



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, 10 December 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.

4 December 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, 10 DECEMBER 2002,
COMMENCING AT 9.30 AM.**

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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, 10 DECEMBER 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, 12 November 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 12 November 2002, as circulated, be taken as read and now be confirmed.



PART I - REGULATORY / ENFORCEMENT

4 LEGAL UPDATE (AS AT 28 NOVEMBER 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 & Nye v Waitakere City Council (8 March 2002)

Appeals have recently filed by the applicant Messrs Selak and their neighbours, Messrs Collett & 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 & Nyes have appealed Council's decision to allow the Go-Kart activity. The matter is to be set down for a hearing of two 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 & 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 Ltd, 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 callover 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 a proposal has been put forward 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 eight 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 Resource Management Act).

At a meeting of Council on 19 December 2001, it was resolved:

- “1. *That the information be received.*
2. *That Council authorises the lodging of an appeal to the High Court against the decision of the Environment Court in proceedings ENF147/96, ENF148/96, MIS005/00 and MIS050/00, limited to the Court’s rulings on Section 91 and section 92 of the Resource Management Act 1991.*
3. *That the Service Manager: Resource Management and Building and Manager: Legal Services be authorised to liaise with the Auckland Regional Council to discuss the possibility of a joint appeal with that party.”*

2937/2001

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 took place on 6 November 2002. The Court directed that further documents be lodged to limit the scope of the evidence to be produced. Hearing time has yet to be set down but is anticipated in December.

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

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 till early next year for a remediation to be progressed. The remediation package includes the gifting land to the ARC that requires a subdivision consent which is currently being processed by the Waitakere City Council.

J & 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. If it is found that there is a case to answer then this will occur early next year.

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 removed the building and Council are reconsidering the prosecution.

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 was been set down for pre-depositions on 14 November 2002. The defendants did not appear and the matter is now set down for depositions on 10 February 2003.

Radford / Tweedie Prosecution - Sunnyvale Road, Red Hills (27 November 2003)

Informations have been laid against Mr Radford and Mr Tweedie in relation to breaches of the Building Act. The Council alleges that unauthorised building work occurred that has substantially altered the existing house. The matter was set down for a first call on 29 November but has been adjourned to allow discussions to continue in respect of pleas to be entered with a further date of 24 January 2003.

Lorenzen Prosecution - 91 Kaurilands Road, Swanson (27 November 2003)

Informations have been laid against Mr Lorenzo in relation to the clearance of bush in the Riparian Margin and General Natural Area. The matter was set down for a first call on 29 November 2002 but has been adjourned to enable Mr Lorenzo to seek legal advice with a further date of 24 January 2003.

HIGH COURT – APPEALS FROM PROSECUTIONS

Aik Law & 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 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.

At a hearing in the Auckland High Court on 20 September 2002, before Justice Harrison, the defendants were refused leave to appeal to the Court of Appeal on sentence. Subsequently three more applications have been made as follow:

- (a) An application to the Court of Appeal for further leave to appeal against the substantive decision of Justice Harrison;
- (b) An application to the High Court for leave to appeal against the order for costs;
- (c) An application to the High Court to suspend the order for costs pending determination of the ongoing appeals.

The Court has not yet set hearing time.

RECOMMENDATION

That the information be received.

Report prepared by: Catherine Knight, Contract Solicitor.



5 OUTCOME OF THE INVESTIGATIONS CONDUCTED BY THE PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT

PURPOSE OF THE REPORT

The purpose of the report is to inform the Environmental Management Committee of the findings of an investigation conducted by the Parliamentary Commissioner for the Environment.

The investigation related to the process adopted by the Council in dealing with an application for resource consent for the establishment of a new dwelling at 183-191 Konini Road, Titirangi.

BACKGROUND

On 24 February 2000, a resource consent application was lodged seeking to establish a new dwelling on a 1.5155 hectare bush-clad site. The proposal required the removal of up to 843.5m² of native vegetation. In addition, formation of the driveway and building platform required earthworks comprising 46m³ of excavation and 94m³ of fill.

The application was allocated to a Council staff member for processing. That staff member considered that the proposed vegetation clearance would give rise to significant adverse environmental effects and, as a consequence, the applicants were advised that the application would be publicly notified.

The applicants did not agree with the staff member's decision to notify the application, and subsequently exercised their right to have the determination of the staff member reviewed by the Council's Hearings Committee.

A hearing was held on 7 September 2000 to consider this issue. After considering the evidence that was presented, together with the Council planner's report, the Committee resolved that the application could be processed on a non-notified basis. Having reached this determination, the Committee then went on to consider the substantive aspects of the application and granted consent.

In February 2001, the Council received correspondence from the Waitakere Ranges Protection Society expressing concerns regarding the process followed in assessing and determining the application. The Society also referred their concerns to the Parliamentary Commissioner for the Environment, who decided to undertake an investigation into the issues that were raised.

STRATEGIC CONTEXT

The Council prides itself on the delivery of fair and transparent democratic processes. In addition, it is important that the Council complies fully with all statutory requirements relating to the processing of resource consents.

ISSUES

In June 2001, staff from the office of the Parliamentary Commissioner for the Environment commenced their investigation into the processing of the resource consent application. The investigation comprised a review of all relevant file documents, interviews with parties who were involved in the matter, and a visit to the site in August 2001 to view the development works that had occurred.

A1-A3

There had been little contact from the Parliamentary Commissioner's staff in relation to this matter since that time. However, a recent letter from the office of the Parliamentary Commissioner has advised that the investigation has been discontinued. A copy of the letter is attached at pages A1 to A3.

