



NOTICE OF MEETING

ENVIRONMENTAL MANAGEMENT COMMITTEE

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

DATE: **Tuesday, 11 June 2002** **TIME:** **9.30 am**

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

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

7 June 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
	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, 11 JUNE 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

- Special - Thursday, 9 May 2002
- Special - Friday, 10 May 2002
- Special - Friday, 17 May 2002

- Ordinary - Tuesday, 14 May 2002

RECOMMENDATION

That the minutes of the Special Meetings of the Environmental Management Committee held on Thursday, 9 May 2002, Friday, 10 May 2002 and reconvened on Friday, 17 May 2002 and the Ordinary Meeting of the Environmental Management Committee held on Tuesday, 14 May 2002, including the Public Excluded minutes as circulated, be taken as read and now be confirmed.



PART I - REGULATORY / ENFORCEMENT

4 LEGAL UPDATE (AS AT 31 MAY 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, 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 ARC 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 requested a report date back to Court of 28 June 2002 and it is hoped that discussions will continue with Transit up until that date.

**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. It has been agreed that further acoustic testing should be done and the Court has allowed a report date of 10 June 2002 for this purpose.

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 gone through mediation on this issue on a number of occasions and are still attempting to resolve it out of Court.

**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. The Court has set a report date of 22 June 2002 in the hope that those discussions will lead to a settlement before that time.

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. This appeal has been withdrawn with no issue as to costs.

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 substantive matter will now be set down for a 1½ day hearing in November 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 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 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.

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

This is an application for subdivision consent lodged by Coastal Environments Limited, which was declined by the Council. The Waitakere Ranges Protection Society and several residents groups are parties to the appeal. Coastal are presently considering whether to revise their proposal and this matter will be set down for the next call over list in approximately 3 months' time.

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.

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.

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 (2937/2001) that an appeal should be lodged to the High Court to clarify the Court's decision in relation to matters of interpretation of the Resource Management Act. That appeal was filed on 22 January 2002 and has been served on the other parties involved (ie. Kitewaho and related entities and the Auckland Regional Council).

Kitewaho and related entities has now served its own appeal on Council. Council has applied for security for costs and to admit some new evidence. It is anticipated that this will be heard on 1 July 2002.

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) occurred as scheduled on 24 May 2002. This decision is being awaited to determine Council's approach to the enforcement orders. Council is required to file a reporting memorandum in Court by 21 June 2002. If the Councils decline the consent a fixture will be sought for the enforcement order application.

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.

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.

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 is set down for a depositions hearing on 14 June 2002.

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

On 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. This matter was called on 27 May 2002 in the Auckland District Court. Mr Gordon failed to appear and a warrant was issued for this arrest.

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

On 16 November 2002, 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. These matters were called on 27 May 2002 in the Auckland District Court to accompany the Resource Management charges. Mr Gordon failed to appear and the matter was set down for a formal proof hearing on 5 September 2002.

HIGH COURT - APPEALS FROM PROSECUTIONS

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

These defendants rented an unsanitary building, previously a garage, to a family of 6 for a period of 4 years and 3 months. On 25 May 2001, they were convicted in the Waitakere District Court pursuant to CRN Nos.0090028151 and 52 and sentenced to total fines of \$40,500. The defendants subsequently appealed by the conviction and sentence.

The High Court has now decided on what further evidence can be produced at the appeal. The matter will be allocated a three day hearing as soon as possible after 8 July 2002.

RECOMMENDATION

That the information be received.

Report prepared by: John Watson, Contract Solicitor.



5 UPDATE ON ABATEMENT NOTICES ISSUED BY COUNCIL

PURPOSE OF THE REPORT

This report provides an update on the total number of current abatement notices issued by Council under the Resource Management Act 1991. The Environmental Management Committee requested regular 6-monthly updates after the first of these reports was supplied to the Environmental Management Committee on 11 December 2001.

BACKGROUND

Abatement Notices issued by warranted enforcement officers require a person to cease, or prohibits them from commencing, anything which in the opinion of the enforcement officer:

- a) Contravenes or is likely to contravene the Resource Management Act, any regulations, a rule in a plan, or a resource consent; or
- b) Is or is likely to be noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Matters, which must be specified by the Abatement Notice, include:

- (a) The name of the party to whom it is addressed;
- (b) The reasons for the notice;
- (c) The action required to be taken, or ceased or not undertaken;
- (d) The period within which the action must be taken or cease;
- (e) The consequences of not complying with the notice.

It is an offence to contravene or permit the contravention of an Abatement Notice. Prosecution is then by information under the Summary Proceedings Act, with conviction punishable by imprisonment or a fine of up to \$200,000 or a daily fine up to \$10,000 for the period during which the offence continues. There is a right of appeal to the Environment Court against the whole or part of an Abatement Notice.

CURRENT STATUS

Resource Management Act 1991 - Abatement Notices (Current)

Reason for Notice	Previous Total (12.11.2001)	Number Withdrawn	Number Issued	Current Total (22.05.2002)
Failure to maintain reasonable noise levels.	10	4	6	12
Unauthorised earthworks	3	4	2	1
Bush Clearance	2	2	2	2
Height to boundary infringement	1	0	0	1
Detraction to neighbourhood amenity	4	0	3	7
Non-compliance to Resource Consent conditions	8	9	9	8
Non-consented activity requiring Resource Consent	8	1	1	8
Discharge of contaminants	3	2	0	1

RECOMMENDATION

That the information be received.

Report prepared by: Alan Ahmu, Team Manager: Environmental Compliance.



6 THE SAFE PIERCING OF SKIN - PROPOSED BYLAW

PURPOSE OF THE REPORT

To consider whether Council should adopt a Bylaw to regulate the piercing of skin for health protection.

BACKGROUND

Council has received enquiries from the public, media, and representation from the Auckland District Health Board, relating to Councils regulation of skin piercing operators within the City.

Skin piercing is defined as any process involving the piercing, cutting and puncturing of skin or any other part of the human body, or applying a dye or other substance for the purposes of colouring part of the skin.

Skin piercing is becoming increasingly popular with a number of operators opening premises within the City. Skin piercing operators are currently not regulated nor subject to licensing by Council.

The Ministry of Health developed skin piercing guidelines in 1989 in response to the HIV epidemic and the threat presented by Hepatitis B and C. These viral infections can be transmitted from person to person by infected blood. Meticulous attention to hygiene and infection control is needed during skin piercing in order to avoid transmission of these viruses, as minute quantities of infected blood are enough to cause infection.

The Auckland City Council was the first in the Auckland Region to formulate a skin piercing bylaw in 1991, followed by North Shore City Council some years later, and Manukau City Council in April this year. All three bylaws made extensive use of a set of guidelines produced by the Ministry of Health entitled "*Guidelines for the Safe Piercing of Skin*" (1989, updated 1998). The major difference between the bylaws is that the Auckland City and Manukau City Bylaws lay out detailed, specific requirements within the bylaw, while the North Shore City Bylaw requires the operator to comply with the Ministry of Health "*Guidelines for the Safe Piercing of Skin*" (1998).

There is currently no national legislation specifically covering skin piercing practices.

STRATEGIC CONTEXT

Council's Strategic Plan (Wellbeing Support Objective 7 - Protection from Nuisance and Hazards) has the overall aim of ensuring that Citizens of the City have a safe and healthy environment. One of the Council's roles in this respect is to protect and conserve public health and safety. A proposed Bylaw to regulate skin piercing for health protection is consistent with this objective.

CURRENT POWERS

Council has the option to retain the current method of dealing with skin piercing outlets - that of acting upon complaints and enforcing part of the nuisance section of the Health Act 1956.

Section 29 outlines a variety of nuisances, and section 30 - 35 outline the methods of abating those nuisances. The section that can be applied to skin piercing operations states:

“29. *Nuisances defined for purposes of this Act -*
Without limiting the meaning of the term ‘nuisance’, a nuisance shall be deemed to be created in any of the following cases, that is to say:

- (i) *where any trade, business, manufacture or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health; ...”*

This is a very broad definition for dealing with complaints about skin piercing operations, and gives no guidelines as to what standards and hygiene practices are acceptable. Investigating officers can use the Ministry of Health guidelines as a guide to acceptable practices, but any enforcement must be couched in terms of complying with the Health Act 1956.

The current Ministry of Health Guidelines for the Safe Piercing of Skin emphasises the need for local registration and licensing by the Local Authority through the promulgation of a relevant Bylaw as an important component of managing the public health risk.

To date, Council has yet to receive any complaints about the hygienic practices or otherwise of skin piercing operators within the City.

Such an approach to the management of hazards involved with skin piercing operations is not pro-active, and premises will only be inspected as a consequence of a complaint via the public. Furthermore, there is no obligation on behalf of the operator to comply with the Ministry of Health guidelines. It is not known what the current state of general skin piercing operations is within Waitakere City.

JUSTIFICATION FOR A BYLAW

Although Council is yet to receive a complaint about skin piercing operators within the City, the Medical Officer of Health for Auckland, Doctor Lester Calder, considers such a bylaw is definitely needed.

Medical literature documents outbreaks of hepatitis B from tattooing. Transmission of other diseases such as hepatitis C and HIV is quite possible by unhygienic skin piercing. These three diseases can cause serious long-term illness and are able to be transmitted by body fluids of a skin-pierced person to their sexual and household contacts.

The amount of disease transmission caused by skin piercing is not known in New Zealand. Skin piercing is seldom identified as the cause of hepatitis from official disease notifications. However the extent of the problem may be under recognised. This is because patients developing these diseases may not be sufficiently ill at first to consult a doctor. And if patients are diagnosed by a doctor it may not be obvious that skin piercing was the cause.

The public health risks associated with skin piercing requires a high assurance that the activity is being conducted in a fit and proper hygienic manner that eliminates the transmission of disease. Other non-regulatory means of managing the risks would not provide a sufficiently high assurance that the risk is being satisfactorily managed. These other means of managing the risks could include; a focussed public education campaign, aimed both at bringing home to skin piercing operators the need for good hygienic practices and also alerting potential clients to the importance of satisfying themselves about the suitability of the conditions in which the piercing takes place; the adoption of 'best practise' guidelines within the skin piercing community; or maintaining the current regulatory status quo.

POWER TO FORMULATE A SKIN PIERCING BYLAW

The authority for the formulation of a bylaw comes mainly from the Health Act 1956. Section 43 requires every local authority to:

"... promote and conserve the public health within its district",

and empowers the local authority to:

"... make bylaws ... for the protection of public health".

Section 64 is more specific:

"64 Bylaws

- (1) *Every local authority may, for the purposes of this Act, make bylaws for all or any of the following matters, namely:*
 - (a) *Conserving public health, and preventing or abating nuisances;*
 - (c) *Prescribing the sanitary precautions to be adopted in respect of any business or trade;*

Similarly, Section 684 of the Local Government Act 1974 allows the Council to make bylaws for the purpose of:

"Conserving public health, well-being, safety and convenience"

A bylaw with regard to skin piercing practices would give certainty to operators as to the minimum standards required to minimise any health risk to either the operator or the client. It goes further than a set of guidelines by making compliance with the set of requirements mandatory and ensuring that compliance is met via regular inspections. A Bylaw also makes enforcement easier, as the enforcing officer would have specific requirements to refer to. The formulation of a bylaw is a pro-active step in minimising the risk of blood-borne disease to the community via the skin piercing process.

OPERATIONAL FACTORS

It is envisaged that approximately 65 premises would need to be licensed under a Bylaw. A perusal of the Yellow Pages shows the following breakdown numbers of premises likely to need licensing:

Pharmacies/Chemists	34
Beauty Therapists	27
Body Piercing/Tattooists	3
Acupuncturists	1

Annual licence fees charged by other local authorities are:

Auckland City Council	\$150
North Shore City Council	\$80
Manukau City Council	\$150

The lowest comparable fees charged by Waitakere City Council are \$260 for a Hairdressers licence and \$245 for a Massage Parlour licence. Waitakere City licensing fees are based on a cost recovery cost basis and so include the costs of both licensing and inspection. It is envisaged that the annual fee for a premise to be licensed under this proposed Bylaw would be in the range of \$245 to \$260, which would cover expected the costs of licensing and inspection.

THE BYLAW

A1-A13

A full copy of a draft proposed bylaw is attached at pages A1 to A13 in the Attachments supplement. In summary, the bylaw proposes to:

- Specify who has to be licensed including any exemptions;
- Sets out offences and enforcement rights;
- Specify minimum structural standards to facilitate cleaning and hygiene;
- Specify sterilisation requirements and techniques;
- Specify personal hygiene and conduct requirements;
- Specify cleaning requirements;
- Specify general conduct requirements;
- Have an annual licence and associated fees.

Skin piercing is a high-risk activity. There is a potential to cause significant harm and injury to client or operator through unsafe practise.

CONCLUSION

The aim of the proposed Bylaw is to minimise the public health risks associated with commercial activities involving the piercing of skin. Introduction of such a Bylaw is recommended in the current Ministry of Health guidelines for the safe piercing of skin.

Three neighbouring Auckland region local authorities have such a skin piercing bylaw.

Promulgation of such a bylaw is commensurate with the aim of Councils Wellbeing Strategic Plan objective that Citizens of the City have a safe and healthy environment and Councils obligation under the Health Act 1956 to “promote and conserve public health within its District”.

The Bylaw sets to achieve this aim by setting minimum standards for hygiene, sterilisation practices and construction of the premises, and puts in place an inspection regime to assess compliance to these standards.

Consequently it is appropriate for Council to introduce a bylaw to regulate the practise of skin piercing

RECOMMENDATIONS

1. That the information be received.
2. That it be a recommendation to Council that it introduce by way of Special Order Bylaw 32 Health Protection: The Safe Piercing of Skin 2002, is attached at pages A1 to A13 in the Attachments supplement to the Agenda.

A1-A13

Report prepared by: Alan Ahmu, Team Manager: Environmental Compliance.



PART II - DISTRICT PLAN / STRUCTURE PLANS

7 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.



