

**MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 11 DECEMBER 2001,
COMMENCING AT 9.05 AM.**

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COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
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COMMENCING AT 9.05 AM.**

PRESENT: Councillors PA Hulse (Chairperson)
DA Yates (Deputy Chairperson)
BA Brady, JP
JM Clews, QSO, JP (from 11.37 am until 12.30 pm)
RP Dallow, QPM, JP (from 9.10 am until 12.20 pm)
AC Fenton
OE Hoskin, JP (until 12.30 pm)
JP Lawley (from 10.55 am until 2.00 pm)
GE Nash, JP
GB Presland (until 2.40 pm)
GW Russell (from 9.07 am)
CA Stone
VS Neeson, JP

ABSENT: Cr DQ Battersby, JP

OBSERVERS: Mrs EG Francke (Chairperson New Lynn Community Board)

IN ATTENDANCE: Director: Strategic Group
Director: City Enterprises
Manager: Field Services
Manager: Policy Development
Network and Operations Manager
Service Manager: Resource Management & Building
Manager: Group Services and Operations
District Plan Co-ordinator (Acting)
Landscape and Community Project Co-ordinator
Landscape Planning Co-ordinator
Contract Solicitor: J Watson
Senior Analyst Environmental Policy: C Bergquist
Policy Analyst: A Hughes
Principal Planner: E Wells
Locality Planner: D Rogers
Senior Analyst Urban: A Cheng
CFA - Resource Management - Enforcement
CFA - Resource Management - Compliance
Communications Advisor
Committee Secretary: S Hargis

1 **APOLOGIES**

There were no Apologies.

2 **URGENT BUSINESS**

There was no Urgent Business.

3 **CONFIRMATION OF MINUTES**

2838/2001

MOVED by Cr Nash, seconded Cr Fenton:

That the minutes of the Special Inaugural Meeting of the Environmental Management Committee held on Tuesday, 13 November 2001, as circulated, be taken as read and now be confirmed.

CARRIED

9.07 am Cr Russell entered the meeting.

PART I - REGULATORY / ENFORCEMENT

4 **LEGAL UPDATE (AS AT 2 DECEMBER 2001)**

2839/2001

MOVED by Cr Nash, seconded Cr Fenton:

That the information be received.

CARRIED

9.10 am Cr Dallow entered the meeting.

PETITION

J Grayling, Chairperson of Swanson Ratepayers and Residents Association made a presentation on the Swanson Structure Plans.

The Association wishes to retain the Swanson rural environment, and is amenable to discussion to resolve the Penihana appeal.

2840/2001

MOVED by Cr Brady, seconded Cr Neeson:

That the petition from J Grayling be received.

CARRIED

PRECEDENCE OF BUSINESS

2841/2001

MOVED by Cr Brady, seconded Cr Neeson:

That Item 13: Proposed Draft Swanson Structure Plan be accorded precedence at this time.

CARRIED

PART II - DISTRICT PLAN / STRUCTURE PLANS

13 PROPOSED DRAFT SWANSON STRUCTURE PLAN

9.40 am Cr Presland left the meeting.

9.45 am Cr Presland returned to the meeting.

9.53 am Cr Neeson left the meeting.

9.54 am Cr Yates left the meeting.

2842/2001

MOVED by Cr Nash, seconded Cr Russell:

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

CARRIED

The Order of Business resumed at Item 5: Update on Abatement Notices Issued by Council.

9.53 am Cr Yates returned to the meeting.

PART I - REGULATORY / ENFORCEMENT

5 UPDATE ON ABATEMENT NOTICES ISSUED BY COUNCIL

2843/2001

MOVED by Cr Stone, seconded Cr Fenton:

1. That the information be received.
2. That reports updating members on Abatement Notices issued by Council be presented to this Committee at six monthly intervals.

CARRIED

9.58 am Cr Neeson returned to the meeting.

6 THRESHOLDS FOR ENFORCEMENT

2844/2001

MOVED by Cr Yates, seconded Cr Brady:

That the information be received.

CARRIED

2845/2001

MOVED by Cr Presland, seconded Cr Stone:

1. That Council supports the creation of a diversionary scheme as an alternative to prosecutions for Council initiated investigations for breaches of the Resource Management Act 1991 or the Building Act 1991.

The diversionary scheme is to be made available at Council's discretion to cases where:

- (a) The environmental effects are not major;
 - (b) The action complained of involved an inadvertent rather than deliberate breach of the law;
 - (c) The offender by his or her attitude shows regret for the offending;
 - (d) A substantial offer of restitution by the completion of remedial works is made by the offender;
 - (e) No commercial benefit was obtained from the breach;
 - (f) The offender has not previously breached the provisions of the Resource Management Act or the Building Act.
2. That a copy of the Council supplementary paper titled "Alternatives to Prosecution" dated 15 June 1999 and a copy of this resolution be provided to all persons being investigated for breaches of the Resource Management Act or the Building Act.

CARRIED

2846/2001

MOVED by Cr Yates, seconded Cr Fenton:

That the Chief Executive be asked to consider and report back on the programme and resources required to improve the interface between Council's enforcement role and the community.