A number of observations are made in the letter in relation to the manner in which the application was processed. In particular, two points of concern were identified. Firstly, the Parliamentary Commissioner's staff are of the opinion that the standard of the Council's planning report appeared to fall short of best practice. Secondly, it is suggested that it was inappropriate for a (then) Councillor to appear at the hearing as a witness for the applicant.

In relation to the first issue, there is clearly a need for elected members to carefully consider their actions when becoming involved in resource consent processes. In most cases, there will be no breach of any legal duty. However, elected members need to be mindful of the potential for perceptions of bias or unfair influence in statutory processes of this nature. A conservative approach is recommended in most instances. It is noted that the current Hearings Committee has attended two training sessions that have dealt with these issues, amongst other matters.

The highlighted deficiencies within the Council planner's report can in part be attributed to the unusual nature of the proceedings, which meant that the report format was somewhat of a 'hybrid' between standard report templates. In any event, all of the report templates have been reviewed and improved over the last year to ensure that best practice reporting is achieved. In these circumstances, the Committee can be confident that the issues identified by the Parliamentary Commissioner's staff would not arise again.

RESOURCES

The observations of the Parliamentary Commissioner for the Environment do not raise any resource issues that are not already catered for in existing budgets.

CONCLUSION

Staff from the office of the Parliamentary Commissioner for the Environment have advised the Council that they are discontinuing their investigation into the processing of a resource consent for vegetation clearance and earthworks at 183-191 Konini Road, Titirangi.

Observations from their enquiries highlight some deficiencies with the Council planner's report, and suggest inappropriate involvement in the hearing by a former elected member. The potential for these issues to arise again has been substantially reduced through a combination of training and process improvement.

RECOMMENDATION

That the information be received.

Report prepared by: Philip Brown, Service Manager: Resource Management & Building.



PART II - ENVIRONMENTAL MANAGEMENT

6 FURTHER SUBMISSIONS ON THE PROPOSED REGIONAL PLAN: AIR, LAND AND WATER

PURPOSE OF THE REPORT

The purpose of the report is to advise the Environmental Management Committee of the next phase of submitting on the Proposed Regional Plan: Air, Land and Water and to present a draft submission for consideration.

BACKGROUND

Council has lodged substantive submissions on both the Proposed Regional Plan: Air, Land and Water (709/2002) and on Variation 1 to the Proposed Regional Plan: Air, Land and Water and the associated Variation 1 to the Proposed Regional Plan: Coastal (2576/2002). The summary of submissions received by the Auckland Regional Council has now been released and Council has the opportunity to support or oppose these submissions. A copy of the Summary of Submissions has been made available to Councillors and can also be viewed on www.arc.govt.nz.

Since the closing date for initial submissions, Council has been working collaboratively with the Auckland Regional Council, Watercare Services Limited and the Local Network Utility Operators to achieve consensus and avoid a protracted legal process. The Auckland Regional Council has indicated it wishes to continue to work co-operatively and this will provide an opportunity to contribute positively. However, Council can still take the opportunity to participate in the formal statutory process of lodging submissions.

STRATEGIC CONTEXT

Council's strategy is to integrate the management of the water cycle including stormwater and the green network, with the following objectives:

- The City's native plants, animals and their ecosystems are cared for and protected. Stream and coastal areas are replanted and protected from erosion and natural links and wetlands are re-established.
- Council and private landowners work in partnership to ensure that our native and other ecosystems are protected from threats to their ongoing survival.
- People have better access to the City's parks, streams and green corridors, which are well managed to provide improved standards of amenity and ecological health.
- The management of stormwater keeps up with the growth of the City and remains in harmony with the natural water cycle. Land slippage and erosion is reduced and people's health and safety is protected.

The water which runs off the City's roads, roofs and car parks causes flooding and pollution problems if it is not well managed. As an area becomes more urbanised, there is more of this runoff and less opportunity for the water to soak naturally into the ground, or to find its own way along creeks and streams to the sea.

Stormwater works do not need to be pipes in the ground. Natural creeks and streams are part of the beauty of the City and a habitat for native plants and animals, and many of the stormwater systems being developed in the City now mimic these natural areas and include plantings, walkways and wetland areas. These have the advantage of removing much of the pollution from the stormwater as well as reducing the potential for flooding.

Council has put in place a long-term plan to manage stormwater in the City, focussing first on the problems of the older urban areas and on catchments experiencing a lot of building and development, including parts of the Outer Area such as Huia and Piha. There will be further work and fine-tuning of this plan with the development of a computerised stormwater modelling system and to take into account the Auckland Regional Council's requirements.

The final adopted Regional Plan: Air, Land and Water is the statutory document under which all discharge consents will be granted by the Auckland Regional Council. Thus it has considerable influence on both the quality of the region's environment and on the methods and costs, which this Council and the City's residents might incur in relation to achieving this quality.

ISSUES

The Auckland Regional Council has received a total of 460 submissions. Under the First Schedule of the Resource Management Act 1991, Council can lodge further submissions supporting or opposing submissions received. The process for public participation following the receipt of further submissions, is as follows:

- Submissions will be heard and considered by Auckland Regional Council in early 2003. The date for Hearings has not been set and the Committee will be advised in due course.
- Following the Auckland Regional Council's decision to either accept or refuse any submitters and further submitter's requests, the affected party has the right to refer the matter to the Environment Court.

