROUND

The media has recently raised concerns about leaking buildings and the resulting decay of the timber framing and flooring. A series of articles (mainly in the New Zealand Herald) has drawn attention to problems associated with leaks, and rotting timber frames in new and recently constructed dwellings. Concerns have also been raised in the media about a mould, resulting from the rot, which has the potential to seriously damage health.

This particular report has arisen due to a request from the Deputy Mayor, although ongoing investigation had been started previously in relation to the issue to ascertain the extent of the problem within Waitakere City.

STRATEGIC CONTEXT

One of Council's main strategic drivers is intensification of housing around town centres and transport nodes. The importance of providing medium density housing within the walkable catchment of the town centre is recognised both in the Proposed District Plan and Council's Strategic Plan. Residential accommodation in town centre locations and around transport nodes such as train stations provides housing choice, in terms of type and affordability, for a range of people. The ability to walk to shops, workplace, recreational facilities or public transport terminals reduces the need for car use, and moves toward creating a more sustainable urban form. To date, building consents for more than 3,700 medium density housing units have been applied for in Waitakere City.

Media coverage to date has implied that much of the housing in the Auckland region affected by leak and rot problems, has been medium density or terrace housing. This could lead to a perception that this type of housing is inherently inferior and prone to rot problems (i.e. "rotting houses" and medium density developments are one and the same). Such a perception could have a serious effect on the take up of development opportunities for medium density housing, while also affecting the sale and purchase of existing medium density housing. This could potentially have a significant impact on the implementation of Council's strategic vision. As such, it is important that the issue be fully investigated, and possible solutions and management options be explored.

ISSUES

Causes

It would be speculative at this stage to identify any one possible cause of the problem. However, a number of possible causes or combinations thereof have been identified by the building industry groups as possible contributing factors to the problem, including poor design, bad workmanship, untreated timber and the replacement of brick and weatherboard claddings with new cladding systems.

Action Within the Building Industry

Two separate and independent groups within the building industry have been set up to deal with the issue. The Building Industry Authority has recently engaged an independent overview group of people to conduct an enquiry into the issue (The Building Industry Authority Overview Group on Weathertightness). This group also liases with the Weathertight Buildings Steering Group coordinated by the Building Research Association of New Zealand and comprises representatives from the construction industry. These groups are undertaking research to ascertain how widespread the problem is and identify all likely causes. Grant Gillard, Manager: Consents Services, is keeping in regular contact with both groups to ensure that Council is kept fully up to date on research and development in relation to the issue.

Council as Regulatory Authority

As the regulatory authority, Council is involved in inspecting the construction of new housing and issues Code Compliance Certificates under the Building Act 1991. Media coverage has indicated that other Councils in the region may be a party to legal proceedings, when serious leak damage was found after Code Compliance Certificates were issued.

The full extent of the issue within Waitakere City has not been ascertained. To date, Council is not aware of any pending claims in relation to the issue, although concerns have been raised by the owners of some houses within Waitakere City. These concerns are currently being investigated. A more comprehensive report in relation to this, including an assessment of the scope of the issue within Waitakere City and the findings of the two building industry groups, will be brought back to the Committee at a later date.

CONCLUSION

Given the importance of ensuring that residents of the City have safe and healthy housing and the value of medium density housing in implementing Council's strategic vision, it is important that a thorough assessment be done of the extent of the issue within Waitakere City. It is recommended, that this be the subject of a further report to this Committee, which will also incorporate the findings of the building industry groups.

RECOMMENDATIONS

1. That the information be received.
2. That a comprehensive report in relation to the issue of weathertightness of buildings, including an assessment of the scope of the problem within Waitakere City and the findings of the two building industry groups be brought back to the Environmental Management Committee at a later date.

Report prepared by: Grant Gillard, Manager: Consent Services and Elizabeth Wells, Principal Planner.



7 **SOVEREIGN YACHTS CONSENTS - REVIEW BY PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT**

PURPOSE OF THE REPORT

Representations were made to the Parliamentary Commissioner requesting a review of the subdivision at Hobsonville Airbase which subsequently resulted in the transfer of a 4.03 ha parcel of land from New Zealand Defence to Sovereign Yachts Limited. This report is to advise Councillors of the Parliamentary Commissioner's findings.