8 PROPOSED VARIATION 91 - RE-IDENTIFICATION OF LAND FROM LIVING ENVIRONMENT AND HARBOURVIEW SOUTH SPECIAL AREA TO OPEN SPACE ENVIRONMENT AND MARAE SPECIAL AREA

PURPOSE OF THE REPORT

The purpose of this report is to present to the Environmental Management Committee the draft Harbourview South Variation to the Proposed District Plan. The report seeks approval for that draft Variation to be publicly notified as Variation 91 to the Proposed District Plan.

BACKGROUND

Over the past few years, the Council has been progressing the development of the "People's Park" concept for the land currently known as "Harbourview South Special Area" in the Proposed District Plan. The Council has consulted the public on the nature and extent of the proposed People's Park. It has also established a "People's Park Working Party" to progress the development of the Park's Open Space Management Plan, and to liaise with the community generally about the development and management of the People's Park concept.

One of the key steps in the development of the People's Park is changing the Proposed District Plan identification (zoning) of the land from its current identification as Living Environment and Harbourview South Special Area to Open Space Environment and Marae Special Area. The land that is subject to the Proposed Variation is legally identified as Pt Lot 1 DP 44055, Pt Lot 2 DP 370, Pt Lot 3 DP 370, Lot 94 DP 208882, and Lot 111 DP 203198. The area of land is approximately 83 hectares.

Council staff have awaited the resolution of the location of the marae on Te Atatu Peninsula before proceeding with the Variation to re-identify the land. Re-identifying both the Open Space Environment and Marae Special Area as part of the same variation will provide time and cost efficiencies.

At its meeting on 27 February 2002, Council resolved:

- “1. That 2.5ha of land at the Harbourview No. 2 site on the Harbourview Peoples Park land be provided for the Te Atatu Marae.
2. That an advisory group be established to work with the Marae Coalition on further negotiations regarding the ownership, management and relationship with Council for the Marae at Te Atatu Peninsula in order to establish appropriate legal agreements between the parties.
3. That following detailed concepts for the site location through the advisory group and Peoples Park concept development, work proceed with incorporating appropriate zoning for the Marae site into the zoning plan change being undertaken for the Harbourview South land.
4. That the Marae Coalition and their design consultants work with Council and the Harbourview Peoples Park Working Party to incorporate the Marae proposal into the concept plan for the park.
5. That issues relating to how the Marae relates to and integrates with the Harbourview “Peoples Park” concept be addressed through the Open Space Management Plan process and associated consultation.”

270/2002

A14

The map is attached at page A14 in the Attachments supplement identifies the area of land to be identified as Open Space and as Marae Special Area. Some of the land included within the Harbourview “People’s Park” area is already identified as Open Space Environment. This land will retain its Open Space Environment identification.

STRATEGIC CONTEXT

The Harbourview South land was originally part of the Auckland Harbour Board estate that included all of the land now known as “Harbour View”. The Harbour View South Special Area was created when the Council notified its Proposed District Plan in 1995.

The Harbour View South Special Area was the Human Environment created as an interim identification for the southern part of the Harbour View land and the “Severance Land”. The Severance Land was created by the re-alignment of Te Atatu Road, and is currently being developed for residential use. The ‘interim’ identification reflected the fact that the Council, as stated in Proposed District Plan Decision Notice 107A, had yet to determine the nature of the future development for the area. Decision Notice 107A indicated that once the future of the Harbour View South land had been determined, then a district plan variation would be carried out.

Currently the Proposed District Plan Rules only provide for the grazing of animals (and subsidiary activities and buildings) as permitted activities. Any other activity is deemed to be non-complying.

CITY WIDE PARK

The People’s Park will be considered to be a “City Wide Park”. A City Wide Park is defined in the Parks Strategy as a spacious area of land, seen as a key place for meeting the future active and passive recreation needs of both Waitakere City residents and the residents in the wider Auckland Region.

An Open Space Management Plan for this City Wide Park is being prepared in accordance with the Council’s Parks Strategy. The Parks Strategy provides guidelines on the management of parks within the City. It aims to improve the quality of parks, and provide parks services in a fair and equitable way for the residents of the City, within the Council’s existing financial and operational constraints. All the policies outlined in the draft Open Space Management Plan will seek to achieve the objectives of the Parks Strategy.

The Council sought preliminary suggestions about the development and management of the park. Receipt of these preliminary suggestions closed on 26 April 2002. The Draft Open Space Management Plan for Harbourview South will be made available for public comment in July 2002, following approval from the City Development Committee. The development of the Open Space Management Plan is likely to conclude in the latter half of 2002, following Council hearings of public submissions on the draft Plan. It is proposed that the land will be gazetted and classified under the Reserves Act 1977.

POLICY FRAMEWORK

The Proposed District Plan Objectives and Policies, the Parks Strategy, and extensive community consultation has guided the development of the re-identification of the Harbourview South Special Area and adjacent Living Environment land to Open Space Environment and Marae Special Area.

The Proposed District Plan Policy 11.25 states that:

A range of activities may be located and carried out within the Harbour View Special Area, provided that:

- *any structure is located so as to protect notable public views as set out in Appendix K and shown on Map 3.6(e);*
- *there are no adverse effects on natural features and the natural character of adjacent open space;*
- *adverse effects on the health of residents and amenity values of any adjacent site are avoided; and*
- *the ecological linkage opportunities and restoration areas on the site and on the adjacent open area are protected and enhanced.*

The explanation of Proposed District Plan Policy 11.25 states that:

“The Harbour View South Area is, as yet an undeveloped area of land on Te Atatu Peninsula which is owned by Waitakere City Council. Although identified as a separate area, it is also an integral part of the larger area of Harbour View land which is being developed for a range of residential and other uses, and as a major area of public open space on the lower terraces. The particular development direction for the site has not been established. Because of its position away from other settled areas of the city there is potential for a range of activities to be established without adverse effects. There is also a potential for a unique approach to building design, the location of structures and the form of settlement.

Any proposal for the site must be introduced via a plan change process. This will be assessed against a range of objectives and policies, and the likely effects on site and off site.”

This explanation signals that the Harbourview South Special Area will eventually be replaced by an appropriate Proposed District Plan Human Environment, and that this will clarify the regulatory framework that will apply to the land.

The Harbour View South Special Area was the Special Area created as an interim identification for the southern part of the Harbour View land and the “Severance Land”. The re-identification of this land to Open Space Environment will enable the Proposed District Plan Open Space Objectives, Policies and Rules to be applied to the land. The Open Space Environment (which covers parks and reserves in the City) provides a regulatory framework to address any adverse effects arising from the implementation of the City’s active and passive recreation strategies and reserve management plans.

The effect of Open Space Rules in the Proposed District Plan is that activities that comply with an operative Open Space Management Plan, prepared under the Reserves Act 1977, will be considered to be permitted activities and generally will not need a resource consent. Where certain activities exceed Open Space Environment performance standards (such as buildings exceeding five metres in height or located within six metres of a road boundary, amongst other things) these activities will require resource consent.

The Proposed District Plan enables Marae to establish within the City via Policy 8.9, provided that certain adverse effects are avoided, remedied or mitigated. Policy 8.9 states that:

“Marae may be established in any part of the City, provided that adverse effects on:

- water quality and quantity;*
- significant and outstanding indigenous vegetation and fauna habitat and ecosystems;*
- vegetation biomass;*
- soils;*
- natural hazards;*

are avoided, remedied or mitigated, and the proposal is compatible with the protection of those physical and natural characteristics identified as contributing to the health and safety of occupants of neighbouring sites, and road users.”

The Explanation for Policy 8.9 acknowledges the differing form of development that Marae structures take, for example their bulk and form. Consequently the Proposed District Plan Rules for Marae Special Areas enable Marae activities to occur as a permitted activity, as well as residential activities, parks, playgrounds and walkways, and non-residential activities that do not exceed specified traffic generation thresholds.

All relevant City Wide Rules and specific other Rules (such as the Natural Area Rules) will also apply to both the Open Space Environment and Marae Special Area.

DRAFT VARIATION

A15-A17

Changes to the Proposed District Plan to re-identify the Living Environment and Harbourview South Special Area land to Open Space Environment and Marae Special Area is attached at pages A15 to A17 in the Attachments supplement. Briefly, these changes are:

Removal of all references to the Harbourview South Special Area from the Proposed District Plan. Where Harbourview North Special Area (another Special Area identified in the Proposed District Plan) and Harbourview South Special Area have been referred to together or generically, those references will be adjusted to only refer to Harbourview North Special Area.

Changes to the Proposed District Plan Human Environments Maps 34 (entitled Te Atatu Peninsula) and 35 (entitled Te Atatu South) to indicate the re-identification of the Living Environment areas and Harbourview South Special Area to Open Space Environment and Marae Special Area.

There are no changes to the Proposed District Plan Natural Areas Maps.

There are no changes to the Proposed District Plan Rules relating to the Open Space Environment and the Rules relating to Marae Special Areas.

There will be no specific references to the “Peoples Park” in the Proposed District Plan, other than the notation included within the area re-identified as Open Space Environment on the Human Environments Maps 34 and 35. This is consistent with the Proposed District Plan approach of referring to both the Open Space Environment and Council Parks in a generic, rather than specific manner.

SECTION 32 CONSIDERATIONS

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

- The necessity of the objective, policy or rule or other method;
- Other means of achieving the purpose of the Resource Management Act 1991;
- Reasons for and against adopting the proposed objective, policy or rule or other method;
- Evaluation of the likely costs and benefits of the principal alternative means;
- Consideration of effectiveness and efficiency.

These matters are addressed below.

The necessity of the objective, policy or rule or other method; and

Reasons for and against adopting the proposed objective, policy or rule or other method.

In terms of the necessity of the Variation, it is apparent that no Human Environments other than the Open Space Environment and Marae Special Area will meet the Council’s desire to create a City Wide Park and enable a Marae to be established. These two Human Environments will enable both the natural, and the (current and future) physical resources on the Harbourview land to be sustainably managed via the implementation of the Objectives, Policies and Rules of the Proposed District Plan. Much of the implementation of community resources (such as walkways, information boards and passive recreation areas) will be confirmed via the Open Space Management Plan that is currently being developed for the area of land that will become “The People’s Park”.

The draft Variation to re-identify Living Environment and Harbourview South land does not involve the adoption of any new objective, policy or method. The existing policy and rule framework within the Proposed District Plan is sufficient to address any adverse effects on natural and physical resources arising from land and resource use within the area of land newly identified as Open Space Environment, and in the area of land newly identified as Marae Special Area. For this reason, matters relating to Section 32 are limited to documenting the proposed changes that seek to implement the Proposed District Plan’s existing policy and rule framework.

The re-identification of the land to Open Space Environment and Marae Special Area is necessary to progress the development of the People’s Park concept. The identification of the land as Open Space Environment will enable the development of the land for park facilities. This will crystallise the desire of both the Council and the community for an extensive area of parkland that will be retained for public use now and into the future. This desire has been articulated through extensive community consultation.

Other means of achieving the purpose of the Resource Management Act 1991;

Evaluation of the likely costs and benefits of the principal alternative means; and

Consideration of effectiveness and efficiency.

Other means of achieving the purpose of the Resource Management Act 1991 are designating the land for reserve purposes, or taking no action (ie. retaining the existing Human Environment identifications).

Promulgating a designation for reserve and Marae purposes will secure the site for the foreseeable future, but the underlying Human Environment identifications will still apply for activities that are not in accordance with the designation. Consequently those activities would require a resource consent. Development in accordance with the designation only requires an Outline Plan of Works to be submitted to Council. No resource consent would be necessary for permitted activities under the Open Space Environment Rules. Activities would, however, have to be in accordance with an operative open space management plan to be permitted.

Retaining the existing Living Environment and Harbourview South identification for the land (i.e. taking no action) would delay the development of the park and its associated passive and active recreation facilities. This is because achieving resource consents to develop the land for park and Marae purposes under the existing identifications would be more difficult than obtaining the necessary consents under the Open Space and Marae Special Area identifications. Overall, designating the site or retaining the existing identifications would not be the most efficient or effective course of action.

In terms of costs and benefits, much of the community resource implementation (such as park facilities) will be a permitted activity as a result of the forthcoming Open Space Management Plan. This will provide a significant benefit, as it will avoid many of the costs associated with obtaining resource consents. Where the proposed community resources do not meet the performance standards established within the Proposed District Plan, and/or have adverse effects on the environment, a resource consent may be required. In those instances, the relevant Rules within the Proposed District Plan will be applied.

The re-identification of these areas is therefore considered the most efficient and effective means of achieving the sustainable management of those areas that will become the Open Space Environment and the Marae Special Area.

In assessing the effect of the Draft Variation, it is considered appropriate that the following issues be considered for the Open Space Environment and the Marae Special Area.

- **The Character of the Local Environment**

The land area for the Park is bounded by the North Western Motorway at its southern end, Te Atatu Road to the west and several local roads (Danica Esplanade, Riverstone and Harbour View Roads) at the northern end of the park. Residential development is located along the western side of Te Atatu Road, and will be developed along the northern fringes of the park, where subdivision and development is occurring. Residential development of the "Severance Land" is also underway, on the western side of Te Atatu Road, south of the new traffic roundabout.

Within the Park there is a significant escarpment that forms a natural transition between the upper area that is generally level with (or slopes gently away from) Te Atatu Road, and the lower level that includes the wetlands and marine areas. The upper area is mostly grassed, with extensive horse riding facilities throughout the paddocks. The horse riding facilities also extend down onto the lower terrace. There are two clumps of vegetation, one opposite the Severance Land, and one at the southern end of the Harbourview South land. Much of the vegetation at the southern end has recently been cleared by the Ministry of Agriculture and Fisheries as part of the programme to eradicate the Painted Apple Moth. There are native vegetation species present in these two areas, interspersed with various weed species, with some of those weed species being well established.

While from Te Atatu Road the grassed area appears to be an “open” green space, the current amenity values within the Park are poor, because of the items of inorganic waste spread around the site, the generally derelict nature of the site and the weed species present. Development of the Park will ultimately remove surplus, broken and remnant fences, broken concrete, and other items of inorganic waste that are currently present on the site. With appropriate planting, weed management and the construction of park community facilities (such as seating, and walkways) on site amenity values will be improved.