At its meeting of 13 August 2002 this Committee resolved:

"That the Environmental Management Committee consider submitting to Council a further submission on the issue of chemical residues in soil, following receipt and analysis of the Auckland Regional Council Summary of Submissions on the Proposed Air, Land and Water Regional Plan."

2577/2002

There are 13 submissions relating to contaminated land, twelve of which seek minor changes to the wording of the rules for greater clarification. The submission from the Oratia Residents and Ratepayers Association seeks the withdrawal of the threshold levels of contamination proposed in the plan to determine activity status for stormwater discharge from contaminated land until further studies have been completed. No other submission challenges the threshold levels of contamination.

It appears that it is the threshold level for copper in soil that presents a particular problem for landowners of former orchards in Oratia. Council may wish to support the submission lodged by the Oratia Residents and Ratepayers as under the current rules some properties in Oratia, where it is found that copper levels in soil exceed 80 mg/kg, will incur costs in further soil testing, remediation and discharge consents. However, a review of acceptable copper concentrations in soil prepared by Meritec Limited for KPMG Legal on behalf of Waitakere City Council concluded that 80 mg/kg was conservative but a suitable trigger level based on international research literature.

The implications for land under development where soil tests indicating copper (or other contaminant) levels above the threshold are that a controlled activity resource consent would be required from the Auckland Regional Council for discharge of stormwater from the site. Whereas, for land with soil tests indicating levels below the threshold discharge of stormwater is a permitted activity.

On a more general level, the opportunity also exists to support or oppose (as appropriate) submissions on the whole of the very contentious Section 5: Discharges to Land or Water and on the Variations, which contain the rules applying to stormwater discharge. Submissions on this part of the plan cover the whole spectrum of opinion and it is in Council's interest to lodge further submissions in support of those parties in general agreement with Council's position on these matters, and in opposition of those parties expressing the opposite view. These further submissions would be consistent with Council position on the issues as stated in Council's submissions as resolved (709/2002 and 2576/2002).

RESOURCES

The Proposed Regional Plan requires a level of environmental standard that discharges must meet. There are potential cost implications in meeting these standards. The standards will determine, for instance, conditions in stormwater catchment management plans. It is not yet possible to determine the full resource implications of the Proposed Regional Plan.

It is not known at this stage whether it is feasible to engineer stormwater treatment solutions to meet the proposed Auckland Regional Council criteria.

The costs will be further developed to enable Council's consideration through the Long Term Council Community Plan and Funding Review.

No allowance has been made in the 2002/03 Annual Plan for legal costs associated with this issue. In order to minimise costs of responding to the Auckland Regional Council, costs are being shared with Watercare Services Limited and the Local Network Utility Operators.

CONCLUSION

Lodging a further submission in response to other submitters will strengthen Council's position on issues raised by the Proposed Regional Plan: Air, Land and Water.

RECOMMENDATIONS

1. That the information be received.
2. That the Chairperson of the Environmental Management Committee be given delegated authority to approve the further submissions to the Proposed Regional Plan: Air, Land and Water and Variation 1.

Report prepared by Tony Miguel, Manager: EcoWater Solutions and Carol Bergquist, Senior Analyst Environmental Policy.



7 UPDATE ON CORPORATE ENERGY EFFICIENCY AND SOLAR STREET LIGHTING

PURPOSE OF THE REPORT

This report provides an update of current corporate energy efficiency initiatives and on the feasibility of solar powered street lighting as requested by the Environmental Management Committee on 8 October 2002, Resolution 2987/2002.

BACKGROUND

Waitakere City Council has begun to examine its own organisational energy use and associated CO₂ impacts as a result of Council programmes (including corporate sustainability, climate change and corporate sustainability reporting), the release of the national Energy Efficiency and Conservation Strategy, and central government's Climate Change Programme. Council's energy costs for four years are as follows:

Energy Type	1999/00 Actual	2000/01 Actual	2001/02 Actual	2002/03 Budget	No. of Accounts
Electricity	\$1,201,234	\$1,244,177	\$1,159,750	\$1,372,815	269
Gas	\$196,239	\$162,743	\$190,682	\$250,200	7
Total	\$1,397,473	\$1,406,920	\$1,350,432	\$1,623,015	

Table 1 - Waitakere City Council's Energy Costs

During the second half of 2001/2002 Council began to take a proactive approach to energy management, with an initial focus on controlling and monitoring its own electricity usage and costs. This approach highlighted that current processes and support tools do not allow the effective control and monitoring of energy usage and costs given to the large number of accounts involved.

While current information is poor, initial cost monitoring and targeting, and the air-conditioning and associated work of the Civic Centre have created on-going electricity cost savings as listed below.

Cumulative On-Going Annual Savings:	Savings
Identified During 2001/2002:	
Civic Centre	\$24,889
New Lynn Community Centre	\$24,481
Corban Estate	\$7,200
Tyne Building	\$1,500
5 Ratanui Street	\$5,000
	<hr/>
	\$63,070
Identified During 2002/03:	
Civic Centre	\$4,300
Cumulative On-Going Annual Savings Identified	<hr/> \$67,370
<u>One-Off Corrections Identified in 2002/2003:</u>	
Credits Received for Over Estimated Energy Use	\$8,288

Table 2 - Energy Cost Savings for Waitakere City Council

The Civic Centre savings in energy use (230,423 kWh per annum, 28%), and costs (\$29,189), resulted from the installation of the air-conditioning and lighting systems and decommissioning the old and inefficient heat exchange plant. The other energy cost savings identified to date resulted from down grading main fuse sizes (due to reduced expectation of peak electricity use at any one time), externalising electricity costs to users as agreed by Council building lease contracts, and receiving credits for incorrect electricity charges. The down grading of main fuse sizes also has a greater contribution to Waitakere City in that less allowance for peak demand electricity is required at any one time, which also helps reduce the total amount of electricity required to service the area. Although the current peak demand electricity reduction from Council are small in relation to the overall demand for the city, it does provide an example of how energy demand can be reduced for a city.