CONCLUSION

A1 The Parliamentary Commissioner's response, which he copied to Mayor Harvey, is attached at page A1. It advises "... that the effects of the subdivision had been examined by the consent authority, Waitakere City Council in accordance with established Waitakere City Council procedures and he could find no grounds for questioning the Waitakere City Council assessment given in the decision on the consent application, that 'the adverse effect on the environment of the [subdivision] is minor'. His report notes that there is potential for contamination of the Harbour from development of the Sovereign Yachts land and marine industry activities thereon, but Mr McClymont also advises these effects would be examined in separate resource consent proceedings conducted by Waitakere City Council and Auckland Regional Council under the Resource Management Act. Mr McClymont's overall assessment is that Waitakere City Council handling of the subdivision consent application has not resulted in the environment being adversely affected".

RECOMMENDATION

That the information be received.

Report prepared by: John Mackay, Urban Design Manager.



PART II - DISTRICT PLAN / STRUCTURE PLANS

8 **DISTRICT PLAN APPEALS UPDATE TABLE**

PURPOSE OF THE REPORT

The Acting District Plan Co-ordinator will provide a verbal update to the Environmental Management Committee on progress in dealing with the appeals on the Proposed District Plan.

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

RECOMMENDATION

That the information be received.

Report prepared by: Owena Schuster, Committee Secretary.



9 PROPOSED DISTRICT PLAN DESIGNATION - 9-15 ALDERMAN DRIVE

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



PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely Proposed District Plan Designation - 9-15 Alderman Drive.

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

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">Proposed District Plan Designation - 9-15 Alderman Drive.	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none">to enable the Council to carry on, without prejudice or disadvantage, negotiations including commercial and industrial negotiations.	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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

- the report contains information which if released would affect the Council's negotiations.



PART III - ENVIRONMENTAL MANAGEMENT

10 HEALTH EFFECTS FROM VEHICLE EMISSIONS

PURPOSE OF THE REPORT

The purpose of this report is to raise the issue of health effects from vehicle emissions addressed in a recent report released by the Ministry of Transport, and indicate options for Council action. The Ministry of Transport report can be viewed on www.transport.govt.nz under News, and a copy has been made available in the Councillors Lounge.

BACKGROUND

The report "Health effects due to motor vehicle air pollution in New Zealand" was commissioned by Ministry of Transport following a recent World Health Organisation study in Europe that indicated that the number of premature deaths for those aged over 30, due to vehicle-related air pollution, was greater than that due to the road toll.

The report prepared by the National Institute of Water and Atmospheric Research in conjunction with the Wellington Medical School focuses on fine particulates, which can be considered as a good indicator of the combined exposure to the range of pollutants from motor vehicles.

It is estimated in the report, that for New Zealand, around 399 people/year, over the age of 30, will die as a result of exposure to emissions of particulates from vehicles. This figure compares with 970 deaths due to particulates from all sources and with 502 dying from road accidents.¹

The figures for Auckland estimate an annual mortality rate of 253 people over 30 years of age (63% of the national figure). The higher mortality rate in Auckland is the direct result of higher pollution levels. Not everyone in the population is equally susceptible to health effects from air pollution. It is acknowledged in the report that high-risk groups include the elderly and people with chronic lung and heart conditions.

Emissions from motor vehicles that can produce health effects are the gases carbon monoxide (reduces the oxygen carrying capacity of blood), nitrogen oxides (causes inflammatory reactions on the lung surfaces), volatile organic compounds including benzene (carcinogenic), sulphur dioxide (respiratory irritant that particularly affects asthmatics), particulates (epidemiology not understood but particles can lodge in the lung tissue) and ozone, which is secondarily produced in the presence of sunlight and results in photochemical smog.

Fine particles cause increased morbidity and mortality, and there are no apparent threshold concentrations for those health effects. As a result the World Health Organisation has decided not to recommend air quality guidelines for particles, but most countries (including New Zealand) have been more pragmatic and have set guidelines aimed at minimising the occurrence of health effects. Recent preliminary research is showing that it is probably the finer particles causing greater effects, and particles from diesel emissions possibly having greater effects than those from other sources.