- **Amenity Values**

Visual amenity values are available to the public from Te Atatu Road, and various other places around the Park. The views that look out across the Waitemata Harbour to Hobsonville, Beach haven (in North Shore City), the Auckland Isthmus, the Auckland Harbour Bridge and Rangitoto Island are regionally significant.

These views are identified in the Proposed District Plan, and will generally not be adversely affected by the development of the Park. Tree planting may ultimately screen some views currently available to the public, but this will be balanced by the creation of new viewing points within the Park.

The marae at the southern end of the Harbourview South Land will have some adverse effects on the views across the Waitemata Harbour currently enjoyed from Te Atatu Road and by residents adjacent to the North Western Motorway and/or near Titoki Street. Sensitive design of those facilities and appropriate screening will assist in mitigating those effects.

In the future, the landscaping and maintenance of park facilities will improve on-site amenity values, and with improved access, the site will be a more attractive place for residents to spend time. It is expected that Park facilities that have a low scale will protect many of the existing views across the Waitemata Harbour that residents currently have.

- **Ecological Features**

Extensive wetlands are present in the lower area along the coastal margin. They are an important habitat for native flora and fauna, including the threatened Fern Bird. There is little native or significant vegetation above the escarpment, although some natives are growing amongst areas of weed species. The development of the park facilities will lead to a significant tree and vegetation planting programme with weed removal, followed by regular vegetation maintenance and weed control. The development of the park facilities are unlikely to adversely affect the ecological features currently within the land. The location of the marae, Park walkways and any possible access to the coastal marine area will need to be carefully designed to ensure that the local ecology on the lower terrace is not adversely affected by pedestrian and vehicular traffic accessing the coastal marine area.

- **Culture and Heritage Aspects**

There are several identified archaeological and heritage sites in the coastal lowlands within the Park. These are at the northern and southern ends, and in the middle of the coastal area. One of these (the gun emplacements) is listed in the Heritage Appendix in the Proposed District Plan (CHI Number 1113). One archaeological site is also listed, the Auckland Brick and Tile Company Brickworks site (CHI Number 327). These items will continue to be protected through the Proposed District Plan, as well as through the forthcoming Open Space Management Plan. Other heritage or archaeological sites that are not included in the Proposed District Plan may be listed and protected as part of the forthcoming Open Space Management Plan.

The interface between the marae and the southernmost heritage and archaeological sites will need to be considered in the preparation of the Open Space Management Plan, and in the design of the marae site. The interface between the Marae facility and the rest of the Park will also need to be addressed in the design of the marae itself and the interconnections between this and the wider park developments (such as pedestrian linkages).

There is one residential building located within the Open Space Environment, just to the east of the Living Environment boundary and just to the north of the Harbour View South Special Area. This building is in a run down state, and while considered to be “old”, it is not listed as a heritage item in the Proposed District Plan. The future of this building will be considered as part of the forthcoming Open Space Management Plan.

A14

There is another residential building located on the eastern side of Longbush Road. This building is known locally as the “Brick Villa”, and Council understands that it dates from the early 1900’s. This building is owned by Council, and will retain its Living Environment identification. The re-identification of Open Space in that northern area of the park will not include this property. Refer to the map as attached at page A14 in the Attachments supplement, for a visual representation of this arrangement.

- **Traffic/Transport Issues**

Regional access to the Park is available from both ends of the North Western Motorway. The proximity of Te Atatu Road provides local and citywide access along the length of the park. Te Atatu Road serves as a major through route. It carries high traffic volumes (approximately 16000 vehicles per day) and has direct access to the North Western Motorway. Accordingly, traffic and transport issues are not regarded as being a constraint for any possible development option for the land.

As the Park is developed, vehicle access will be formalised (such as the entranceway on the new roundabout opposite Gloria Avenue), and at other appropriate vehicle ingress and egress points. Car parking areas for park users will also be developed. Car parking for the marae will be contained within the area identified for marae purposes, and the number will be determined using the Proposed District Plan and the Council’s Code of Practice for City Infrastructure and Land Development.

- **Servicing Infrastructure Issues**

All relevant services - water, sewerage, storm water, power and telephone are available to the land. There is no constraint, in respect of any Park or Marae development option, from the point of view of capacity of reticulated infrastructure. It is expected that “soft engineering solutions” will be used where appropriate to address storm water generated by the development of the Park and the Marae.

- **Social Environment**

The Park will be an attractive feature for nearby residents and a significant meeting place and passive recreation facility for the whole City. The Council expects that social and community activities within the park will enhance the existing social and cultural fabric of Te Atatu, the City and Auckland Region as a whole. The location of the marae within the Park will also provide opportunities for the public to (on appropriate occasions) participate in marae activities, and for the Maori people in the locality to have a meeting place and an area to maintain and enhance their Maoritanga (culture).

In terms of the effects of the Marae Special Area, the effects identified above (as part of the Section 32 considerations) are further addressed in the Port Glen Consultancy "Report on Site Options for Te Atatu Peninsula Marae", dated February 2002. That Report forms part of the Section 32 analysis discussed above.

RESOURCES

No additional staff resources or funding is sought to promulgate the Draft Variation. Progressing the Draft Variation through the statutory process is adequately resourced from existing budgets. The matter of the cost of notification is discussed below.

VARIATION NOTIFICATION ISSUES

This report also seeks direction from the Committee on the approach to be taken to notifying the Draft Variation.

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

"5. Public Notice And Provision Of Document To Public Bodies

[(1) A local authority that has prepared a proposed policy statement or plan shall publicly notify it.

(1A) A territorial authority shall, not earlier than 60 working days before public notification or later than 10 working days after public notification of its plan, either -

(a) Send a copy of the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, to every person whose name for the time being appears in the occupier's column of the valuation roll for the area of the territorial authority where that person, in the local authority's opinion, is likely to be directly affected by the proposed plan; or

(b) Include the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, in any publication or circular which is issued or sent to all residential properties and Post Office box addresses located in the affected area -

and shall send a copy of the public notice to any other person who, in the territorial authority's opinion, is directly affected by the plan."

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

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

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

Council has in the past put a notice in its publication “Waitakere City News”. This publication is distributed to households in the first week of each month. It is considered that this fulfils the requirement to reach all residential properties and Post Office Box holders. It has also posted copies of variations to directly affected parties, for example all of the residents within the Swanson catchment, when the Swanson Structure Plan was publicly notified.

The matter upon which direction is sought is the extent to which the Council will go to post a copy of the Proposed Variation to potentially affected landowners. The options for this are presented below.

	Options	Comment	Advantages	Disadvantages
Option 1	Post Variation to ratepayers as part of 1 August 2002 rates notice.	As the Variation relates to a City Wide Park, it is considered appropriate to post this to every ratepayer. The dates for the next two rates notices are 1 August and 1 November 2002.	Cost effective. The costs associated with the 1 August 2002 rate notice will be approximately \$3,000 dollars, excluding the cost of printing the notices.	Ratepayers that have fully paid their rates, and non rate paying residents will not receive the notice, because the 1 August 2002 rates notice is only sent to those ratepayers that owe money on their rates. Non rate paying residents will not receive the notice.
Option 2	Post Variation to ratepayers in the City as part of 1 August 2002 rates notice, and also post Variation to those ratepayers who have paid their rates in full.	The number of additional letters will not be known until mid July.	This will ensure that all rate payers receive the Variation.	Uncertain additional cost associated with this option. Non rate paying residents will not receive the notice.
Option 3	Post Variation to all ratepayers, independent of rates notice.	As the Variation relates to a City Wide Park, it is considered appropriate to post this to every ratepayer.	All ratepayers will receive the notice, regardless of whether they have fully paid their rates.	A specific individual mail out of the Variation will cost approximately \$26,900.00, excluding staff time. Non rate paying residents will not receive the notice.

	Options	Comment	Advantages	Disadvantages
Option 4	Post Variation to ratepayers as part of 1 November 2002 rates notice.	All ratepayers are sent this notice, as this is when the rates are struck.	Cost effective. The costs associated with a mail out included with the 1 November 2002 rates notice will be approximately \$3,000 dollars, excluding the cost of printing the notices. All rate payers will receive the notice.	Considerable delay in time before the Variation is notified. Non rate paying residents will not receive the notice.
Option 5	Only post Variation to Te Atatu Peninsula and Te Atatu South residents. *	These people live adjacent to the Park, and it can be argued that they will be the most affected by the Variation. There are approximately 7,500 households in these two suburbs.	The cost of a mail out for this area would be approximately \$4,000, plus staff time.	Other rate payers and non-rate paying residents in the City would be informed of the Variation via the Council's Newsletter "Waitakere City News", by the New Zealand Herald advertisement, or by the Council internet site. Council may be criticised as not having "done enough".
Option 6	Minimum requirements.	Advertise in NZ Herald, inform government agencies, the Auckland Regional Council, adjacent territorial authorities and iwi. Waitakere City residents would be informed via the Council's Newsletter "Waitakere City News".	Cost effective, meets legislative requirements.	Council may be criticised as not having "done enough".

A18

* The boundary of this postal area could be Central Park Drive (on the eastern side of the Henderson Creek), Edmonton Road, Matuhi Rise, Duncan Avenue and McLeod Road (to the Whau River). A map of this boundary is attached at page A18 in the Attachments supplement.

Option 6 will be undertaken, as required by the Resource Management Act 1991.

Option 1 is the preferred additional option, as it is cost effective and will reach most rate payers. Council would rely on the public notices to inform ratepayers that have fully paid their rates and non rate paying residents that the Proposed Variation has been publicly notified and that submissions have been sought.

If the Environmental Management Committee wishes to reach all rate payers, Option 2 is the most cost effective and timely option. Again, Council would rely on the public notices and the Waitakere City News to inform non rate paying residents that the Proposed Variation has been publicly notified and that submissions have been sought.

Option 3 is not supported because the costs associated with the Option are prohibitive.

Option 4 is not supported because of the delay in making the Proposed Variation available for public submission.

Option 5 is a cost effective method of publicly notifying potentially affected parties, but Council may be criticised and possibly legally challenged as not having “done enough” to inform the public, given that the Proposed Variation is for a City Wide Park. Option 5 is not supported.

CONCLUSION

The purpose of this report is to present to the Environmental Management Committee the proposed Variation 91 to re-identify the Living Environment and Harbourview South Special Area to become Open Space Environment and Marae Special Area. The land that is subject to the Proposed Variation is legally identified as Pt Lot 1 DP 44055, Pt Lot 2 DP 370, Pt Lot 3 DP 370, Lot 94 DP 208882, and Lot 111 DP 203198.

This variation to the Proposed District Plan is the result of extensive community consultation and consideration by the Council.

The re-identification of this land will enable:

- The land identified as Open Space Environment to be developed in accordance with the forthcoming Open Space Management Plan, and in accordance with the relevant Proposed District Plan Rules; and
- The land identified as Marae Special Area to be developed for marae purposes, in accordance with the relevant Proposed District Plan Rules.

For this reason, it is recommended that Proposed Variation 91 to the Proposed District Plan to re-identify Living Environment and Harbourview South Special Area land to Open Space Environment and Marae Special Area be accepted by this Committee. This will enable the Variation to be publicly notified as a Variation to the Proposed District Plan, and thereby follow the statutory submission and hearing process established by the Resource Management Act 1991.

The report has also sought direction from the Environmental Management Committee on the matter of the notification of the Proposed Variation. Six options have been presented in the report, and the report recommends that both Options 1 and 6 be endorsed, as these two options will meet Council’s legal requirements, are cost effective and timely, and will also directly inform most ratepayers that Proposed Variation 91 has been publicly notified and that submissions have been sought.

RECOMMENDATIONS

A14

1. That the information be received.
2. That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolve to publicly notify Variation 91 to the Proposed District Plan to re-identify land at Harbourview South, and associated changes is attached at page A14 in the Attachments supplement.
3. That the Environmental Management Committee endorse Options 1 and 6, as presented in the report, enabling the City wide postal notification of Proposed Variation 91 as part of the forthcoming 1 August 2002 rates notice.

Report prepared by: Eryn Shields, Service Planner.



9 PENIHANA APPEAL - UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to inform the Environmental Management Committee of progress towards settlement of the Penihana Appeal.

BACKGROUND

The Penihana appeal is one of the outstanding appeals to the Proposed District Plan and comprises 41 hectares of land adjacent to the Swanson railway station. Penihana Nominees was the former company name of the New Zealand Steel Pension Fund that invested in the purchase of land in Swanson. Penihana Nominees lodged a submission and later a district plan reference against the identification of the land as Foothills Environment between 1995 - 1998. Neil Construction Limited owns approximately half of the land under appeal. The appeal is seeking that the land should be re-identified from Foothills Environment to Living Environment. The Foothills Environment allows for a density of one dwelling per 4 hectares, unless more is provided for through a structure plan. The Living Environment allows for a density of one dwelling per 450m² as a permitted activity.

Technical constraints studies on the Penihana land have been undertaken as part of the Swanson Structure Plan process and this year the Council and Neil Construction jointly paid for soil contamination testing (Phase I and II) to be undertaken on the land. The result of those tests show that the land is 'clean' and any traces of contaminants fall well below the thresholds set by the Auckland Regional Council and Auckland Area Health Board.

In December 2001, the Committee considered an item on the Swanson Structure Plan and Penihana appeal and the result of that decision was to separate the Penihana appeal from the Structure Plan process:

“That pursuant to Clause 16A of the First Schedule to the Resource Management Act 1991, the Environmental Management Committee resolves to introduce a variation to the Proposed District Plan to include the draft Swanson Structure Plan (excluding the Penihana appeal land) shown on the plan attachment page A118 in the Attachments supplement to the agenda for this meeting.

That Council officers initiate discussions with the Auckland Regional Council and all other interested parties to consider statutory process issues relating to the resolution of Metropolitan Urban Limits issues and the Penihana appeal.”

2842/2001

STRATEGIC CONTEXT

A key principle of Council's strategic policies is to encourage intensification of development in town centres and along transport corridors. The Swanson station is located on the western rail corridor and identified in the Regional Growth Strategy as a growth node. Although the Regional Growth Strategy and Northern and Western Sector Agreement provide for future growth in Swanson, the Council has not yet decided on an appropriate final form and scale of development in consultation with the community.