CARRIED

ADJOURNMENT

2847/2001

MOVED by Cr Presland, seconded Cr Yates:

That the meeting stand adjourned until 10.45 am.

CARRIED

10.26 am The meeting adjourned.

10.45 am The meeting reconvened. Cr Presland was not present.

PRECEDENCE OF BUSINESS

2848/2001

MOVED by Cr Fenton, seconded Cr Yates:

That Item 16: Painted Apple Moth Update Report from the Ministry of Agriculture and Forestry be accorded precedence at this time.

CARRIED

PART III - ENVIRONMENTAL MANAGEMENT

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

Dr R Frampton addressed the Committee on measures being taken to control the spread of the Painted Apple Moth.

10.55 am Cr Lawley entered the meeting.

K Witten-Hannah, Chairperson of the Painted Apple Moth Advisory Group addressed the meeting expressing concerns about the impacts of the proposed control of the Painted Apple Moth.

11.03 am Cr Presland returned to the meeting.

2849/2001
MOVED by Cr Yates, seconded Cr Fenton:

That the information be received.

CARRIED

2850/2001
MOVED by Cr Yates, seconded Cr Fenton:

That a regular written briefing on the Painted Apple Moth be given to all elected members.

CARRIED

2851/2001
MOVED by Cr Stone, seconded Cr Yates:

That it be recommended to Council that an elected member be appointed as the Council's spokesperson on the Painted Apple Moth issues.

CARRIED

The Order of Business resumed at Item 7: District Plan Appeals Update Table.

- 11.27 am Cr Dallow left the meeting.
- 11.35 am Cr Neeson left the meeting.
- 11.37 am Cr Clews entered the meeting.
- 11.38 am Cr Neeson returned to the meeting.

PART II - DISTRICT PLAN / STRUCTURE PLANS

7 DISTRICT PLAN APPEALS UPDATE TABLE

2852/2001
MOVED by Cr Stone, seconded Cr Hoskin:

That the information be received.

CARRIED

- 11.40 am Cr Russell left the meeting.
- 11.45 am Cr Russell returned to the meeting.
- 11.47 am Cr Dallow returned to the meeting.
- 11.50 am Cr Fenton left the meeting.

- 12.00 noon Cr Fenton returned to the meeting.
- 12.07 pm Cr Lawley left the meeting.
- 12.15 pm Cr Brady left the meeting. Cr Lawley returned to the meeting.
- 12.08 pm Cr Brady returned to the meeting.
- 12.20 pm Cr Dallow left the meeting.

8 DISTRICT PLAN APPEALS - CONFIRMATION OF DIRECTION - NO. 1

2853/2001

MOVED by Cr Brady, seconded Cr Yates:

1. That the information be received.
2. That, in respect of the Mitchell, Whittaker, St Lukes, Horryng, Kitewaho, Telecom and Babich appeals, matters proceed in accordance with the direction outlined in report Item 8: District Plan Appeals - Confirmation of Direction - No. 1, of the agenda for this meeting.
3. That the Bethells appeals be reviewed by the Committee following further consultation with the parties.
4. That in respect of the Ranges Subdivision appeals, the Proposed District Plan provisions and the 2000/2001 Titirangi/Laingholm recommendations form the general basis for further discussions with the parties and that the outcome of those discussions be brought back to the Committee for further consideration.

CARRIED

- 12.30 pm Cr Hoskin apologised for leaving the meeting early to attend other meetings.

ADJOURNMENT

2854/2001

MOVED by Cr Fenton, seconded Cr Clews:

That the meeting stand adjourned until 1.25 pm.

CARRIED

- 12.30 pm The meeting adjourned.
- 1.25 pm The meeting reconvened. Crs Clews, Dallow, Hoskin, Stone and Neeson were not present.

9 DISTRICT PLAN APPEALS - CONFIRMATION OF DIRECTION - NO. 2

2855/2001

MOVED by Cr Nash, seconded Cr Presland:

1. That the information be received.
2. That, in respect of the Kitewaho appeal (RMA 886/98), the following approach be adopted:
 - if possible, achieve solutions through appeals being withdrawn;
 - for appeals not withdrawn, pursue, with appropriate legal advice, strike-out proceedings;
 - if necessary, discuss with the appellant minor changes which may assist in resolving the appeals;
 - not agree to any changes which will change the Plan's philosophy and policy approach in respect of the Green Network, subdivision, landscape (including sensitive ridgelines), "neighbourhood character", height in non-urban areas, outdoor storage, driveways and earthworks activities in non-urban areas;
 - if necessary, set down matters for Environment Court hearing.
3. That, in respect of the Yard-Based Activity appeals (RMA 380/98, RMA 385/98 and RMA 392/98) discussions be held with the parties with a view to altering the current definition of Yard-Based Activity generally as outlined in report Item 9: District Plan Appeals - Confirmation of Direction - No. 2, of the agenda for this meeting.
4. That, in respect of the Lincoln Park appeal (RMA 814/98) and the financial contributions appeals (RMA 769/98, RMA 768/98 and RMA 767/98), there be further investigation and discussions with the parties with a view to settling the appeals with these matters to be brought back to the Committee for final determination.
5. That, in respect of the following appeals -
 - St Lukes Group (Appeal 21b – RMA 385/98);
 - AMP (RMA 796/98);
 - National Trading Company (RMA 725/98);
 - Thomas Bruce Murray (RMA 706/98);
 - Tranzrail (RMA 938/98);

the Council position be that, in all of the areas at issue, the Proposed Plan should remain unchanged.