The level of fine particles is related to the use of diesel vehicles and to the sulphur levels in diesel fuels. New Zealand has a relatively high number of diesel vehicles with 430,000 registered. The sulphur content of New Zealand diesel is high (up to 2,500 ppm, whereas in Europe the mandated maximum of sulphur content of diesel is currently 350 ppm, reducing to 50 ppm in 2005).

¹ All figures for air pollution deaths in the report are estimates. Details of the causes of uncertainty and the margin of error are given in the report.

The report indicates that air pollution from vehicle emissions is a significant, but under-recognised, cause of health effects ranging from illness to premature death. It demonstrates that there is an invisible road toll as well as a visible one, and highlights the need to continue working towards reducing the amount of emissions created by motor vehicles.

STRATEGIC CONTEXT

This Council's earlier work indicates that vehicles are the major source of stormwater pollution in Waitakere City. Council is now working co-operatively with Ministry of Transport on a project modelling the contaminant contribution to stormwater from vehicle emissions. This project is nearing completion and a presentation is planned for this month.

The Ministry for the Environment and Ministry of Health are currently finalising new ambient air quality guidelines that will set minimum requirements for councils and central government to work towards through regional air quality plans and national plans. These guidelines will cover various air pollutants, including those from vehicles. In addition, work is being done by the Government's climate change project to identify ways of reducing New Zealand's greenhouse gas emissions, a major component being carbon dioxide from vehicle emissions.

The recent Auckland Regional Council - led 0800 Smokey campaign drew a huge response that indicated a high level of public concern. The Minister of Transport, Hon Mark Gosche, has indicated government initiatives following the smokey vehicle campaign and introduction of the "10 second rule" will include:

- lowering the sulphur content of diesel fuel in Auckland;
- improving the quality of New Zealand's petrol and diesel fuels over the next few years;
- improving the emissions quality of imported new and used vehicles;
- undertaking further research on the health impacts of vehicle emissions.

A key strategic direction for Waitakere City focuses on urban consolidation with more local employment to reduce dependency on the use of private vehicles, alternative transport options with improved passenger transport, and greater walking and cycling opportunities. Secondly, Waitakere strives to be a Safe City in all aspects including health.

ISSUES

Now with the identification of health effects of vehicle emissions, increasing traffic congestion throughout Auckland region and New Zealand's commitment to reducing greenhouse gases, we have an even greater imperative to address transport issues and vehicle emissions.

The various means of reducing the adverse effects of vehicle emissions can be summarised as:

- providing opportunities for alternative means of transport to private vehicle dependency in the form of passenger transport (bus, rail, ferry), car-pooling, walking, and cycling;
- advocating for cleaner-burning fuels, higher vehicle emission standards and emission testing;
- advocating for better vehicle maintenance including regular tuning;
- traffic and roading network planning to avoid congestion points.

Council's progress on these issues includes securing the rail corridor and investigating options to upgrade rolling stock, development of a cycle and walking strategy, and securing land for park and ride stations. Electrification of the Western Line would provide a significant step towards cleaner air as well.

Ministry of Transport is re-examining the introduction of emissions testing as part of the warrant of fitness process. Within the month, the Council-owned Testing Station will be re-introducing emission testing for both petrol and diesel powered vehicles with its new gas analyser equipment but until new legislation is introduced, can only advise its customers on maintenance measures to improve vehicle performance.

Council will also have the opportunity to comment on the proposed new ambient air quality guidelines, although it is unclear when these will become available. The Committee will be kept informed of progress on these matters.

More immediately, the Auckland Regional Council are currently promoting their Big Clean-Up Campaign with air quality and advocating regular tuning of vehicles to address the polluting effects of vehicle emissions. There is an opportunity to co-ordinate publicity with the Auckland Regional Council and a representative will be available at the meeting to present their approach.