The future development and layout of the Penihana land and its relationship to the Swanson village and surrounding rural environment needs to be explored further by all the parties to the appeal before the Council makes any decisions. The Swanson village is the gateway to the Waitakere Ranges and therefore any future development needs to respect its unique character.

ISSUES

Representation in future discussions

The Swanson Residents and Ratepayers held a joint meeting with Council staff and interested parties to the appeal on Thursday, 16 May 2002. The purpose of the meeting was to establish who wished to be represented by the Swanson Residents and Ratepayers in future settlement discussions. There are 106 interested parties to the appeal and Council staff suggested that a group of 20 people could be committed to regular meetings and workshops to resolve the appeal issues. The meeting was very positive and the Council has received notice from 25 people that they give their permission to be represented by the Swanson Resident and Ratepayers Association. This number is likely to increase, as the Resident and Ratepayers Association intends to contact all interested parties to discuss their representation at future meetings.

Process

A19-A23

At the joint meeting held on 16 May 2002 the Acting District Plan Co-ordinator and Janet Cole, Project Manager- Strategic Projects talked about legal and community consultation processes to resolve the Penihana appeal. Copies of these are attached at pages A19 to A23 in the Attachments supplement. Further consultation with the interested parties will have one of three results:

- All parties to the appeal agree on an outcome and that will enable the Environment Court to settle the appeal by consent order;
- The parties will agree on certain issues but disagree on others requiring an Environment Court mediation or hearing to resolve the remaining issues;
- The parties to the appeal will not agree on anything resulting in a formal Environment Court mediation and or hearing.

A meeting with the negotiating parties to the appeal will be held Wednesday, 5 June 2002. It is anticipated that the meeting will result in a planned number of future settlement discussion meetings and a design workshop. The Council has also offered to provide the services of a trained mediator/facilitator to enable the meetings to be chaired independently. A trained mediator/facilitator is likely to add value to the process by being impartial, building trust between the negotiating parties and working towards common understanding and agreements.

It is considered that community consultation with the negotiating parties will achieve a good outcome that meets the community's social, economic, environmental and cultural aspirations. A possible outcome could be an agreed concept plan for the land, which may stipulate a range of appropriate densities.

RESOURCES

Whilst all of the technical studies relating to the existing constraints on the Penihana land have been completed, there will be additional costs for urban design input and mediation/facilitation services. Other costs include in-house planning and administration. These costs are included in the 2002/2003 draft Annual Plan.

CONCLUSION

The report has outlined the beginning of a process to resolve the Penihana appeal. The detailed process will be developed and agreed by the negotiating parties in June. Council staff will provide the Committee with regular updates on progress towards settlement of the appeal at key milestones.

RECOMMENDATION

That the information be received.

Report prepared by: Alina Hughes, Policy Analyst: District Plan.



10 **OLYMPIC PARK RESERVE - COMMENCEMENT OF REVIEW OF RESERVE MANAGEMENT PLAN**

PURPOSE OF THE REPORT

This report seeks the notification of the review of the Olympic Park Reserve Management Plan, and the nomination of representatives of the Environmental Management Committee to take part in an Elected Member-Staff and interest group advisory group to overview the Management Plan Review.

BACKGROUND

Olympic park is a 7 hectare recreational reserve in New Lynn. The park was established in 1918 as the New Lynn Domain, and was 2.8ha in size at this time. Lots have been progressively added to the park during the last 70 years creating the large area of park which currently exists.

The park has a strong sporting history. It is the venue for a number of sports clubs, including athletics, gymnastics, indoor bowls and the Waitakere City Brass Band.

One of the main issues with Olympic park is the under-utilisation of the area due to a significant portion of the 7ha being undeveloped, particularly the newly acquired ex landfill site known as the Wolverton land. There are a number of opportunities for development and enhancement of the park to increase use and improve amenity and recreation values.

A management plan for Olympic Park was developed in the late nineties and adopted by Council in June 1997.

The development plan produced at the time of the management plan has now become out-dated and does not adequately reflect the improvements which have and are intended to occur at the park.

In addition to the above, a group of interested community members is establishing an Olympic Park Trust to facilitate the gaining of funding to instigate the development and completion of this city-wide park. It is likely that this funding will be significant and will allow extensive improvements to the entire park, creating a high-quality active and passive city-wide facility. It is appropriate that guidance for this development come from a concept plan approved through a review of the current management plan for the park.

STRATEGIC CONTEXT

Olympic Park has been classified as a City Wide Park due to its quality of sports field, number of sports and recreation activities utilising the park and its large size, offering opportunity for passive recreation for residents of Waitakere City. The park is also dissected by the Whau stream which is an important element of the green network within the City. City-wide parks are spacious and they attract a large number of people of all ages and types and from many destinations. These places offer areas for active recreation as well as quiet spots for watching the activity, resting or enjoying the landscape.

As a city-wide park, the Environmental Management Committee has the delegated authority to hear submissions and make decisions on the management plan.

ISSUES

Auckland City Council own a small piece of the land within Olympic Park and have indicated to Council staff that they are keen to form a partnership with Waitakere City on the development of the park and to progress the tidying up of outstanding ownership issues. They see this as particularly important given its strategic location between the two Cities. Aftercare issues associated with the ex land-fill need to be addressed through Auckland City Council also. Auckland City Council planning staff have indicated they would be willing to put staff time into this project.

Under the Reserves Act 1977, an adopted management plan must be kept under continuous review, to ensure that the plan be adapted to changing circumstances or increased knowledge. Under Section 41(9), any change which is considered significant must go through a public consultation process. It is proposed that the re-evaluation of a concept plan for the development of Olympic park is more than a minor change and therefore, a public consultation process for re-visiting and up-dating the management plan is recommended.

In accordance with Council's process for City-wide management plans and in addition to the public notification associated with a review of the plan, an advisory group of elected members, Council staff and other interest groups is recommended to be formed. This group will oversee the review of the management plan. It is recommended that this advisory group include the following representation:

Council Staff	expertise as and when required from different areas of Council
Parks Project Manager	
New Lynn Community Board	1 representative
Environmental Management Committee	1 representative
Auckland City Council Parks Planner	1 representative
Olympic Park Trust	1 representative
Friends of the Whau	1 representative
Olympic Park lease-holders	1 representative from each existing group (total of 6 groups)

PROCESS AND TIMELINE FROM HERE

The preliminary programme for the review of the management plan is outlined in the following chart:



RESOURCES

As the review and update of the Olympic Park management plan is additional to the current programme of Reserve Management plans, \$45,000 has been allocated in the draft 2002/2003 Annual Plan for staff resources within the Parks and Green Assets Section, to undertake the planning associated with the management plan review and project manage the implementation of physical works to complete the Olympic Park improvements.

CONCLUSION

In anticipation of funding being sought for the extensive development of Olympic Park, the current reserve management plan and associated concept plan needs reviewing and updating. This process will require a public consultation phase to ensure adherence to the requirements under the Reserves Act 1977.

The process for review of the existing Reserve Management Plan for a City Wide Park such as Olympic Park allows for the creation of an elected member and interested parties advisory group. In order to consider the ideas and suggestions which have been raised for development of the parks and the wide range of issues around these reserves and to guide development of the draft Reserve Management Plan, such an advisory group is recommended to be formed.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee approve the public notification of the intent to review the Olympic Park Management plan.
3. That one representative of the Environmental Management Committee be nominated to form part of the Elected Member-Staff advisory group to overview the review of the Reserves Management Plan for Olympic Park.
4. That this report be forwarded to the New Lynn Community Board for their information and nomination of a representative for the advisory group.

Report Prepared by: Renèe Lambert, Service Manager: Landscape Development.



11 HOBSONVILLE DEVELOPMENT - DISTRICT PLAN ISSUES UPDATE

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's approval to enter into consultation as required by Clause 3 of the First Schedule of the Resource Management Act 1991, in relation to the proposal to introduce a District Plan variation applicable to the Hobsonville Airbase land.

BACKGROUND

In May 2001 the then Planning and Regulatory Committee passed the following resolution:

“That an investigation be carried out into the feasibility of introducing a Variation to the Proposed District Plan to allow for a heritage village incorporating a marine industrial park, to be based around the existing Air Force buildings and facilities at Hobsonville.”

1077/2001

At the July 2001 Council meeting, guidelines for establishing a premier Boat Building Industry were established. This included the desire to:

“.... develop a variation to the Proposed District Plan that provides for the sustainable management of the natural and physical resources of Hobsonville while providing for the development of a marine cluster.”

1741/2001

Indicative draft variations to the Proposed District Plan have now been completed. The next stage in the process is to undertake the statutory consultation required under the Resource Management Act in accordance with Clause 3 of the First Schedule.

STRATEGIC CONTEXT

The Hobsonville Airbase land provides a unique opportunity for Council to develop a marine industrial cluster due to the access it affords to a deep-water channel. It also provides an opportunity to further Council's sustainability objectives through the development of the land. However, with Defence intention to quit the airbase clearly signalled there are significant development issues for Council caused by the presence of existing buildings and other development and the fine-grained subdivision pattern underlying the Defence designation. These development issues need to be carefully managed for Council to achieve the objectives it has set for the land.

ISSUES

The primary issues facing the Council at this time relate to ensuring that through the Public Works Act process the land is disposed of in a manner that will not compromise the achievement of the objectives Council has set for its development.

While uncertainty remains around that disposal process and its outcome there are regulatory actions that the Council can take to ensure the sustainable management of the land while alternative methods are developed, such as management by ownership. Primary amongst these is development of an appropriate regulation regime under the Proposed District Plan.

Indicative draft variations to the Proposed District Plan has now been completed and the next stage is to undertake the statutory consultation required before these are recommended for public notification, so that any modifications that may be appropriate are identified.

Consultation is required with:

- The Minister for the Environment.
- Other Ministries of the Crown who may be effected by Variation.
- Other Local authorities who may be effected.
- Tangata whenua.

In addition to the Ministry for the Environment, it is proposed that consultation be undertaken with:

- The Auckland Regional Council.
- The North Shore City Council.
- The Ministry for Defence.
- The Department of Conservation.
- Housing New Zealand Corporation Limited.
- Ngati Whatua.
- Te Kawarau O Maki.

It may also be appropriate to consult with the Upper Harbour Protection Society at this time.

RESOURCES

Work relating to the introduction of these variations has been budgeted in the 2002/2003 draft Annual Plan.

CONCLUSION

Authority is sought for the statutory consultation to be entered into as required by the First Schedule of the Resource Management Act, in relation to the proposal to introduce District Plan variations relevant to the Hobsonville Airbase lands.

RECOMMENDATIONS

1. That the information be received.
2. That consultation with the parties named in this report with respect to the indicative draft Variations be approved to be undertaken with the timing at the discretion of the Chief Executive.
3. That the final detailed version of the proposed Variations be presented to the Environmental Management Committee for endorsement prior to any recommendation to Council for public notification.

Report prepared by: Fraser Henderson, Strategic Projects Manager.



12 DISTRICT PLAN REFERENCES - RETAIL - ST LUKES GROUP LIMITED

PURPOSE OF THE REPORT

This report suggests a resolution to a St Lukes Group appeal which seeks a minimum retail floor space size of 750m² in the Community Periphery Environment in Henderson and New Lynn.

BACKGROUND

There were a large number of appeals received on retail matters. Most appeals were satisfied through a consent order on the district plan's retail strategy, achieved after mediation in 2001.

This report concerns one of the two remaining appeals. St Lukes Group has sought a minimum retail floor space size of 750m² in the Community Periphery Environment in Henderson and New Lynn. Smaller shops would be a non-complying activity (probably requiring public notification). The appeal follows the Council decision in 1998 rejecting the original submission.

Other parties to the appeal include the Waltus Group (owners of Waitakere Plaza) and the National Trading Company of New Zealand Limited.

Note that the Transitional District Plan had a 500m² floor space limit in a similar area around New Lynn and Henderson. Smaller shops were a Discretionary Activity (which generally required public notification).

STRATEGIC CONTEXT

The location of retail activity is very important to the city's consolidation and other strategies. Retailing is a major traffic generator. It provides a major component in establishing and sustaining amenity standards, particularly of town centres, and it supports initiatives such as medium density housing.

The Council's position has been based on supporting town centres as important community nodes and centres of transportation networks, and this is reflected in the retail strategy, now part of the district plan.

Design issues have also been acknowledged as being important. These issues relate not only to individual site and building design, but also to how the town centres are integrated.

ISSUES

A24-A25

The Community Periphery Environment applies only in Henderson and New Lynn. As attached at pages A24 to A25 in the Attachments supplement this Environment extends around the town centre "core". The Proposed District Plan provisions allow retail activities with little constraint. However there are more strict car parking requirements than in the core, and less emphasis on requiring street frontage development, recognising that these are the locations where the larger "big box" stores are more likely to locate.

The St Lukes Group submission was based on the argument that retail activities should be focussed within a tight retail core. In its original decision Council rejected the St Lukes submission, recording that the amenity of the town centre, the range of services available and transportation issues would not be affected by limiting floor space size.

Since 1998, however, there have been increasing concerns that the district plan is not sufficiently robust to prevent developments, including major developments, which could significantly compromise the way that the town centres function as a whole. It is considered that a comprehensive planning approach may well be necessary to ensure that the town centres develop and redevelop in a way that supports existing development, creates good linkages, encourages safe and attractive design and promotes mixed use and transport-supportive development. Work is underway on these initiatives. It is quite possible that, while many programmes will be non-regulatory, the Proposed District Plan may need to be changed to ensure a more relevant "bottom line" is in place.

A possible outcome of this may be looking at how to better manage the relationship between the town centre core and its periphery. There is still the potential for new development within the periphery to be established in such a way that it does not adequately integrate with surrounding sites, and the core itself. There is accordingly some merit in a district plan management tool which would allow these issues to be addressed.

The parties to this appeal have met to discuss this issue. It has been agreed that integration is an issue, but that the relief sought in the original appeal is too blunt an approach to respond to the issue.