Council was 'Highly Commended' at the EnergyWise Awards in September 2002 for its efforts in reducing the level of energy use in new public buildings. Avoiding energy use during the design stage is critical for energy efficiency gains, followed closely by monitoring energy use and costs in order to identify problems before they become major issues.

STRATEGIC CONTEXT

In September 2001 the Energy Efficiency and Conservation Authority released the National Energy Efficiency and Conservation Strategy. The direction of the strategy focuses on improving energy efficiency and a progressive transition to renewable sources of energy. The strategy includes five action plans, including one for Central and Local Government.

The strategy proposes that local authorities voluntarily commit to improving energy efficiency in the sector by 15% over five years. Energy Efficiency and Conservation Authority believes that most organisations can save around 5-15% of their energy costs through monitoring and targeting. Such savings can be achieved through modifying timing of energy use, correct payment of energy costs, and corrective action when issues are identified.

Energy and climate change policy are inextricably linked, with energy efficiency and conservation measures having the potential to contribute significant greenhouse gas emissions reductions. Improved management and control of energy use would also result in a reduction of energy consumption. This will assist Council implement its own CO₂ reduction programme as it begins to deliver the Cities for Climate Protection programme.

ISSUES

CO₂ Emissions

Through Council's Climate Change programme it has been estimated that Waitakere City generates around 1 million tonnes of CO₂, with 56% being Transport and 23% Electricity Consumption. As an organisation that utilises energy to deliver its functions and employ staff to provide the functions, it is estimated that Council's CO₂ emissions can currently be estimated at 8,923.5 tonnes per annum of which 15% Transport and 61% Electricity Consumption.

A breakdown of Council's energy use and CO₂ is summarised below.

Energy		2001/2002 Quantity	2001/2002 Tonnes of CO ₂	2002/2003 Sep YTD Quantity	2002/2003 Sep YTD Tonnes of CO ₂
Direct GHG Emissions Scope 1	Gasoline (litres)	215,630	630.0	59,960	136.7
	Diesel (litres)	57,556	149.6	16,391	42.6
	Gas (kWh)	6,132,336	1,152.8	1,880,341	353.5
Indirect GHG Emissions Scope 2	Electricity (kWh)*	<i>12,000,000</i>	<i>5,400</i>	<i>3,000,000</i>	<i>1,350</i>
Indirect GHG Emissions Scope 3	Staff Travel To/From Work (km)	<i>654,240</i>	<i>590.6</i>		
	Staff Travel for Work	<i>To be completed</i>		<i>To be completed</i>	
Total Tonnes of CO₂			7,924		1,883.8 28.5%

* Figures in *Italics* are estimated based upon best information

Table 3 - Councils Energy Use and Greenhouse Gas (GHG) Emissions

Council's Corporate Sustainability Programme includes a number of initiatives to reduce Council's energy use, costs and CO₂ emissions and seeks to work with other areas of Council to deliver a number of these initiatives, as well as seeking to avoid the unnecessary future use of energy, ie. in new public buildings.

Monitoring and Targeting

Initial efforts to gather information about Council's energy use was made in preparation for tendering the electricity contract for July 2002 - June 2004 and could only be estimated at 12,000,000 kWh given the large volume of information and energy accounts. Council is now seeking to implement an energy monitoring and targeting system for electricity and gas (which can also monitor water) usage and costs and highlights variances for follow-up. It is believed that this will enable Council to more effectively monitor and target energy use as well as identify areas for energy efficiency initiatives and gains. Other local authorities such as Hamilton and North Shore City Councils, and organisations such as Auckland University, Telecom and WaterCare are currently using this system.

One of the most important outcomes of implementing the system is that Council will be able to effectively calculate its actual (kWh) energy use and costs for individual sites and for Council as a whole. Finding a solution to this issue has been Council's predominant effort as it is ineffective to implement energy efficiency initiatives if the results cannot be measured nor monitored.

Energy Efficiency Support Processes

Significant gains in energy efficiency can be made through implementing mechanical or mechanistic processes but these gains can be made inefficient if human effort does not support them.

Council is seeking to support the implementation of energy efficiency through four means. Firstly, taking a coordinated approach to energy management. The Project Manager - Cleaner Production has been providing the function of an energy coordinator and through the 2003/2004 Annual Plan processes will be asking Council to increase the resources providing this function in order to achieve the associated energy use and cost savings. Energy coordination includes supporting implementation of the electricity contract, monitoring electricity usage and costs, central point of contact for energy issues, information exchange with energy managers in other organisations, EnergyWise Councils contact, identifying potential energy efficiency initiatives, and supporting their implementation.

Secondly, a Major Energy Users Group has been established to begin educating energy budget holders or managers (eg. Property and EcoWater), major facility managers (eg. Libraries and Leisure), and Council staff with a role in energy, on the nature of Council's energy usage, costs and CO₂ generated. Over the last 18 months this group has only met a few times to begin gaining an understanding as to why Council is interested in being more efficient with energy and to learn the potential for energy efficiency for Council sites. It is intended that members of the group will be able to access the information about Council's energy use and costs through the energy monitoring and targeting system to encourage 'ownership' of the energy use and costs, and future energy efficiency initiatives relating to their energy budget or building. Until they can access this information they have limited ability to identify effective energy efficiency initiatives.