RESOURCES

No new resource issues beyond staff time have been identified to date as the Ministry of Transport project is fully funded by the Ministry. In the area of vehicle emissions testing, the Funding Policy states that as Council has a strong commitment to promoting energy efficiency and improving air quality consequently, the costs of emission testing should be allocated to the community as a whole and not to just vehicle owners and should be met from rates. No emission testing has been carried out during the previous two years as the equipment failed but this will be starting again for the 2002/2003 financial year. Funding for emission testing is currently being managed internally by the Testing Station.

CONCLUSION

Air pollution has been shown to be a serious health issue, on the same scale as the road toll. This stresses the importance of planning for increasing passenger transport use, with future provision for light rail as well as for greater bus use to reduce private vehicle dependency. Air pollution has been a concern of this Council for a number of years and has resulted in initiatives, such as, addressing greenhouse gases in the Proposed District Plan resulting in regulation for urban consolidation around transport nodes, emission testing during warrant of fitness checks at the Testing Station. Recent information highlights the importance of fine particles as the pollutant with the greatest health effects, and more work is needed in this area.

Council's next step is best focussed on advocacy and communication and, there is the immediate opportunity to co-ordinate with Auckland Regional Council in their air quality campaign.

RECOMMENDATIONS

1. That the information be received.
2. That Council lobbies central government to legislate for cleaner-burning fuels, diesel in particular, and for emission testing as part of the warrant of fitness process.
3. That Council continues to advocate, through the Auckland Regional Council, for the immediate electrification of the Western Line and continues to make the point that increasing diesel fumes on that line is contrary to the Auckland Regional Council's own policy.

4. That Council co-ordinates an advocacy and communication programme with Auckland Regional Council to raise awareness of the effects of vehicle emissions, and to encourage drivers to have their vehicle emissions checked and to take necessary action.

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



11 PIHA/KAREKARE AND HUIA/CORNWALLIS LOCAL WATER AGENDA

PURPOSE OF THE REPORT

The purpose of this report is to seek the Environmental Management Committee's approval to develop Local Water Agendas for Piha/Karekare and Huia/Cornwallis.

BACKGROUND

The Piha/Karekare Water Quality Steering Group was formed in 1994 as a partnership between the local community and Council. The purpose of this group was to address problems related to stormwater, septic tank disposal systems, localised flooding and stream water quality.

Issues identified included the following:

- overland flows following bush clearance on high ground;
- roadside drain and culvert blockages leading to flooding during periods of heavy rain;
- flooding and erosion of streams onto private property; and
- erosion of sand hills between Piha Beach and Marine Parade (by Piha Stream).

It was recognised that faulty septic tanks in the Piha/Karekare area could create a public health hazard and cause adverse environmental effects. An investigation of 621 properties in the area identified 177 properties with faulty septic tank systems. Council worked closely with the owners of properties and through this co-operative process the vast majority of faults were repaired. Only three property owners have refused to complete repairs and Council is instigating prosecution against these owners.

To date, work funded by the Council has included:

- new wastewater technology demonstration projects;
- stream clearing and stormwater maintenance;
- ongoing stream water quality monitoring programme;
- restoring water quality to the Piha and Karekare waterways;
- managing stormwater servicing and localised flooding (including flooding from the top of Piha Road); and
- eliminating black water and grey water effects on the environment.

Council's Public Health Department now carries out water quality testing in the Piha/Karekare Streams and Lagoons. From this testing process Council has had to erect warning signs on ten occasions at Piha and two occasions at Karekare over the 2001/2002 bathing season. These results may not be directly attributable to septic tank seepage as the indicators can also rise due to infiltration of animal faeces, high rainfall and other effects.

Similarly, the Huia/Cornwallis Water Steering Group was established in 1995 to address stormwater and wastewater issues in the area.

A Wai-Care group is currently operating in the Huia/Cornwallis area. This focuses mainly on stream quality and community assistance with replanting programmes.

Both Steering Groups are not operational at present and it is proposed to re-establish these groups.

STRATEGIC CONTEXT

The proposal to develop and implement community processes is aligned with the Council's strategic direction and legislation, as detailed below.

The Council Water Workshop held on 3 April 2002 endorsed in principle the proposal to enhance the current Strategic Direction by developing a Waitakere Local Water Agenda, based on the following:

- the Water Cycle Strategy; and
- the Water Campaign.