A suggested resolution which has been agreed by the parties is to introduce new rules for the periphery which would require a resource consent for shops under 400m² (rather than 700m²) in size. The resource consent would be a Limited Discretionary Activity (non-notified), rather than non-complying (notified). Assessment of applications would be limited to matters of integration, in accordance with the following new assessment criterion:

The extent to which any retail store less than 400m² in retail floor space is designed and located on the site to maximise as far as is practicable physical and visual integration with any retail development on adjoining sites, and with the town centre core.

It has also been agreed by the parties that the 400m² restriction will not apply to the Waitakere Plaza site.

RESOURCES

There are no new resource issues raised by the recommendations in this report.

CONCLUSION

A suggestion has been made which will resolve the St Lukes Group appeal. That suggestion is not inconsistent with Council's own concerns about how development in town centres should be controlled. The Committee is asked to note, however, that once the current studies on town centre planning are completed, a new design regime may well be introduced into the plan. This has been acknowledged by all parties to this appeal.

RECOMMENDATIONS

1. That the information be received.
2. That, the St Lukes Group Limited appeal (Resource Management Act 385/98) be settled in accordance with the outline given in the report.

Report prepared by: Peter Reaburn, District Plan Co-ordinator (Acting).



PART III - ENVIRONMENTAL MANAGEMENT

13 SUBMISSION TO THE GOVERNMENT'S PREFERRED POLICY PACKAGE-CLIMATE CHANGE

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with an opportunity to respond to Central Government's proposed policy response to climate change in order to meet its obligations under the Kyoto Protocol.

BACKGROUND

The Government intends to ratify the Kyoto Protocol in August. In preparation, the Climate Change Response Bill, putting in place constitutional arrangements to enable New Zealand to ratify, has been introduced to Parliament. Under the Kyoto Protocol, New Zealand is required to reduce its greenhouse gas emissions to 1990 levels or take responsibility for any excess emissions.

Council submitted on the first round of consultation in December 2001, expressing support for ratification and signalling that Local Government can take a strong leadership role and guide their respective communities in positive action to effect changes at the local level. Council further submitted that Central Government needs to actively engage with Local Government to support and further develop local actions.

Council's submission sought support for introducing to New Zealand the Cities for Climate Protection programme run by the International Council for Local Environmental Initiatives. Waitakere City Council recommended that the Cities for Climate Protection programme be adopted nation-wide and be supported by Central Government.

The Government has announced the preferred policy package it intends introducing to begin the process of meeting New Zealand's obligations under the Kyoto Protocol. The submission the Council made in December 2001 on the first consultation round has contributed to the development of the preferred policy package. This second phase of consultation is about the Government's new policies to be implemented to reduce greenhouse gas emissions. Final decisions on the policies will be made in July 2002.

A copy of the discussion document has been made available in the Councillor's Lounge or may be viewed on the website: www.climatechange.govt.nz. Comments on the document are being received up until 14 June 2002.

STRATEGIC CONTEXT

Central Government has recognised that Local Government has a potentially significant role to play in New Zealand's climate change response because of its community governance role, its ownership of local infrastructure and its regulatory powers.

Waitakere City Council is positioned well to assist Central Government meeting its emission targets through adopting the Cities for Climate Protection programme:

- “1. That Council adopts the Cities for Climate Protection programme but continues discussions with Local Government New Zealand and other agencies with regard to participating in a national programme if one is established.
2. That Council, within its internal procedures adopt measures toward implementing a climate protection programme.”

ISSUES

THE PROPOSED PREFERRED POLICY PACKAGE

Foundation Policies

The preferred policy package relies first on “foundation policies” that are already being undertaken. It is what New Zealand will do anyway. These include implementation of the Government’s Growth and Innovation Framework, the National Energy Efficiency and Conservation Strategy, the New Zealand Transport Strategy, the New Zealand Waste Strategy, research, and public awareness.

The Transport Strategy is currently under development and is expected to be released for comment within the next few months. In addition, “foundation policies” include partnerships with Local Government and changes to the Resource Management Act.

Local Government

The Government wishes to develop a formalised partnership with Local Government by developing a New Zealand version of the international Cities for Climate Protection programme in partnership with the Energy Efficiency and Conservation Authority and Local Government New Zealand. This partnership programme would help local authorities to produce local inventories, targets, action plans and monitoring programmes and achieve further reductions in local emissions of greenhouse gas emissions. This initiative would help councils to implement the New Zealand Waste Strategy, National Energy Efficiency and Conservation Strategy and the New Zealand Transport Strategy.

The Government recognises the need to assist Local Government to plan for adaptation to climate change. The nature and extent of assistance and guidance needed are being assessed. It is likely the assistance will include increased networking and best practice examples and research to improve scientific knowledge.

Resource Management Act

The Government wishes to clarify the policy and legal situation for greenhouse gas emissions and has signalled that it intends to amend the Resource Management Act. The Government is proposing to amend the Act in order to remove the ability of councils to control activities, via resource consents or rules in plans, for the purpose of reducing greenhouse gas emissions. This would avoid putting resource consent applicants in the ‘double jeopardy’ position of being required to mitigate effects under the Resource Management Act and also meet obligations under the government’s national climate change policies. It would also provide consistency in addressing greenhouse gas emissions across different regions.

The Government considers that the Resource Management Act should still be used to contribute to an urban form that improves energy efficiency and air quality, and as a result reduces greenhouse gas emissions. This would require local and regional councils to take greenhouse gas implications of land use decisions such as location of development and infrastructure into account in developing plans and granting consents. The Government has initiated a work programme on urban form that will include consideration of the Resource Management Act.

The Government is seeking feedback on the nature of amendments and whether it should develop interim national guidelines to assist local councils until the Resource Management Act amendments are complete. The Government has said that they consider a National Policy Statement would not be the most efficient and effective approach to clarifying the role of the Resource Management Act in managing greenhouse gas emissions. This is due to the large demand on finances and other resources.

The Government also has a work programme looking at ways to encourage the use of renewable energy such as hydropower, wind farms, solar and biomass technology. This includes work on guidance for development under the Resource Management Act (e.g. improved information, managing environmental effects, identification of acceptable sites and suitable technologies). The project plan for this work is still being finalised by Ministry for the Environment.

It is anticipated that once these foundation policies are fully funded, they will result in approximately one third of the emissions reductions required for New Zealand to meet its targets.

A26-A28

The submission is attached at pages A26 to A28 in the Attachments supplement expresses support for a New Zealand equivalent of the Cities for Climate Protection programme and indicates Council's willingness to be a pilot for such a programme. The submission also seeks clarification and careful consideration for changes to the Resource Management Act to exclude consideration of greenhouse gas emissions from land use and air discharges.

New Policies

New policies will come into effect only when, and if, the Kyoto Protocol comes into force. That is, if 55 countries including developed countries that were collectively responsible for at least 55% of developed-country carbon dioxide emissions in 1990, ratify.

In the new policies, there will be no price measures before 2007. The emissions charge that will be introduced in the first commitment period (2008-2012) will be capped at \$25 per tonne of CO₂ equivalent, so that additional energy costs per household are no more than about \$5 per week. Revenue that is gained from the emissions charge will be recycled back into emission reduction projects; to provide incentives for efficient emission reductions and carbon sink (forests) creation. Any remainder revenue will be recycled back into the economy through the tax system. There will be no charge on non-CO₂ gases during the first commitment period. To gain support, projects must be additional to programmes that would occur any way under the new regime and funding would be contestable. All sink credits and their associated liabilities under the Kyoto Protocol will be retained by the Government.

Because of issues of competitiveness and the differential ability to adapt and respond, the Government is proposing a range of different policies for different sectors of the economy as described below.

Competitiveness-At-Risk Group

This group comprises sectors of the economy and particular industries that would find adjustment difficult if they were expected to face a cost on emissions in the first adjustment period. For these firms, emissions charges may create a choice between closing or moving to a country with no controls on emissions or reducing staff to compensate for the increased costs.

These groups will be required to reduce their emissions through greater use of Negotiated Greenhouse Agreements with the Government. The agreements will require improvement to emission processes to meet world best standards as tailored to the New Zealand situation.

General Energy Users Group

This group reflects businesses, organisations and households for which energy is a cost but not a major cost. Most New Zealanders are in this group. In total they contribute about one quarter of greenhouse gas emissions but two thirds of CO₂ emissions.

This group will face an emissions charge approximating the international price of carbon capped at NZ\$25 per tonne of CO₂ equivalent. Reductions in emissions will depend on the use of the new Government revenue being recycled back into emissions reduction projects and programmes under the National Energy Efficiency Strategy, NZ Transport Strategy and Waste Strategy. The Government states that the price measures will be aimed at shifting relative prices of goods and services and reducing emissions, not at improving the Government's fiscal position.

A26-A28

The submission is attached at pages A26 to A28 in the Attachments supplement seeks a return of revenue gained from emission charges to projects, research and incentives to reduce emissions, rather than to general taxes, and for incentives to be provided for non-harvest forest sinks to sequester carbon.

On-Farm Agriculture

Agriculture contributes about 55% of New Zealand's greenhouse gas emissions through emissions of methane and nitrous oxide. Agriculture is a "competitiveness-at-risk group" but is distinguished because farmers currently have no clear way of reducing methane and nitrous oxide other than by reducing stock numbers, and because measuring and monitoring methane and nitrous oxide emissions from on-farm agriculture is technically very difficult.

Agriculture will be exempt from price measures on methane and nitrous oxide for the first commitment period. The key policy approach for this group is research aimed at finding technical solutions for reducing emissions from agriculture. This will be funded either by agreements that the industry will invest in research or by a levy on agriculture for research.

Others - Waste and Synthetic Gases

These are sectors where factors such as a lack of cost-effective abatement options (synthetic gases sector) and/or emission measurement difficulties (waste sector) affect their ability to cope with a cost on emissions in the short term.

Waste contributes about 4% of total greenhouse gas emissions, mainly in the form of methane from landfills. Emissions from the waste sector are likely to be around 36% lower than 1990 levels by 2008 if the New Zealand Waste Strategy is fully implemented. The Waste Strategy relies on voluntary measures but the intention is to review the Strategy in 2003, at which time the possibility of introducing a levy on waste will be examined.

The Government is proposing to work with industry to negotiate voluntary reductions in synthetic gases. Such gases are present in minor amounts and include hydro fluorocarbons used as refrigerants and as a foaming agent in insulation, sulphur hexafluoride, which is leaked from electrical switchgear, and per fluorocarbons, which are emitted during aluminium production.

RESOURCES

There are no resource issues in responding to the discussion document. However, the resource issues in implementing the final adopted policies have not been calculated.

CONCLUSION

The Government has released its preferred policy package to achieve greenhouse gas emission reductions. It is important that the Council be aware of this process because of the proposed changes to the Resource Management Act and the implications for waste, transport and other council operations. A draft submission on the policies outlined above is attached for the Committee's consideration.

RECOMMENDATIONS

1. That the information be received.
2. That the Environmental Management Committee endorse the submission to the Government's Preferred Policy Package is attached at pages A26 to A28 in the Attachments supplement to the Agenda.

A26-A28

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



14 NORTH ISLAND HECTOR'S DOLPHIN

PURPOSE OF THE REPORT

The purpose of the report is to provide an opportunity for Council to support the campaign to 'Save the Hector's Dolphin'.

BACKGROUND

The North Island Hector's Dolphin is to be found along a stretch of the North Island's west coast between North Taranaki and the Hokianga Harbour, including Waitakere City's western coastline. With fewer than 90 remaining, it is the world's rarest marine dolphin.

The dolphins are at significant risk from both recreational and commercial set nets, with lesser risk from trawlers.

The Ministry of Fisheries called for submissions into its second attempt to afford some protection for the dolphins. The initial attempt to impose regulations on set netting was challenged by the fishing industry and overturned by the court on the basis of two technical errors. The High Court then asked the Minister to re-consult on his decision.

STRATEGIC CONTEXT

The Hector's Dolphins that visit Waitakere's coastline are part of the biodiversity of the coast. Already many species - plant, bird and invertebrate - have disappeared from these shores. At the base of Eco-city, the Greenprint and the Strategic Plan is care and protection of ecosystems and biodiversity, and ensuring that in the pursuit of economic and social goals, the natural values of the city are protected. A species at risk of extinction is of prime concern in terms of biodiversity.

The Council has jurisdiction only down as far as mean high water spring. The Auckland Regional Council, Ministry of Fisheries, Department of Conservation and others have responsibility out to sea. The role of Council is as an advocate, facilitator and information disseminator.

ISSUES

The Ministry of Fisheries are consulting on two issues.

The first issue is the length of the coastline over which a set - netting ban would be placed. The first option, recommended by the fishing industry, is from the South Head of the Manukau Harbour south to Kawhia, while the second option, recommended by the Ministry of Fisheries, suggested an immediate ban on all commercial and recreational set - netting over the whole area within four nautical miles of the coast from Maunganui Bluff (near Dargaville) to Pariokariwa Point (near New Plymouth), including Waitakere's west coast. Neither option includes any part of the Manukau, Kaipara or Hokianga Harbours.

The limited area proposed by the fishing industry is of concern because one of the largest pods of around 19 dolphins is found north of the Manukau harbour, ranging up to the Kaipara. The wider area outlined in Option 2 would offer protection to this pod. Submissions on this issue closed on 21 May, and unfortunately the Council received information too late to bring a report before Council in time. However, after speaking with Ministry staff, a letter supporting controls on set netting over the wider area of coastline and signed by the Mayor, was faxed through on 22 May.

An extension of time has been provided until 11 June for submissions on the second issue. The question is whether or not the controls on set - netting should include at least the harbour entrances and the parts of the harbours where the dolphins have been observed. New information on Hector's Dolphin mortalities and sightings recently available from researchers indicates that Hector's dolphin are likely to be more frequently moving into the Manukau Harbour entrance area than had previously been thought. Accordingly, the Ministry of Fisheries is proposing that all commercial and amateur set netting should be prohibited in the waters of the Manukau Harbour entrance area from Paratutae Island to Puponga Point to a position 0.5 nautical miles north of Kauri Point (at the eastern end of Big Bay) to Big Bay to the signal staff on the south head of the Manukau Harbour to Paratutae Island. Ring netting and drift netting are included in this closed area, as these netting methods are defined as set netting in the fisheries regulations. Trawlers are of lesser concern than set-netters, and the main issue is the placing of observers on trawl vessels fishing within four miles of the coast. This should be supported by the Council as the best means of researching the threat posed to the dolphin by trawlers.