Thirdly, an interim Corporate Sustainability Action Team is being established to implement projects for the Corporate Sustainability Programme, including implementing new recycling and waste minimisation systems for Council. This team will encourage energy efficiency on the individual behavioural level locally within Council buildings, ie. switching off monitors when not in use.

Fourthly, throughout Council the 'EcoCity' vision is being implemented through Council development projects by incorporating the principles of sustainable building within development briefs. In regards to energy efficiency principles, initiatives include building orientation for solar gains, the use of passive systems, and energy efficient mechanical and lighting systems. Most recently Council is beginning to conduct energy audits on building designs to ensure the maximum level of energy efficient gains have been incorporated in the building design.

The above four approaches seek to ensure that a holistic approach is taken for Council's approach to becoming an energy efficient organisation that minimises its CO₂ emissions.

Corporate Energy Efficiency Initiatives

The process has begun for a Design and Build tender for the Massey Leisure Centre & Library photovoltaic panels. Funding was secured from United Networks Shareholders Trust Fund in October 2001 for this project. Council is seeking to gain the maximum level of solar energy capable of being generated given the roof space provided above Massey Library and the funding available for the project. The photovoltaic panels will be connected to a Net Metering unit that will allow excess energy produced (for the allocated area) to be sold back to the national grid. Council will benefit from the reduction of CO₂ during the electricity generation through the photovoltaic panels and the city will benefit from having a local example of renewable energy that residents can visit, view in real time and learn what renewable energy can mean. Although the economic return on the capital cost of the photovoltaic panels means that by itself the project is not cost effective, external funding from the United Networks Shareholders Trust Fund enables the education element to be achieved. Council is also examining further opportunities for renewable energy initiatives within Council new and existing developments, including solar street lighting, solar panels and wind.

As described above, incorporating energy efficiency in the design of new Council developments is essential for cost effective future energy efficiency gains resulting in lower energy use per square metre per annum than traditional building methods. Council is currently planning to design and construct new library buildings and the new civic building. Each of these developments and previous developments can further contribute towards Council's knowledge in designing and constructing sustainable and energy efficient buildings that should result in lower energy usage, costs and CO₂ emissions.

When the energy monitoring and targeting system has been implemented at Council, incorporating approximately two years of historical electricity data, areas that require focus will be reviewed for potential energy efficiency projects. It is anticipated that a number of energy audits will be required to identify the nature of the energy efficiency initiatives and that funding will be required for the low cost initiatives, one potential area is that of community centres and houses. Funding has been requested for energy efficiency audits and implementation in the 2003/2004 Annual Plan. Care will be taken in identifying areas for energy efficiency initiatives not to duplicate those that will best be addressed through the planned new Council developments.

Approximately 9% of Council's energy use and CO₂ emissions is through the use of vehicles for Council business. Through the 2003/2004 Annual Plan funding has been requested to conduct an energy audit on the Council vehicle fleet to identify the most effective and efficient use of Council's vehicle fleet. Projects conducted by other organisations to increase the efficiency of their fleets will be reviewed, some of these projects have examined how the vehicle driver themselves can increase the efficiency of cars as well as reviewing the car type, maintenance schedule and type of fuel. The Energy Efficiency and Conservation Authority provide financial assistance for energy audits of existing and new buildings, and vehicle fleet audits.

Street Lighting Initiatives

A breakdown of Council's energy use and CO₂ emissions for street lighting are as follows:

Details	2000/2001 Actual	2001/2002 Actual	2002/2003 Budget
Electricity Use Cost	\$727,858	\$764,134	\$774,000
Maintenance	\$366,412	\$376,175	\$407,000
Annual kWh	\$5,489,122	\$5,762,702	\$5,691,176
kW/hour	1,292	1,356	1,277
Hours/month for July	354	354	438
Cost/hour	\$171	\$180	\$174
Cost for July	\$60,655	\$63,678	\$76,068
CO ₂ (tonnes)	2,471	2,593	2,561

Table 4 - Street Lighting Energy Use and CO₂ Emissions

The most significant change for energy costs in relation to street lighting took place July 2002, when there was change in pricing methodology for street lighting. Street lighting line charges are determined by lines company, United Networks, and passed on by the electricity retailer, Genesis, and the energy use charges are determined by the electricity retailer. In previous years the line charges, and energy use charges for convenience, were determined by a national average for hours of darkness (4,250 hours) and then divided by 12 months for 11 equal (354) estimated payments and then the actual annual energy use was settled in the 12th month. In July 2002 United Networks implemented an 'actual use' methodology for line charges, based upon the hours of darkness as published in the New Zealand Herald. The electricity retailer again based their charges upon the same methodology, resulting in monthly variable electricity charges for street lighting. Although under the new pricing methodology the actual cost of street lighting is charged in the month it is incurred based upon the published hours of darkness, Council still does not pay for the actual hours streetlights are turned on for and has no current ability to control them. Opportunities to change this are currently being examined.