The Water Cycle Strategy

The objective of the Water Cycle Strategy is as follows:

"To implement sustainable water systems in harmony with the natural water cycle, through community support and ownership".

Waitakere City Council developed its Water Cycle Strategy in 1994 in consultation with groups and individuals within the community. Adopted in 1995, the Strategy advocates a sustainable approach to managing our water resources and aims to:

- reduce long-term costs;
- enhance environmental quality; and
- achieve social benefits.

These aims will be achieved by:

- reducing stormwater flows and pollution;
- generating less wastewater; and
- using water more efficiently.

In advocating a sustainable approach, Waitakere's *Water Cycle Strategy* has seven strategic goals:

Goal 1

Reduce the use and abuse of the water cycle at source:

- Prevent pollution and promote efficient use.

Goal 2

Re-use water:

- Encourage re-use of treated wastewater and stormwater for appropriate purposes, rather than wasting a potential resource.

Goal 3

Recycle water:

- Treat stormwater and wastewater.

Goal 4

Recover water by-products:

- recover and use resources such as compost and energy.

Goal 5

Provide efficient water supply systems:

- avoid wastage and commission new, sustainable water supply sources such as local streams, groundwater, recycling and re-use, rather than transporting water into the City from increasingly distant sources.

Goal 6

Provide efficient wastewater systems:

- plan and support initiatives, which improve the efficiency of our local and regional wastewater systems.

Goal 7

Provide efficient stormwater systems:

- ensure the flooding and the pollution of streams and waterways are better managed;
- improve the management of stormwater drainage, streams and waterways, particularly those with higher flooding and pollution potential.

The Local Water Agenda

The Local Water Agenda is a campaign developed by the International Council for Local Environmental Initiatives. The campaign focuses on three levels of local government interaction with the fresh water environment: the Council itself, the urban area and water catchment areas.

It is proposed that the Council will begin participation simultaneously in all three agendas and progress from one agenda to the next, over time, as capacities and resources allow.

Each of the three Local Water Agendas of the campaign focuses on an area over which local governments can directly influence the quantity and quality of fresh water that is available to their communities to meet their present and future needs. The agenda areas are the:

- Council Water Agenda;
- Community Water Agenda; and
- Catchment Agenda.

The presence of a consistent and coherent framework within which to approach work in these areas will assist the Council in implementing long-term, achievable solutions. All three agendas focus on the involvement of local government, iwi, the community and regional water professionals. They are consistent with Local Agenda 21 planning methodology.

THE LOCAL GOVERNMENT BILL (2002)

It is expected that this Bill will be passed into legislation in 2002. Key features of the legislation pertaining to water are as follows:

- The purpose of local authorities is to enable local decision-making, by, and on behalf of, individuals in their communities, to democratically promote and action their social, economic, environmental, and cultural well-being in the present and for the future;
- A local authority must, not less than once every six years, carry out a process to identify community outcomes and priorities for its district or region;
- The purposes of the identification of community outcomes and priorities are:
 - (a) To enhance decision-making by aligning the activities of the local authority with community objectives;
 - (b) To provide scope to measure the contribution of the local authority to the achievement of community objectives;
 - (c) To provide a mechanism for setting priorities for the activities of the local authority; and
 - (d) To promote the better co-ordination and application of community resources; and
 - (e) A territorial authority must, from time to time, make an assessment of the provision of water and wastewater services within its district.
- In making an assessment of current and future demands and options to meet the demands, a territorial authority must consider:
 - (a) the full range of options and their environmental and public health impacts, including (but not limited to) -
 - i on-site collection and disposal;
 - ii grey water and stormwater reuse or recycling;
 - iii demand-reduction strategies, including public education, information, pricing and regulation; and
 - iv the full range of technologies available for the treatment and disposal of wastes.
 - (b) any comments by the Medical Officer of Health.

In terms of the legislation wastewater services includes sewerage, sewage treatment and stormwater drainage; and water services means the supply of drinking water.