CONCLUSION

In order to adequately protect the endangered North Island Hector's Dolphin, the Ministry of Fisheries proposal to ban netting over all of the west coast area frequented by the dolphins, including parts of the harbours, needs to be supported.

RECOMMENDATIONS

1. That the information be received.
2. That the Council send a submission to the Ministry of Fisheries supporting a ban on set - netting, ring netting and drift netting in the area of the Manukau Harbour entrance as set out in the report, in order to afford adequate protection to the North Island Hector's Dolphin.
3. That the Council support Ministry of Fisheries or Department of Conservation research initiatives involving the placing of observers on all trawl vessels fishing within four nautical miles of the coast, in the area frequented by Hector's Dolphins.

Report prepared by: Jenny Macdonald, Strategic Leader.



15 **HERBICIDE REDUCTION TRIALS ON URBAN ROADSIDES**

PURPOSE OF THE REPORT

This report brings to the Environmental Management Committee the results of the herbicide reduction trials run from November 2001 to May 2002. It also brings to the Committee several recommendations that include both implementation for the coming financial year, and specific suggestions for further work and investigation.

BACKGROUND

During the 2001 - 2002 Annual Budget submissions and deliberations the use of agrichemicals by Waitakere City Council was a significant issue. As a result, Council resolved at its Special meeting on Friday, 22 June 2001:

“That an additional \$40,000 funding be included in the 2001/2002 Annual Budget to undertake trials on alternatives to use of herbicides for management of roadside weeds.”

1416/2001

Council's recent establishment of a Working Party to explore herbicide reduction has further highlighted the significance of this issue to Council. This group will progress the discussion of herbicide reduction methods, investigate alternative products, network with the community, hold public workshops and develop a herbicide reduction policy for Waitakere City. All the work carried out to date will feed into the Working Party.

Urban roadsides were identified as a key area where Waitakere City could achieve a significant change in herbicide use and weed control. Herbicide reduction is an area of rapid development, and the alternative techniques developed to date are best suited to herbaceous plants that are the main component of urban roadside vegetation. Currently, low toxicity herbicides are a vital tool in achieving most weed control undertaken in Waitakere City. Options were known to exist for reducing herbicide use and for reducing the side effects of herbicides. There was, however, much that was unknown as to the effectiveness of these alternative options and doubt as to the level of budget increase required to implement them. The investigation and trials have helped to answer many of the questions, and provide a basis on which the Council can make decisions during the 2002 - 2003 Annual Plan deliberations. These decisions include both the methodology to be implemented in the coming financial year and the direction of continuing work and investigation.

When discussing this issue, there are some definitions that are important in clarifying aspects of this area of work:

- Agrichemical - “Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used in any agriculture, horticulture or related activities, to eradicate, modify or control flora and fauna” (from Standard Specifications for the Use of Agrichemicals in Waitakere City).
- Some agrichemicals are organic (in this context this means they are derived from naturally occurring chemicals in the environment, often from plants); some agrichemicals are artificially formulated. Some organic products have been registered and carry certification labels. Of the artificially formulated substances, some are replicas of naturally occurring chemicals, some do not occur in nature. All are chemicals, all become toxic above a certain level and all have the ability to harm the environment.

- Some of the effects of agrichemicals can be reduced by the way they are applied. For example applying an agrichemical by touch instead of spray can reduce the potential for other harm by that agrichemical while still effectively targeting the weed.
- Most weeds love sun and open soil. Some of the ways people operate create these two conditions and thus provides more habitat for weeds to invade. Weeds are spread by wind, water, birds and people.

Two reports have been prepared as part of the herbicide reduction trials. Both reports will be circulated to Committee members prior to the Committee meeting. These reports are:

'Herbicide Reduction on Roadsides in Waitakere City' Waitakere City Council 2002; and

'Weed Removal Along Grass Verges: Residents Feedback', Waitakere City Council 2002.

Objectives of Roadside Vegetation Management

There are nine objectives when managing roadside vegetation. The five most relevant to the urban situation include:

- Protection of the asset (preventing plants from causing damage to the seal, footpaths, kerb and other features or furniture of the road edge or berm; or preventing erosion from undermining such features);
- Flood mitigation (preventing blockages in the channels that carry stormwater);
- Legally declared plant pests and other environmental weed control;
- Water quality improvements for local streams (achieved largely through reducing silt and pollution carried by stormwater);
- Safety (preventing overhanging plants and maintaining sight lines for drivers).

These need to be achieved while minimising costs and additional risks to the health of people and our environment (eg. herbicides).

For the purposes mentioned above Council has chosen to take a precautionary approach and manage those aspects of the road reserve that if neglected would cause significant cost to Council to repair or mitigate the effect. Thus Council manages that vegetation that grows on the edge or in gaps/cracks of the seal, footpath, kerb and other features or furniture on the road reserve, and the legally declared plant pests and other environmental weeds. Notably this work is only done where it is not being carried out by the neighbouring landowner.

The current regime is for all residential and urban roadsides to be sprayed twice a year. Glyphosate is the principal chemical used except on those specific weeds for which it is not effective. In this case the least toxic, effective herbicide is selected.

There is concern that the current regime does not effectively maintain weed control in the more vulnerable areas (often older, already damaged) parts of the kerb and channel. The resultant weed growth further damages the asset and results in silt build-up and inhibited stormwater flow. The trial area required three treatments within six months (summer/autumn period) indicating the most likely effective regime for urban weed control would be 4 treatments annually.

Legal Framework

The Local Government Act 1974 places some legal onus on neighbouring land occupiers or owners with regard to the maintenance of the road reserve. These requirements are to remove any tree or hedge that is overhanging or overshadowing the road, and to remove plants that obstruct traffic or drainage - the latter provision applying to "all the land up to the middle line (of the road) along the whole frontage of the land owned or occupied by him". This would apply to those plants growing in the channel area of the road reserve that inhibit drainage, but not those that restrict their impact to causing damage to the channel, kerb or footpath.

The Biosecurity Act 1993 gave responsibility to the neighbouring land occupier for controlling legally declared plant pests on road reserve. However, the Biosecurity Amendment Act 1997 gives the Regional Pest Management Strategy the option of transferring this responsibility to the owner of the road reserve, that is, Waitakere City Council. The proposed Regional Pest Management Strategy 2002 just released by the Auckland Regional Council has taken up this option. This has no additional cost implications as Council already is implementing plans from existing budgets that satisfy the new requirements.

Existing Policies, Guidelines and Procedures for Herbicide Reduction or Mitigation

Waitakere City Council already has several guiding documents that assist in reducing the toxicity, quantity and/or effects of the use of agrichemicals by Council representatives.

- An agrichemical guideline was developed that states when agrichemicals are used the least toxic effective option will be chosen.
- A register operates that names all the agrichemicals approved for use and excludes those too toxic or where a less toxic effective option is available.
- The 'Standard Specifications for the Use of Agrichemicals in Waitakere City' tells Council contractor's what procedures they must follow when using agrichemicals.
- A 'Weed Hygiene' standard clause is being developed. This will also tell Council contractors what procedures they must follow in order to minimize the spreading of weeds and thereby reduce the need for herbicides.
- Waitakere City operates a No Spray Register. It is a listing of properties whose owners or occupiers do not wish to have spraying on their urban kerbs and footpath edges, or rural road edges and roadside drains. They also wish not to have invasive environmental weed species on the berm treated with herbicide.
- Finally, the Herbicide Reduction Working Party has recently been established.

Criteria

Trials were designed to compare and explore the:

- Reduction in herbicide achievable;
- Effectiveness in achieving the purposes of vegetation management;
- Sustainability with regards to other potential environmental effects both negative and positive;
- Cost.

Progress of the Trials

Step one was to find out what techniques were available and what associated information was known (in particular highlighting existing experience gained from other local authorities such as Tauranga, Wellington, North Shore and Auckland Cities). In addition, discussions were held with operators and developers of alternative techniques. These discussions covered techniques including manual and thermal control methods, organic herbicides and touch or gel application methods of non-organic herbicides (that is, application methods that eliminated the need to spray).

Step two decided which techniques offered potential and needed further information or locally specific trials.

Based on the background research, six trials on urban kerb, channel and footpath areas were undertaken. Two control trials were also undertaken for comparison. Included in the urban trials were the following techniques and controls:

- BIO-Safe - organic herbicide - 10cm edge
- BIO-Safe - organic herbicide - flush edge
- Glyphosate - applied by Weedball - 10cm edge
- Glyphosate - applied by Weedball - flush
- Weed eater (edges) and Bio-Safe (cracks in and between concrete slabs)
- Interceptor – organic herbicide
- Control 1 - current glyphosate spray technique
- Control 2 - nil control

Each trial consisted of three sites of approximately 500m each and was conducted over a 6-month period.

Trial Description

The following table describes the different methods that were trialed.

Trials	Comments
BIO-Safe - organic herbicide (plant extract, but not currently registered with an organic label) - 10cm edge	BIO-Safe was previously found by Auckland City Council to be the longer lasting and more effective of the organic herbicides available at present. It is a contact herbicide meaning it kills only those parts of the plant that are touched by the chemical. The 10cm edge leaves a brown strip of bare soil that increases the time before the vegetation next encroaches on the edge of the road or footpath. Application is by spray.
BIO-Safe - organic herbicide (plant extract, but not currently registered with an organic label) - flush edge	Brown strips along all the edges are unsightly, and can result in damage to the concrete if it becomes undercut through drying and erosion of the soil. This trial will help quantify the control needed if the brown strip is eliminated.

Trials	Comments
<p>Glyphosate - applied by Weedball - 10cm edge</p>	<p>The Weedball is effectively a rolling wet sponge that applies herbicide when it touches the plant, thus avoiding the need to spray. Glyphosate is a systemic herbicide meaning it is transported through the plant and will kill the whole plant, not just the area contacted, as long as sufficient quantity is applied. This method requires a 10% concentration (the spray concentration is 1%) but previous experience by operators of the technique showed substantial reductions in the quantity of active ingredient used due to efficiencies in application.</p>
<p>Glyphosate - applied by Weedball - flush</p>	<p>As above, this trial was designed to help quantify the control needed if the brown strip were to be eliminated.</p>
<p>Weed eater (edges) and Bio-Safe (cracks in and between concrete slabs)</p>	<p>Weed eaters are currently used in Auckland City, but can only deal with the edge between grass and concrete or other structure. Plants growing in cracks (a common and damaging problem) are addressed by the BIO-Safe.</p>
<p>Interceptor - organic herbicide (plant extract, registered with an organic label)</p>	<p>Interceptor is a contact herbicide meaning it kills only those parts of the plant that are touched by the chemical. Application is by spray. As a registered organic herbicide it will provide some comparison with BIO-Safe.</p>
<p>Control 1 - current glyphosate spray technique</p>	<p>Glyphosate is a systemic herbicide meaning it is transported through the plant and will kill the whole plant, not just the area contacted. That is, it will also kill roots and rhizomes that can otherwise re-sprout quickly. Currently the Glyphosate is applied by spray.</p>
<p>Control 2 - nil control (landowners asked not to do any work)</p>	<p>This trial was combined with Control 3. For both sets of sites landowners were not told of the trial unless a query was received. Some knowledge spread as landowner's queries were responded to or neighbours and friends discussed. Landowners then responded themselves to the developing situation e.g. do control work themselves either manually, chemically, wholly, partially/selectively or no control at all.</p>
<p>Control 3 - nil control (landowners not informed and left to respond eg. do themselves, request help from Council)</p>	<p>Combined with Control 2 as above.</p>

Several additional techniques were not available to trial due to the operator/developer not making the technique available:

Additional Technique	Comments
Hot Water	This system operates by heat transmitted through super heated water. Waipuna International is in receivership, and Waipuna Systems did not make the recently developed foaming system available for trial. They did offer to do a demonstration, but were not at the time of the trials, forthcoming with answers about the toxicity of their foaming agent.
Mechanical Edging	This system operates in Tauranga. The operators did not make the machinery available to trial in Waitakere.
Hot Moist Air	This system operates by heat transmitted through air. Moisture is injected into the air-stream to prevent combustion. The developers said the system was not yet ready to trial.

Tenders were sought from experienced operators in each technique and the trial contracts started on 14 November 2001. The contract involved carrying out the job to certain specifications on a performance basis, and recording set information in order to generate a database.

An independent consultant oversaw the trials and audited the work being carried out. This consultant also recorded a before and after baseline of information.

Information from the initial research and from the trials has been collated and the full report will be circulated separately to the Committee.

STRATEGIC CONTEXT

The issue of agrichemical use is related to the issue of weed and pest control. Interestingly, both the people who advocate spray reduction and those who advocate weed control usually do so out of a concern for the health of people and quality of life and/or the health and quality of our environment. Thus both are attempting to achieve similar goals.

Herbicides are only a tool. Regular weed control is an important part of local authority maintenance programmes. Weed control is necessary on Council administered roadsides to protect sealed or paved surfaces from damage and to ensure that roadside ditches are not blocked by vegetation. Weed control is necessary in parks to ensure the quality of sports field turfs and gardens. In addition, on both roadsides and in parks, weed control is necessary to meet Council's requirements with regard to Legally Declared Plant Pests (previously known as noxious plants) and to reduce adverse environmental effects of weed invasion on those areas of native bush remaining in Waitakere City.

Council's Green Network objectives include a requirement that stormwater is managed in a way that ensures sustainable management in alignment with the growth of the City, and in harmony with the natural water cycle.

Council's Well-Being objectives include protection from nuisance and hazards so that citizens of the city have a safe and healthy environment.

Herbicide reduction can be approached strategically as three phases:

- Prevent the need for weed control (remove habitat and seed sources).
- Reduce the amount of herbicide; and reduce the impact from herbicides eg. spray drift.
- Replace chemical herbicides with more sustainable non-chemical methods.