The Energy Efficiency and Conservation Authority conducted a study called 'Street Lighting Energy Efficiency Study' in 2001 to quantify the types of street lighting used throughout New Zealand and develop some recommendations for initial gains in energy efficiency. The recommendations included to continue to replace mercury vapour, low pressure, and fluorescent lamps with high pressure sodium or metal halide lamps; evaluate the potential for changing incandescent traffic signals and pedestrian lighting to light emitting diodes (LED's); evaluate changing the ballast types from iron cored to both electronic dimming and tapped ballasts; evaluate network or distribution charges; consider the introduction of performance contracting for the maintenance of street lighting assets; evaluate whether the ownership of street lighting controls should remain with the line company; and evaluate the types of control systems used to switch street lighting on/off. Council is already examining many of the recommendations of the 'Street Lighting Energy Efficiency Study'.

Ten Year Street Lighting Strategy

Council is seeking to develop a Ten Year Street Lighting Strategy to guide the direction for asset management, operation, maintenance, and upgrade programmes and will include consideration for safety, energy efficiency and cost of asset purchase and operation.

Street lighting (\$774,000) is approximately half of Council's electricity costs (\$1,500,000) and the ongoing cost of energy use is an important issue for consideration within the 10-year street lighting strategy. Energy Efficiency and Conservation Authority are planning to conduct follow-up research to the 'Street Lighting Energy Efficiency Study' and Council has indicated initial interest in supporting the next street lighting research project to ensure the energy efficiency targets within the Ten Year Street Lighting Strategy are what can realistically be achieved to reduce energy use and CO₂ emissions. Energy Efficiency and Conservation Authority have indicated they are seeking to conduct the next street lighting research project during 2002/2003 financial year.

A request for resources to develop the Ten Year Street Lighting Strategy has been included for consideration through the 2003/2004 Annual Plan process.

Street Lighting Energy Efficiency Initiatives

Energy efficiency initiatives in 2002/2003 include trialing six compact fluorescent lights, similar to those for homes but specifically manufactured for outdoor conditions, in Duncan Road, Te Atatu South. The energy consumption per streetlight is approximately 27% less than a high-pressure sodium streetlight and the compact fluorescent light itself is approximately 70% cheaper with a useful life that is 2-3 longer. The trial indicated that the compact fluorescent lights performed well against the New Zealand Australian Street Lighting Standard and Council will consider them with other energy efficiency initiatives under the 10 Year Street Lighting Strategy.

Council has begun to investigate opportunities to gain 'control' of switching the city's streetlights on/off for gains in energy efficiency and reduction in CO₂ emissions. The system allows for remote automatic monitoring and control of streetlights and has the additional benefits of calculating actual energy usage and identifying the nature and ownership of maintenance problems, ie. whether Council or the line company is responsible for the maintenance of the particular problem. Such a system would also assist Council identify the extent of the problem immediately; which Council or the line company is unable to do at this time until a contractor has physically visited the streetlight. Through gaining the ability to switch on/off streetlights comes the possibility of reducing street lighting costs up to 25% and there would also be an anticipated reduction in maintenance call-out costs. Council will be proposing a trial for an area of street lighting with this system through the 2003/2004 Annual Plan process.

Solar Street Lighting

Council has begun to investigate the opportunities for trialing solar street lighting. Initial research shows that there are at least two manufacturers with distributors within New Zealand or Australia. The estimated cost of solar streetlights is approximately twice that of current street lighting, although this assumes that there is a nearby electricity source for streetlights to be connected to.

Each solar streetlight operates individually and requires no underground connection wiring. One hole and one pole is all that is required. Each solar streetlight has its own battery to provide over five days no sun storage with an operating life of up to eight years. The solar streetlights are automatic and will run to dawn or for the required preset time. Resources to conduct a trial with solar street lighting are considered for inclusion in the 2003/2004 Annual Plan process.

Council has already approached Energy Efficiency and Conservation Authority to discuss the possibility for solar street lighting to be included in the follow-up research project. This would allow Council to benefit from more extensive research and knowledge base as it considers the opportunities for solar street lighting for the future.

RESOURCES

As noted above, over the last 18 months Council has achieved \$67,370 annual savings in energy costs, ie. energy costs that Council would have paid if the initiatives had not been implemented. Energy Efficiency and Conservation Authority believe that organisations should be able to achieve energy savings of 5-15%, ie. \$81,000 - 240,000 for Waitakere City Council. Council has begun to make good progress in energy efficiency but to achieve meaningful (reduction in energy use and CO₂ as well as financial) ongoing savings further effort and resourcing is required.

Within the 2003/2004 Annual Plan process funding has been sought to increase the level of resources invested by Council for energy efficiency in three budget areas. The first includes an additional Cleaner Production position for one year to allow the existing Project Manager Cleaner Production to expand focus on coordination and implementation of energy efficiency and gaining the associated financial savings for Council. The second is a request to increase the Corporate Environmental Performance budget from \$10,000 to \$35,000 to allow funding for the selected building energy audits and implementation, energy efficiency projects, vehicle fleet audit, national benchmarking of Council building for energy use, and other Corporate Sustainability Programme initiatives. The third is a request for funding for Energy Efficiency Street Lighting Trials for \$110,000 to trial the remote automatic monitoring and control of streetlights, and solar streetlights.

Energy Efficiency and Conservation Authority have three funding initiatives that will assist Council implement some of the energy efficiency projects mentioned above. The first is the Energy Audit Grant Scheme, which provides funding (ranging from 20 - 50%) for energy audits over \$10,000 for existing or new buildings and vehicle fleet audits. The only condition Energy Efficiency and Conservation Authority has placed on this funding is that up to 70% of the no-cost and low-cost recommendations must be implemented.