PROJECT MILESTONES

It is proposed to establish a Steering Group for each catchment that will meet every three months to provide advice on the following matters:

- establishing community priorities;
- assessment of water and wastewater services;
- community consultation;
- priority issues; and
- developing work programme proposals for consideration by the Council through the 2003/2004 Annual Plan and Long Term Community Plan.

Project milestones are set out in the table below.

TASKS	MILESTONE
• approval by the Environmental Management Committee.	14 May 2002
• Waitakere Community Board nomination of representatives.	4 June 2002
• steering Group develops a project plan for the Local Water Agendas.	July 2002
• implementation of the project plan.	1 August 2002 to 30 June 2003
• review progress and recommend future action if necessary.	July 2003

The project will be reviewed in July 2003 with a view to determining if it is necessary to continue with the Steering Group and provide recommendations to the Environmental Management Committee on any further action.

It is proposed that each Steering Group will consist of one Councillor from the Environmental Management Committee and one member from the Waitakere Community Board. This is based on the model that worked successfully at Piha/Karekare.

RESOURCES

The project will be managed by EcoWater staff, supported by specialists as necessary, (for example, to undertake water quality monitoring, ecological assessments or site surveys).

Funding for this project has been included in the draft 2002/2003 Annual Plan.

CONCLUSION

It is proposed to reinstate the Water Quality Steering Groups for the Piha/Karekare and the Huia/Cornwallis Catchments. The purpose of these groups will be to co-ordinate stormwater, wastewater and water issues and prepare Local Water Agendas for each catchment.

RECOMMENDATIONS

1. That the information be received.
2. That approval be given to develop Local Water Agendas for the Piha/Karekare and the Huia/Cornwallis Catchments.
3. That a representative of the Committee be appointed to the Piha/Karekare Local Water Agenda Steering Group and another Committee representative be appointed to the Huia/Cornwallis Local Water Agenda Steering Group, on a voluntary basis.
4. That a copy of this report be forwarded to the Waitakere Community Board.

Report prepared by: Tony Miguel, Acting EcoWater Business Unit Manager.



1 February 2002

WKR 41-3
2001110

Mr Brian Neeson
MP for Waitakere
PARLIAMENT BUILDINGS

Dear Mr Neeson

Re: Hobsonville Airbase – Subdivision for Marine Industry Cluster

In May 2001 you made representations to me requesting a review of this subdivision (which subsequently resulted in the transfer of a 4.03 ha parcel of land to Sovereign Yachts Limited). I asked my Director Citizens' Concerns, Bob McClymont to carry out an investigation into the handling of the resource consent application for the subdivision which appeared to be your principal concern. Mr McClymont reported to me on the results of his investigation and the purpose of this letter is to advise you of his findings. My apologies for not doing so sooner.

In your letter to me, you noted that WCC had determined the application for consent (which was made on behalf of NZ Defence Force (NZDF)) did not require notification. You contended that the application should have been notified, because you considered the subdivision would have more than minor adverse effect on the environment. In support of your contention, you cited a newspaper article reporting Auckland Regional Council (ARC) studies showing the Waitemata Harbour as being polluted by heavy metals, synthetic organics and bacteria from land run-offs.

Mr McClymont reports that he has not been able to substantiate your concerns. He advises that the effects of the subdivision had been examined by the consent authority, Waitakere City Council (WCC) in accordance with established WCC procedures and he could find no grounds for questioning the WCC assessment given in the decision on the consent application, that 'the adverse effect on the environment of the [subdivision] is minor'. His report notes that there is potential for contamination of the Harbour from development of the Sovereign Yachts land and marine industry activities thereon, but Mr McClymont also advises these effects would be examined in separate resource consent proceedings conducted by Waitakere City Council and Auckland Regional Council under the Resource Management Act. Mr McClymont's overall assessment is that WCC handling of the subdivision consent application has not resulted in the environment being adversely affected.

I have accepted Mr McClymont's assessment and will not be taking further action on the subdivision. The results of Mr McClymont's investigation are also being reported to Mr Bob Harvey, Mayor of Waitakere City.

Yours sincerely

Dr J Morgan Williams
Parliamentary Commissioner for the Environment

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