Waitakere City Council is the national leader in managing rural roadsides to prevent the need for weed control.

Trials conducted in the urban area seek to locate solutions whereby techniques can be implemented that achieve the most effective mix of the 3 phases above.

ISSUES

Trial Results

The following table provides a summary of the trial results and outlines the pro's and con's of each of the techniques trialed.

Trials	Pro's	Con's
<p><u>BIO-Safe</u> - organic herbicide (plant extract based but not currently registered) flush and 10cm edge</p>	<ul style="list-style-type: none"> • Least toxic of all three chemicals trialed; • Most effective of the alternative chemical trials. 	<ul style="list-style-type: none"> • Large increase in volume of chemical applied to the soil as high concentrations are used and control would need to be carried out nearly monthly with longer gaps in winter and summer; • Reliably effective only when vegetation is young especially kikuyu grass; • Some plants controlled (reduced in size) but not killed. This is a problem in the channel and in cracks and gaps. For asset protection and water flow these plants need to be killed; • The brown edge caused by killing of the grass cannot be eliminated - the buffer is required to prevent the frequency of control required from being even higher.
<p>Interceptor - organic herbicide (registered)</p>	<ul style="list-style-type: none"> • Less toxic than glyphosate 	<ul style="list-style-type: none"> • Very strong smell; • Least effective chemical at controlling established vegetation especially kikuyu and Bermuda grasses which browned off but then continued to grow; • The brown edge caused by killing of the grass cannot be eliminated - the buffer is required to prevent the frequency of control required from being even higher.

Trials	Pro's	Con's
<p>Weed eater (edges) and Bio-Safe (cracks in and between concrete slabs)</p>	<ul style="list-style-type: none"> • Lesser volume of chemicals applied; • Vegetation cover remains. The brown edge (bare soil) caused by killing of the grass by herbicides can be eliminated; • Lower fuel usage than a mobile truck and pump; • Reduced damage to kerb and footpath from soil erosion and undermining. This is caused by exposure of soil along the edges. 	<ul style="list-style-type: none"> • Potential for solid objects to be thrown; • Bio-Safe did not effectively control or kill the more established plants missed by the weed eater - yet the plants missed by the weed eater are those in cracks/gaps and thus pose significant risk; • Weed eater cannot operate behind parked cars; • Greater frequency required than glyphosate.

Trials	Pro's	Con's
<p>Glyphosate - applied by Weedball flush and 10cm edge</p>	<ul style="list-style-type: none"> • Good control; • Least frequency of control required of all the alternative methods; • Contact application means less potential for spread to people and the environment than if applied by spray; • Systemic - more effective control than organic chemicals (especially of those plants most likely to damage the asset) because it treats the whole plant • Potential to reduce the brown edge caused by killing of the grass. 	<ul style="list-style-type: none"> • More toxic than the organic chemicals; • Less efficient control in overgrown situations than spray application; • Higher concentration of active ingredient (10% instead of 1% for spray application) means greater chance of reaction eg barefoot children walking on footpath before the chemical has dried; • Not dependant on wind conditions (takes longer than spray application, but has less operating down time); • Difficult to reach into tight spaces e.g. deep cracks/gaps.
<p>Control 1 - current glyphosate spray technique</p>	<ul style="list-style-type: none"> • Least frequency of control required; • Systemic which increased the effectiveness at controlling those plants most likely to damage the asset - i.e. those in the cracks & gaps, • Only effective method for rampant growth • Potential to reduce the brown edge caused by killing of the grass. 	<ul style="list-style-type: none"> • More toxic than the organic chemicals; • More potential for spray drift than contact applications; • Lower concentration of active ingredient (1% instead of 10% for weed ball application); • More reliant on weather (less time than weed ball, but has more operating down time).

Trials	Pro's	Con's
Control 2 & 3 - nil control (landowners queries responded to, neighbours & friends discuss; landowners respond e.g. do themselves manually, chemically, no control)	<ul style="list-style-type: none"> No herbicide used (by Council). 	<ul style="list-style-type: none"> Likely damage to asset; Likely stormwater blockages; Landowners may control vegetation with herbicides - but these may not be in as low concentrations, or as low toxicity; Reduced City pride or image; Negative response from community and local Councillor.

Agrichemicals Used, Toxicology (effect on people) and Ecology (effect on flora and flora)

Agrichemical	Features	Toxicology	Ecology
<p>* LD50 is the dose at which the chemical reaches lethal acute toxicity for 50% of a population of test subjects. It is usually expressed as milligrams of material per kilogram of body weight of the subject. The higher the LD50 number, the less toxic the compound is. LC50 refers to the concentration in the environment to which the subjects were exposed.</p>			
<p>Notes: 1) Some chemicals exhibit sub-acute toxicity; 2) People have varying degrees of sensitivity to varying chemicals. A high LD50 number does not ensure some people will not react to the chemical.</p>			
BIO-Safe	Produced by Agro New Zealand Limited, contact herbicide ie. kills only that part of the plant touched by the chemical, derived from coconut oil, not registered as an organic product.	LD50 (oral, rat) >8000 mg/kg LD50 (dermal, rat) 4000mg/kg Skin contact - Irritant Eye contact - Irritant Inhalation - Slightly toxic, can cause coughing or sneezing	Biodegradability - "readily biodegradable" Birds - information not forthcoming LC50(fish) - information not forthcoming
Interceptor	Produced by Certified Organics Limited, contact herbicide ie. kills only that part of the plant touched by the chemical, derived from pine oil, registered as an organic product.	LD50 (oral, rat) >6100 mg/kg LD50 (dermal, rabbit) 6500mg/kg Skin contact - Moderate irritant Eye contact - Irritant Inhalation - May cause irritation	Biodegradability - >70% breakdown in 28 days Birds - LD50 (oral, rat) >6100mg/kg LC50 (fish - trout) >100 mg/L

Agrichemical	Features	Toxicology	Ecology
<u>Glyphosate</u>	Produced by many companies. The information opposite is for Roundup G2 from Monsanto, systemic - is absorbed and carried through the plant killing all parts of the plant, artificial herbicide, not registered as an organic product.	LD50 (oral, rat) >5000 mg/kg LD50 (dermal, rabbit) 5000mg/kg Skin contact - Non irritating Eye contact - Slight irritant Inhalation - (Rat) LC50 3.28mg/L for 4 hour aerosol exposure; slightly toxic	Biodegradability - half-life of 45 days. Biologically inactive once it has touched the soil Birds - information not forthcoming LC50(fish) - information not forthcoming
Other chemicals: Sucrose (cane sugar) Baking soda Table salt Caffeine Sodium cyanide		LD50 (oral, rat) >29,700 mg/kg LD50 (oral, rat) >4220 mg/kg LD50 (oral, rat) >3000 mg/kg LD50 (oral, rat) >192 mg/kg LD50 (oral, rat) >6.4 mg/kg	

Kikuyu Grass

It should be noted that there are many species, many not even grasses, that grow both in the body and edge of lawns on the road reserve, and in the gaps and cracks afforded by the constructed assets. Of all the species that grew sufficiently to require control, kikuyu grass presented a particular problem. The two organic chemicals struggled to cope with established rhizomes of kikuyu, and to a lesser extent with Bermuda grass. The frequency of control required by all techniques would be significantly reduced if the kikuyu grass were not present in the sward.

Suggested Options, Herbicide Quantities and Cost Implications

The table below outlines the range of options and associated costs for implementation of various trial and combination techniques for reducing herbicide. In addition to the trial results the table below outlines costs for a range of combination techniques. The combination technique would take advantage of some efficiencies not available in the trial because of the trial methodology, including efficiencies in the use of herbicide. Thus the price per centre-line kilometre would be reduced.

In all alternative methodologies, the frequency of control is higher, the progress of work is slower and except for the weed eater glyphosate option, the chemical costs are higher than is required by the glyphosate spray technique. These factors are reflected in the cost of implementation.

The quantities of herbicide shown in the table are at the upper end of those expected to be required. Growth at the beginning of the trial had not been controlled for six months. Also, the summer period was unusually damp, and thus growth over this period was stronger than might normally be expected. Once good control had been attained, quantities of herbicides used would be expected to reduce somewhat. These conditions applied to all treatments.

Key to the table below:

Frequency - the frequency required to attain reasonable control is drawn from the results of the trials plus discussions with the operators:

Cost per Centre-line kilometre of Urban Road - these are estimates by the operators based on their experience of the technique:

Cost Calculations - these are calculated as Frequency, Cost/Centreline km, and Length of Kerb and Channel Road in the City multiplied together. The costs contained in this table are not tender prices. The tender process has the potential to create cost structures that vary from those below.

Herbicide Quantities - shows the litres of concentrate required to do one application within the kerb and channel parts of the City. This is multiplied by the frequency of applications per annum. The figures shown are averages across the City. Some areas require more control work than others.

Notes: There are 1,286,703m of kerb and channelling in the City. This equates to approximately 650km of road with kerb and channelling on both sides (centre-line km) - the basis of the costings below.

Control Method - options	Frequency per annum (estimated)	Cost per Centre-line kilometre per treatment	Cost Calculations	Herbicide Quantities - litres (as shown by the trials)
1) Trial Results				
Bio Safe - organic herbicide (plant extract based but not currently registered)	8	\$143	\$1144 * 650 = \$743,600	10,461L per application 83,688L per annum
Glyphosate - applied by Weedball	6 (Up to 8 control rounds could be required)	\$180	\$1080 * 650 = \$702,000	853L per application 5,118L per annum
Weed eater (edges) and Bio-Safe (cracks in and between concrete slabs)	8 (Up to 10 control rounds could be required)	\$195	\$1560 * 650 = \$1,014,000	2,695L per application 21,560L per annum

Control Method - options	Frequency per annum (estimated)	Cost per Centre-line kilometre per treatment	Cost Calculations	Herbicide Quantities - litres (as shown by the trials)
Interceptor - organic herbicide (registered)	8 (Up to 10 control rounds could be required)	\$210	\$1680 * 650 = \$1,092,000	6,500L per application 52,000L per annum
Control 1 - glyphosate spray technique	4	\$46	\$184 * 650 = \$119,600	623L per application 2,492L per annum
Current glyphosate programme (contract from 2000-2002)	2	\$43	\$86 * 650 = \$55,900	623L per application 1,246L per annum
2) Options for 2002-2003				
Status quo for 2002 - 2003 glyphosate spray technique	2	\$46	\$92 * 650 = \$59,800	623L per application 1,246L per annum
Combination of Techniques: Weed eater and BIO-Safe with other chemicals as required	Year 1 1 glyphosate	\$46	\$46 * 650 = \$29,900 +	623L 1 application
	7 Weed eater / Bio-Safe Year 2	\$145	\$1015 * 650 = \$659,750	833L per application = 623 L glysophate + 5,831L BIO-Safe -----
	8 Weed eater / Bio-Safe	\$145	\$1,160 * 650 = \$754,000	833L per application 6,664L per annum
Combination of Techniques: Weed eater and glyphosate with other chemicals as required	Year 2 8 Weed eater 3 glyphosate	\$102	\$816 * 650 = \$530,400	156L per application = 468L per annum

The methodologies for the above options are:

Status Quo Glyphosate Spray - All edges (footpaths, kerbs and driveways up to the property boundary) are sprayed with a continuous line 15cm back from the edge of the concrete. All roadside furniture (transformers, lamp-posts, trees, etc.) are sprayed around. The exceptions to all of the above are those properties that are maintained by the neighbouring landowner and those that are on the No Spray register. All weeds in cracks and in the channel are spot sprayed. The solution is 1% concentration.

Weed eater/BIO-Safe combination - All edges (as above) are trimmed with the weed eater. All roadside furniture is either trimmed around with the weed eater, or sprayed around eg. trees, depending on the circumstance, and at the discretion of the operator. All weeds in cracks and in the channel are spot sprayed. The solution is 7-10% concentration.

Weed eater/glyphosate combination - All edges (as above) are trimmed with the weed eater. All roadside furniture is either trimmed around with the weed eater, or sprayed around eg. trees, depending on the circumstance, and at the discretion of the operator. All weeds in cracks and in the channel are spot sprayed. The glyphosate is more effective at killing the plants and can therefore be done less often. The solution is 1% concentration.

Sustainability

The only significant difference with regard to environmental sustainability between the various methods in the table above was the volume of herbicide used. BIO-Safe spray used 67.2 times the volume of herbicide compared to the current glyphosate spray regime. This is a reflection of the concentrate required to make the solution, and the frequency with which the control was needed.

Weed eater/BIO-Safe control is expected to use 5.3 times the volume of herbicide compared to the current glyphosate spray regime, while the weed eater/glyphosate spray is expected to use 1/4 of the volume of herbicide compared to the current glyphosate spray regime.

The relative toxicity, the volumes of herbicide to be used and the known history of the chemical, when inhaled, should be taken into account when assessing toxicity. BIO-Safe has a lower toxicity (LD50) than glyphosate; both are 'slightly toxic'; glyphosate is less irritating to the skin, both in testing and in the experience of the operators; there has been less reaction from the public in Auckland City with BIO-Safe but this was not born out during the trials; the volume of BIO-Safe expected to be used is substantially larger than for the glyphosate option.

There are still many questions to be answered about glyphosate despite its long history of use; Bio-Safe is still relatively new with no history.

Health Implications

Health effects are reported as one of the impacts of the use of agrichemicals. One of the trialists who also operates a weed eating/BIO-Safe regime for Auckland City reports that his operators suffer more from the irritant effects of Bio-Safe than they did when using glyphosate, but that complaints from the public have reduced substantially. Complaints received by Waitakere City Council during the period of the trials are listed below, however this is potentially a small portion of those people who relate their condition to agrichemicals or those who do not attribute a condition to agrichemicals as being the potential cause.

Perceptions relating to this topic have been surveyed but no verification, quantification or economic implications have been attempted. This would be a separate project to be carried out by those with expertise in the area.