The second fund is the Crown Energy Efficiency Loan Scheme, which assists with capital funding of energy efficiency (including savings in maintenance) projects with a payback period of less than five years. The fund is charged a fee in lieu of interest. This fund has been well utilised by Hamilton and Christchurch City Councils, both of whom are national leaders in local government energy efficiency.

The third fund is the Residential Retro-Fit Fund, which provides funding for organised residential retro-fit projects. This fund could be utilised for energy efficiency projects with the Council owned pensioner flats.

CONCLUSION

Placing a focus on energy efficiency assists Council as an organisation as well as the greater community:

1. It assists to reduce the CO₂ generated by Council operations to meet the objectives of climate change programmes and the energy efficiency and conservation strategy.
2. Council provides a leadership role through 'walking the talk' of being an organisation operating within the Eco-City.
3. Council increases its efficient management of ratepayer funding spent on energy.

It can be expected that these outcomes will continue to benefit Council and the community while the organisation continues to place emphasis and effort in this area.

RECOMMENDATIONS

1. That the information be received.
2. That an update on Council's actual energy use and findings identified from implementation of the monitoring and targeting system be reported in March 2003.
3. That additional resourcing for energy efficiency be considered through the 2003/2004 Annual Plan process.

Report prepared by: Michelle Dawson, Project Manager Cleaner Production and Hussam Abdul-Rassol, Senior Transport Assets Engineer.



8 CITIES FOR CLIMATE PROTECTION - ENERGY EFFICIENCY - MONTHLY UPDATE

PURPOSE OF THE REPORT

To provide the Environmental Management Committee with an update of this month's energy efficiency initiatives.

BACKGROUND

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 and developed an action plan that was approved by this committee in November. Planning has started for the approved actions but no outcomes can be reported on to date.

STRATEGIC CONTEXT

Climate protection and energy efficiency are integral parts of Waitakere City's EcoCity philosophy. This is being reaffirmed by the current strategic review.

DECEMBER UPDATE

Adapting to Climate Change

Staff are participating in a national initiative to help local authorities adapt to the effects of climate change. The New Zealand Climate Change Project will prepare guidance notes for local government on how they can appropriately plan for the effects of climate change. A workshop on the 20 November to define the scope for the guidance notes and to discuss the possibility of case studies and best practice examples was attended by Waitakere City Council staff.

Bus Emissions

The new tender contract for bus operators includes a clause that will see the Auckland Regional Council arrange for emissions testing of buses to establish a baseline for emissions from buses. The intention is to encourage bus operators to tune their buses and embark on a programme of reducing average pollutant emissions from their fleet.

Council's Website

Information about Council's climate protection work has been placed on the Council Website in response to a school education resource produced by the New Zealand Climate Change Project. The intention is to expand and refine this information over the next months. Work has also started to improve the links between the sustainable building information and the planning and building pages of the Website.

A separate report to this committee gives an update on Corporate Energy Efficiency including solar street lighting.

RESOURCES

Resources for the climate protection programme are available in the current annual budget.

RECOMMENDATION

That the information be received.

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



9 PARKLAND EXCHANGE UPDATE AND ADDITIONS

PURPOSE OF THE REPORT

The purpose of this report is to request the addition of three small pieces of Council owned land in the management agreement about to be signed by the Auckland Regional Council and Waitakere City Council.

BACKGROUND

The Committee resolved at its meeting held on 10 September 2002 to enter into an Agreement with Auckland Regional Council for the exchange of management of reserve land(s) listed in a Schedule to the report, subject only to the draft Regional Parks Management Plan being approved by the Regional Conservator and ratified by the Auckland Regional Council.

“That the Chief Executive be authorised to enter into an agreement with the Auckland Regional Council for the exchange of management of the reserve land listed in the agenda report, under the terms outlined in the draft Agreement Provisions.”

2819/2002

The Auckland Regional Council has since ratified their Plan and the Regional Conservator's consent to it is imminent.

After this consent is gained, the Agreement between the two Councils can be signed and the management exchange undertaken.

STRATEGIC CONTEXT

The proposal to rationalise parkland with the Auckland Regional Council was identified within the Parks Strategy as a way of increasing efficient management and administration of Waitakere City Council reserves.

ISSUES

A recent internal Auckland Regional Council investigation of current land tenure along the Piha Road in the course of addressing another matter revealed the existence of three small parcels of land with road frontage vested in Waitakere City Council as Recreation Ground.

This land has traditionally been treated as part of the Waitakere Ranges Catchment Parkland under Auckland Regional Council's control.

Parks staff have confirmed that they have not previously been aware of the existence of land under Waitakere City Council's control in this location.

A4-A6

The total area of the three parcels is 2.88 hectares. The location on the Piha Road between the junctions of Anawhata and Lone Kauri Roads as attached at pages A4 to A6.

It has been agreed at officer level within the two Councils that, for the purposes of future control and management of this land, it would be appropriate to include it in the inter-Council Agreement for the exchange and management of lands in the Waitakere Ranges as Waitakere City Council land in future to be managed and controlled by Auckland Regional Council.

Auckland Regional Council

Officers at the Auckland Regional Council will report to this effect to the appropriate Council Committee this month.

Draft Agreement

The form and content of the exchange Agreement have been finalised pursuant to the resolutions of both Councils. Waitakere City Council awaits the approval of the Regional Parks Management Plan by the Regional Conservator as a prerequisite to formally ratifying the Agreement.

RESOURCES

No additional cost will be incurred by Waitakere City Council in formally allowing Auckland Regional Council to assume management and control of this land.