CARRIED

10 REVIEW OF VEGETATION CLEARANCE APPEALS

2856/2001

MOVED by Cr Nash, seconded Cr Fenton:

1. That the information be received.
2. That Council continue its settlement discussions for the Byers appeal.
3. That the appeal by the Titirangi Residents for Balanced Sustainable Resource Management be considered together with other appeals on subdivision in the Waitakere Ranges.
4. That the appeal by Horring, Geddes and others be the subject of further discussions and mediation.
5. That there be further discussions on the Kitewaho appeal.
6. That the Committee receives updates on the progress of these appeals.

CARRIED

2.00 pm Cr Lawley left the meeting.

11 THE IDENTIFICATION AND MANAGEMENT OF SPECIAL SOILS IN WAITAKERE CITY

2857/2001

MOVED by Cr Russell, seconded Cr Presland:

1. That the information be received.
2. That the identification of special soils in the Proposed District Plan be recognised as no longer being appropriate, relevant or accurate and should be removed from the Plan.
3. That a proposed plan change removing the special soils identification, including all map references, policy references and rules be brought back to this Committee for consideration once the Proposed District Plan has been made operative.

CARRIED

12 PROPOSED DRAFT WAIAROHIA STRUCTURE PLAN

2858/2001

MOVED by Cr Fenton, seconded Cr Brady:

That the information be received.

CARRIED

2859/2001

MOVED by Cr Nash, seconded Cr Yates:

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 Waiarohia Structure Plan and proposed rule changes as set out attached at pages A108 to A110 in the Attachments supplement to the agenda for this meeting.

CARRIED

13 PROPOSED DRAFT SWANSON STRUCTURE PLAN

This item was considered following Item 4: Legal Update (as at 2 December 2001).

14 VARIATION 87 - SUBMISSION ON THE BIRDWOOD STRUCTURE PLAN

2860/2001

MOVED by Cr Nash, seconded Cr Yates:

1. That the information be received.
2. That the Environmental Management Committee endorse the submission as attached at pages A120 to A127 in the Attachments supplement to the agenda for this meeting lodged on behalf of Waitakere City Council in relation to Variation 87 (Birdwood Structure Plan).

CARRIED

2.15 pm EG Francke left the meeting.

PART III - ENVIRONMENTAL MANAGEMENT

15 SUBMISSION ON THE CLIMATE CHANGE CONSULTATION PAPER - ENSURING OUR FUTURE

2861/2001

MOVED by Cr Nash, seconded Cr Fenton:

1. That the information be received.
2. That the Committee endorses the draft submission as amended, attached at pages A135 to A139 in the Attachments supplement to the agenda for this meeting.
3. That the Chairperson - Environmental Management Committee be delegated authority to endorse the regional submission on behalf of Waitakere City Council.

CARRIED

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

This item was considered following Item 6: Thresholds for Enforcement.

2.25 pm Cr Russell left the meeting.

17 HERBICIDE REDUCTION ON ROADSIDES

2862/2001

MOVED by Cr Brady, seconded Cr Yates:

That the information be received.

CARRIED

2.40 pm Cr Presland left the meeting.

WAITAKERE WARD WEED AND PEST CONTROL

2863/2001

MOVED by Cr Yates, seconded Cr Fenton:

1. That a Working Party be set up, incorporating a partnership between Community representatives and Council, both elected representatives and key Council Officers, to investigate, collate and report to Council on alternative methods of weed control, in time for consideration during the Annual Budget process.
2. That it be a recommendation to Council that there be an increase in the Annual Budget for funding for trialing and application of alternative methods of weed control.
3. That Crs Fenton and Yates be Council representatives on the Working Party and that the Waitakere Community Board be invited to appoint a representative to join the Working Party.

CARRIED

18 RESOURCE MANAGEMENT ACT - COMPLIANCE PROGRAMME FOR STORMWATER AND WASTEWATER

2864/2001

MOVED by Cr Nash, seconded Cr Fenton:

That the information be received.

CARRIED

PART IV - BRIEFINGS

19 OPERATIONAL OVERVIEW - SOLID WASTE AND THE THREE WATERS

2865/2001

MOVED by Cr Brady, seconded Cr Fenton:

That consideration of this report be deferred to the February 2002 meeting of this Committee.

CARRIED

20 UPDATE ON AUCKLAND REGION WATER/WASTEWATER AND STORMWATER

2866/2001

MOVED by Cr Lawley, seconded Cr Fenton:

That consideration of this matter be deferred but to be dealt with as soon as possible.

CARRIED

2.50 pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....