Public Survey and Feedback

The number of complaints received over the period of the trial was:

Agrichemical	Complaints Received	
BIO-Safe	Physiological reaction (perceived) Nil	Other factors Nil
Interceptor	Physiological reaction (perceived)	Other factors 1 - failed to observe No Spray restriction.
Weed eater	Physiological reaction (perceived) 1 - to grass	Other factors 1 - hit by stone
Glyphosate Weedball	Physiological reaction (perceived) Nil	Other factors 1 - failed to observe No Spray restriction.
Glyphosate Spray (within trial area)	Physiological reaction (perceived) Nil	Other factors Nil
Nil Control	Physiological reaction (perceived) Nil	Other factors Complaints received from local Councillor re the state of the local roadsides.
Glyphosate Spray (rest of city excluding trial area)	Physiological reaction (perceived) Nil	Other factors 2 - spraying in wind conditions judged by the observer to be too strong to spray. Neither of these related to the roadside operation. No Spray Register - there were 31 new additions to the Register during the period of the trials.

A public survey was also carried out to gauge the perceptions of neighbouring land owners and occupiers with regards to the current road reserve weed control operation, their interest in changes, their opinion of potential health impacts they perceive to be related to agrichemical operations and their willingness for rates funding of the operation to increase in response to potential changes.

The study 'Weed Removal Along Grass Verges: Residents Feedback' reports the results of a telephone survey of 304 residents. The survey aimed to obtain the resident's views of the weed removal method used in the trial and methods generally.

The main sample was segmented by the weed control method used as follows:

- Roundup spray;
- Roundup weed ball;
- BIO-Safe (pine based organic herbicide);
- Interceptor (coconut organic herbicide);
- BIO-Safe/ weed eating;
- Do nothing;
- Control group - current glyphosate spray.

The main sample was residents of the New Lynn streets where the trials had been taking place. Respondents were randomly drawn from Council's database of all residents who were in the trial area. As each trial was undertaken on specific streets, there is the possibility that differences are a result of differences between the streets. This potential effect was minimised by choosing neighbouring streets and adjoining sections of streets in a defined area of New Lynn.

Two additional groups were surveyed:

- No Spray Register (residents of New Lynn who have identified themselves as not wanting the verges outside their homes sprayed).
- Control group (receiving the standard Council treatment of Roundup spray).

The No Spray Register residents are not included in the main sample as they form a particular interest group. Instead their views are reported alongside the other results for comparison purposes.

The control group was comprised of residents from New Lynn streets neighbouring the trial areas. A Waitakere wide control group was not used because of Painted Apple Moth Spraying occurring around the time in a large part of the City (but not the trial areas). Including the Painted Apple Moth sprayed areas would make such a sample unrepresentative of the city as a whole.

A brief summary shows:

- Just over half of the residents surveyed (51%) were not aware of any weed control work having been done. A third (33%) were aware of weed control work.
- 43% of residents do not know what method of weed control is used. 39% indicated it was a spray, chemical or herbicide.
- 61% of residents surveyed think verge edge weeds are controlled to keep the verges looking nice and tidy.
- 77% of residents think that verge edge weed control is very or reasonably effective.
- More than a third of residents (38%) claim to do work to control the verge edge weeds themselves. The most frequently mentioned methods of controlling weeds were hand pulling (41%), mowing (21%), chemical sprays (19%), weed eating (17%) and using an edge wheel, trowel, clippers or other implement (17%). 13% stated they did not use chemical sprays.
- 87% of residents stated they did not notice any health change in their household the last time weed control took place. Only 4% (10 people) said they did. Where health changes were noticed they occurred either on the same day or within three days. Six people stated someone in their household had to go to the doctor because of health changes. No one in the households took time off work or school.
- The most frequently mentioned other comments were 'No extra cost/ rates too high' (17% of those who commented) and positive comments regarding Waitakere City Council (14%).

- More residents on the “no spray” register tended to think weed control is ineffective (31%) than other residents did (13%).
- Far more of the “no spray” group (83%) claim to do some control of the verge edge weeds themselves. Older residents do more than younger ones (over 60 yrs 41%, 18-39yrs 26%).
- More than 80% of residents indicated a method of verge edge weed control they would like used, suggesting a high level of interest. Preferred methods varied widely. Nearly a quarter (24%) preferred use of a spray, chemical or herbicide. 16% prefer steam/ hot water and 15% an organic spray/ herbicide. 11% requested that the least toxic type of spray be used.
- Almost half of the residents (45%) state that if a method of weed control they like cost eight dollars per household per year and had to be done eight times a year they would still prefer it. Just over a third (34%) said they would not. (The survey had to be completed before the trial results were ready, thus this question is an indicator of reaction to cost increases, not a reaction to the actual cost increase.)
- Over two thirds (68%) believe Council should give priority to choosing the least toxic type of method. Just over a third (35%) believe Council should give priority to least cost. Only 9% mentioned priority for the least frequent.

Suggestions for Future Work and Investigation

Work and investigation that will look at other aspects of the Prevent, Reduce and Replace strategy is highlighted below.

Waitakere is already a leader in the field of weed habitat reduction (management that combines the tools of Flail Mowing, spot spraying of agrichemicals and the revegetative power of native plants. The native plants encouraged by this process, then continue to inhibit weed growth without Council expense or use of agrichemicals. This management is more applicable to rural and Bush Living areas (Titirangi, Laingholm). This programme will continue.

The roadside ditches found throughout rural Waitakere are currently sprayed out twice a year. They comprise over half the total length of roadside in the City and combined with the edge of the seal require 70-100% more herbicide than urban roads to manage given the current methods. As well as the herbicide used, they contribute to weed spread and to the silt load in local streams. Investigation and trials for alternative management methods could be conducted.

Hydroseeding is a technique for establishing vegetation on steep land, eg. slip faces. It involves spraying seeds combined with a papier-mache mulch onto the bank. It has been commonly used with exotic grasses, but the use of the technique with native plants is not well developed. The proximity to bush and the conditions in the Ranges mean native plants would be much more desirable and effective. The technique would be used to quickly establish native vegetation (before other weeds can establish) in larger areas where recent weed removal, eg. large colonies of pampas or Mexican daisy, has left bare ground.

Landcare Research is currently looking into both of the above issues. The opportunity exists for cooperating with them to seek solutions to both of the above issues.

Other opportunities include:

- Exploring what construction changes could be implemented when kerbs, channels and water tables (roadside ditches) are constructed, that would prevent weeds from establishing.
- Look at roadside sweeping regimes so that piles of silt are not allowed to linger in the channel awaiting colonisation by weeds.

RESOURCES

The 2001-2002 budget for urban roadside verge management is:

- 46-7614-24790 Herbicide Reduction Trials \$40,000
- \$56,000 spread over the following account codes \$56,000
- Vegetation Control Commercial Centres - non subsidised \$60,000
- Vegetation Control Residential Streets - non subsidised \$30,000
- Vegetation Control Urban Roads - subsidised \$55,000
- This latter is subsidised by Transit NZ to the value of \$24,123

Total budget for urban roadside verge management 2001 - 2002 \$96,000

The remainder of these budgets is spent on arboricultural work, contract management, auditing and environmental weed control.

The Draft Annual Plan for 2002 - 2003 includes:

- Herbicide Reduction Trials \$40,000
- \$56,000 spread over the following account codes \$56,000
- Vegetation Control Commercial Centres – non subsidised \$60,000
- Vegetation Control Residential Streets - non subsidised \$30,000
- Vegetation Control Urban Roads - subsidised \$55,000
- This latter is subsidised by Transit New Zealand to the value of \$24,123
- Herbicide Reduction Working Party \$10,000

Total Draft Annual Plan Budget 2002 - 2003 \$106,000

The staff resource for managing the roadside vegetation contracts is 20% FTE. Further investigation and trials as outlined will raise this to 40% FTE. Given current staff resources this additional time is taken from facilitating Green Network community participation through the Green Network Community Assistance and Community Planting in Parks programmes.

CONCLUSION

1. Results from the trials have helped highlight that the current glyphosate spray regime is not sufficiently controlling weeds particularly in areas where kikuyu is prominent, and those areas of the City where the roadside assets are older and more prone to weed invasion.
2. Should the current regime remain, the effects of the poor weed control will need to be investigated to determine the effects on the assets. If improved asset management is required under the current methodology, an associated increase in the volume of glyphosate used would result. The current regime of 4 rounds per year in town centres is sufficient.
3. The frequency for the alternative techniques (to glyphosate spray) has been estimated from the results of the trial plus discussion with the operators. Indications are that 8-12 rounds per year are needed to maintain control of the more persistent and faster growing species using alternative techniques. This is because all techniques (including the glyphosate weed ball) are effective only when maintaining fresh-grown material. Older growth and especially rampant growth is only effectively controlled by glyphosate spray.

4. All alternative techniques trialed showed an increase in herbicide used. Some showed a substantial increase. This needs to be considered in light of the relative toxicity and effects of each herbicide.
5. The frequency required and slower pace of work of the alternative techniques means the cost of implementation is significantly higher.
6. The trials highlight that manual methods provide the only potential at present to reduce the herbicide volumes currently used in the City.
7. The combination of manual methods (weed eating) with glyphosate spray as a spot spray is the only method that enables a reduction in herbicide. It also enables improved asset management.
8. Potential health impacts from agrichemicals, and the associated costs are beyond the scope of this report.

RECOMMENDATIONS

1. That the information be received.
2. That either the combination technique of weed eater/glyphosate spot spray or that the status quo methodology be utilised in the 2002/2003 year.
3. That depending on the option chosen;
 - (a) That the Committee recommend to the Annual Plan that an additional \$474,500 be added to the urban roadside budget for 2002 - 2003 to implement the weed eating/glyphosate spot spray combination method.
 - (b) That the Committee recommend to the Annual Plan that an additional \$3,900 be added to the urban roadside budget for 2002 - 2003 to accommodate the expected increase in the tender price for this work.
4. That an investigation be undertaken in 2002 - 2003 on the options for rural berm management and that \$20,000 be allocated to conduct this investigation.
5. That issues of public education in the use of herbicides and the related issues of the management of land and weeds by residential and commercial land holders be referred to the Herbicide Reduction Working Party.

Report prepared by: Chris Ferkins, Landscape and Community Project Co-ordinator.



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

PURPOSE OF THE REPORT

The purpose of this report is to present the eighth 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.

A29-A39

The report also outlines a request from central government for a submission from Council on the functioning of the Painted Apple Moth programme to date. The Ministry of Agriculture and Forestry report is attached at page A29 in the Attachments supplement. The latest moth trap catch map and key explanation is attached at pages A30 to A31 in the Attachments supplement. Copies of the fortnightly reports sent to all elected members is attached at pages A32 to A39 in the Attachments supplement.

BACKGROUND

Aerial Spray Operation

Five targeted aerial sprays against painted apple moth have been completed from 21 - 24 January, 17 - 19 February, 16 - 21 March, 10 - 11 April and 30 April 2002. The sixth targeted aerial spray, due to commence on 21 May 2002, has been delayed due to the weather. The sixth targeted aerial spray involves the use of a fixed wing aircraft and helicopter to spray 617ha. The fixed wing aircraft will target the residential blocks and the helicopter will concentrate on smaller and trickier areas alongside the north-western motorway, some seaward margins and the Avondale Peninsula.

The current eradication programme of targeted aerial spraying, ground spraying of caterpillar finds, host removal and ground surveys will continue until Cabinet and Treasury have met to decide the future of painted apple moth eradication programme sometime in early July. This means that the sixth targeted aerial spray will proceed and three weeks later a seventh targeted aerial spray may occur before Government has finalised its decision.

Operational Personnel

Dr Ruth Frampton resigned from her position as Director of Forest Biosecurity for the Ministry of Agriculture and Forestry on 10 May 2002. Ian Gear has been appointed as the acting Director of Forest Biosecurity. However, with regard to the painted apple moth programme Council has been instructed to liase with the Operations Manager, Davor Bejakovich, and Mary-Ann Crawford from the public relations firm Consultus.

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 Proposed District Plan issues 5.2 and 5.5. Equally, Council has an obligation to protect and represent the residents of Waitakere City.

ISSUES

Current Aerial Spray Programme

Moth trap catches for the targeted aerial spray zone illustrate a significant drop in the number of moths caught each week and a decline in both the number of moths caught and their range outside this zone. The Ministry of Agriculture and Forestry is confident that the reduction in the number of moths caught is a direct result of aerial spraying and not just attributable to the recent decline in temperatures.

The painted apple moth eradication programme will continue until Cabinet's decision on the future of the eradication programme is finalised.

Future Options for Management of Painted Apple Moth

The Ministry of Agriculture and Forestry is currently consulting with other Government agencies over their Cabinet paper, which is due for presentation in early July 2002.

Submission on the Ministry of Agriculture and Forestry's Painted Apple Moth Programme

The Primary Production Committee of central Government has invited Waitakere City Council to make a submission on the Ministry of Agriculture and Forestry's effort to eradicate the painted apple moth. This submission is due by 1 July 2002.

In particular, the Committee is seeking information on what has gone well with the eradication effort and what improvements could be made and applied to future programmes. Council's draft submission to the Primary Production Committee is currently being compiled and will be circulated separately to Councillors prior to the Environmental Management Committee meeting. Council may choose to also give oral evidence at the Primary Production Committee briefing on 4 July 2002.

RESOURCES

An earlier report detailed the resourcing levels required for this project. With the issue potentially 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 this 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.

CONCLUSION

Five rounds of targeted aerial spraying to eradicate the painted apple moth have been completed. The sixth round of targeted aerial spraying, due to commence on 21 May 2002, has been delayed because of weather conditions. The Ministry of Agriculture and Forestry is currently consulting with other Government agencies and will deliver a report to Cabinet in early July identifying options for the future management of the eradication programme. However, it is likely that targeted aerial spraying rounds 6 and 7 will be completed before the Cabinet meeting. The Primary Production Committee has invited Council to make a submission on the Ministry of Agriculture and Forestry's handling of the painted apple moth eradication programme. Council's draft submission is being presented at this meeting of the Environmental Management Committee.

RECOMMENDATIONS

1. That the information be received.
2. That Council approve the draft submission to the Primary Production Committee.
3. That Council indicate their wish for a representative to give oral evidence at the Primary Production Committee briefing on 4 July 2002.

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