CONCLUSION

Given that the land in question has been assumed in Auckland Regional Council ownership and been managed accordingly, it is considered appropriate that the land in question be included in the management exchange agreement.

The inclusion of these pieces of land will not impact in any way on the current management of the areas in question and will ensure consistent management associated with the adjacent Regional Park.

RECOMMENDATIONS

1. That the information be received.
2. That the lands described below located on the Piha Road be added to the Schedule of lands identified by Waitakere City Council as being approved for transfer of management and control of same to Auckland Regional Council in the draft Agreement for the Exchange of Management of Reserve Lands in the Waitakere Ranges.

Reserve Name	Locality	Land Area
Recreation Ground	Piha Road	.5245ha
Recreation Ground	Piha Road	.9473ha
Recreation Ground	Piha Road	1.4074ha

Report prepared by: Renee Lambert, Service Manager: Landscape Development.



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

PURPOSE OF THE REPORT

A7-A8

The purpose of this report is to present the twelfth 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 as page A7. The latest moth trap catch map is attached at page A8. Additional information on the painted apple moth eradication programme also presented here.

BACKGROUND

Two expanded aerial spray rounds of 8,000 hectares have been completed, one on the 23 October and one over the period 13 - 15 November 2002. Three aircraft - a Fokker Friendship, a small, fixed wing aircraft and a helicopter - have been used for this aerial operation.

In the second aerial spray round the aircraft refuelling and reloading was scheduled to coincide with times when children are walking to and from school and eating lunch; 8.00 am - 9.00 am, 12.15 pm - 1.00 pm and 3.00 pm - 4.00 pm. Excellent feedback has been received from the public and school staff over these changes to the spray regime and they will continue to be followed in subsequent expanded aerial spray rounds.

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

Visit to the Minister of Biosecurity

A positive meeting was held with the Minister for Biosecurity, Jim Sutton, and his staff on 25 November 2002. Mayor Bob Harvey led the Council contingent comprising Saul Roberts and Kerry Bodmin, accompanied by Kubi Witten-Hannah and Hana Blackmore from the Community Advisory Group and Graham Douglas of Douglas Pharmaceuticals. The issues raised included the release of the ingredients in Foray 48b, building a relationship with iwi, health issues, the proposed health programme, the disbanding of the community advisory group and reinstatement of sites where host removal has occurred. Progress was made on a number of these issues and the Minister acknowledged the concerns of Waitakere City residents.

Current Aerial Spray Programme

The third expanded aerial spray round was scheduled for 2 December 2002. A map of the aerial spray zone is yet to be received but it is understood that the spray zone will be enlarged to include recent finds of caterpillars in Meola Reef and a buffer area around this.

The fourth expanded aerial spray round is scheduled for 18 December 2002, slightly earlier than the usual three week interval in an attempt to complete this round before the Christmas holiday period. The Ministry of Agriculture and Forestry has undertaken not to spray on the following dates over the Christmas period: 25 and 26 December, plus 31 December 2002 to 2 January 2003.

Health Issues

A health programme is currently being developed that would allow painted apple moth health services to be delivered via the people's own chosen health professional (GP, naturopath, practice nurse, etc). Cr Hulse continues to facilitate this process.

Moth Trap Catches

In November 2001 hundreds of moths were being caught in traps centred around the Whau River. The moth's range was expanding with one or two moths caught in Pt Chevalier, Te Atatu Peninsula, Scenic Drive, Waiatarua and Onehunga.

For November 2002, weekly moth trap catches ranged between 8-15 moths per week. However one moth was trapped approximately 4.5 kilometres from the spray zone in Newmarket, a distance that is within the known flight capability of the moth.

Ground Survey Finds

Repeat larval finds have been made at Waikaukau Bridge, Henderson Creek islands and in the mangroves in the Motions Creek area. Host removal work has been undertaken on the Henderson Creek islands and at the Waikaukau Bridge site. The Motions Creek area has been recognised as a hotspot. One targeted aerial spray has been completed over the mangroves at Motions Creek and this area will be included in the December expanded aerial spray round.

Reinstatement Issues for Council

Estimated costs and areas for reinstatement were outlined in September's report to the Environmental Management Committee. Discussions are progressing between Council and the Ministry of Agriculture and Forestry to address 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 two expanded aerial sprays. The date for the third round of expanded aerial spraying is 2 December 2002. The fourth expanded aerial spray round is scheduled for 18 December 2002. The Ministry of Agriculture and Forestry has undertaken not to spray on the following dates over the Christmas period: 25 and 26 December, plus 31 December 2002 to 2 January 2003.

Discussions continue with the Ministry of Agriculture and Forestry to resolve the issues around health and host removal/reinstatement.

RECOMMENDATION

That the information be received.

Report prepared by: Kerry Bodmin, Landscape Planning Co-ordinator.



11 **PENIHANA APPEAL MEDIATION PROCESS**

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



12 **TITIRANGI-LAINGHOLM SUBDIVISION APPEALS - CONFIRMATION OF DIRECTION**

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 parts of the proceedings of this meeting, namely Penihana Appeal Mediation Process and Titirangi-Laingholm Subdivision Appeals - Confirmation of Direction.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of each 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 each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">• Penihana Appeal Mediation Process• Titirangi - Laingholm Subdivision Appeals - Confirmation of Direction	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none">• Maintain legal professional privilege.	<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)(g) 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 matters concern legal issues currently before the Environment Court; and a mediation process, part of which contains an agreement between reference (appeal) parties that discussions and material will not be disclosed to other than the parties to that mediation.*

