



Unconfirmed

MINUTES OF A MEETING OF THE HAWKE'S BAY REGIONAL COUNCIL ENVIRONMENTAL MANAGEMENT COMMITTEE

Date: Wednesday, 14 July 2010

Time: 9.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: E von Dadelszen - Chairman
M Black
A Dick
T Gilbertson
N Kirton
E McGregor
L Remmerswaal
C Scott
F Wilson

In Attendance: A Newman – Chief Executive
D Lew – Group Manager Resource Management
L Hooper – Minute Secretary
C Drury – Consents Officer
B Riley – Senior Planner
B Lawrence – Manager Compliance & Pollution Response
G Sevicke-Jones – Manager Environmental Science
A Madarasz-Smith – Senior Environmental Scientist
H Codlin – Group Manager Strategic Development
C Reed – Senior Planner
B Powell – Land Management Advisor
E-A Bate – Planner
E O'Neill – Senior Consents Officer
F King – Advisor Hazardous Substances

1. WELCOME/NOTICES/APOLOGIES

Chairman von Dadelszen welcomed everyone to the meeting and advised that the order of items may differ from the Agenda where necessary to allow for staff presenting papers to be present.

Apologies were received from Councillor Rose, who has been granted leave.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY 12 MAY 2010

Moved:

1. That the minutes of the meeting held on Wednesday 12 May 2010, a copy having been circulated prior to the meeting by email and tabled at the meeting, were taken as read and confirmed.

**Scott/Wilson
CARRIED**

4. MATTERS ARISING FROM MINUTES OF MEETINGS HELD ON WEDNESDAY 12 MAY 2010

Page 2, item 12 Stream Ecological Valuations for the Karamu Stream Catchment – a copy of the report will be forwarded to Hastings District Council.

Page 3, item 7 Hearing Decision Writing and S.357 Objection Decisions – the Council resolutions from its 26 May meeting, pertaining to the Hearing Decision Writer and implemented by staff, were:

- “1.2 Delegates to the Hearing Committee Chair, authority under s.34A of the Resource Management Act 1991 to appoint a suitable decision writer on a case by case basis.
- 1.3 Adopts the ‘Decision Writer Assessment Form’ as reviewed and updated annually, to be used to formally document the decision to appoint a decision writer for any publicly or limited notified hearing or s.357 hearing.
- 1.4 Instructs staff to prepare a staff submission on the 2010/11 draft annual plan to include the words:
 - 1.4.1 The cost of the decision writer to attend the hearing and deliberations, and the decision writing time. Where the decision writer is an independent commissioner sitting as a panel member, the commissioner’s time to attend the hearing and deliberations will be charged at actual cost. However, the additional cost of using an independent consultant to write the decision will not be charged to the applicant. That is, the cost of the decision writing time will be charged to the applicant at the same rate as if a Council consent officer were undertaking the work.
 - 1.4.2 Where the decision writer is an external consultant not sitting as a panel member any additional cost of the consultant’s time to attend the hearing and deliberations, and to write the decision will not be charged to the applicant. That is, the consultant’s time will be charged to the applicant at the same rate as if a Council senior consent officer were undertaking the work.”

The wording in the Draft Annual Plan 2010/11, adopted by Council at their 29 June meeting, reads:

“Hearing Decision Writers

The following charges shall be payable by the applicant except for those costs incurred under s 100A of the Act:

- The cost of the decision writer to attend the hearing and deliberations, and the decision writing time. Where the decision writer is an independent commissioner sitting as a panel member, the commissioner’s time to attend the hearing and deliberations will be charged at actual cost. However, the additional cost of using an independent consultant to write the decision will not be charged to the applicant. That is, the cost of the decision writing time will be charged to the applicant at the same rate as if a Council senior consent officer were undertaking the work.

Where the decision writer is an external consultant not sitting as a panel member any additional cost of the consultant’s time to attend the hearing and deliberations, and to write the decision will not be charged to the applicant. That is, the consultant’s time will be charged to the applicant at the same rate as if a Council senior consent officer were undertaking the work.”

The hourly rate for a senior consent officer processing a resource consent application, as stated in the Annual Plan 2010/11 (table 4), is \$105.00.

Page 5, item 13 General Business, a) United Nations’ International Year of Biodiversity – suggestion was that this be integrated into some of Council’s Environmental Education / planting activities as appropriate.

5. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS

At the 29 June Council meeting, there was discussion relating to a report updating Council on Consents and Compliance Debt, particularly in relation to ‘the Cowie Report’ and it was understood by some that the update would be provided at this Environmental Management Committee meeting.

In relation to the Consent debt profiled in the year to 31 May 2010 financial report received by Council at that meeting, Mr Newman advised that regular updates on the situation would be provided to Council. The Action arising from the 29 June Council meeting was: “monitor the outstanding compliance and consent debt and provide an update at each Council meeting’ and Mr Lew advised that a ‘consents and compliance financial performance’ report would be prepared for the 28 July Council meeting.

In relation to some of the issues arising from the Cowie Report, Mr Newman advised that staff had made considerable progress with implementing process and procedural changes, which have been adopted by Council through the Annual Plan process, in response to the recommendations contained in that report and that a summary of those changes could be prepared.

The action items from the Environmental Management Committee meeting held on Wednesday 12 May 2010 were discussed, specifically in regards to:

- Matters Arising from 10 March minutes - A paper will be presented at the 21 July Strategic Planning and Finance Committee meeting to provide Council with details of the Hawke’s Bay Regional Council/ Venture Hawke’s Bay Business Innovation Award.

Moved:

1. That the Committee receives the report “*Action Items from Environmental Management Committee Meetings*”.

**Scott/Gilbertson
CARRIED**

7. OPTIONS FOR USE OF WATER FROM LAPSED CONSENTS

Ms Drury sought direction from the Committee regarding what they would like to happen to any water which becomes available as a result of water permits lapsing.

Options open to Council include implementing a 'sinking lid' policy whereby any water that becomes available remains in the water body, or re-allocating the water that becomes available on a 'first in' basis.

Requires a consistent policy that can be tested through consent application processing, hearings and the Environment Court.

Consents lapse when they reach their 'lapse' date without evidence of having been exercised. The lapse date is set when the consent is granted. Example – consent granted for period expiring 2013 and a lapse date of 2011, meaning that if the consent is not 'used' by 2011 then they 'lose' the right to take and use that water.

Moved:

1. That the Committee receives the report titled "*Council Direction on Lapsing of Water Permits*".
2. The Committee recommends that Council:
 - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
 - 2.2. Confirms that, as a matter of Council policy, any water that is made available as a result of a water permit lapsing, being surrendered or not being renewed in an over allocated stream management zone or aquifer where there is concern about its sustainability, remains in the said water body and is not re-allocated.

**Remmerswaal/McGregor
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Topsoil in Tukituki
- (b) Moko
- (c) Whakaki dune land restoration
- (d) Council reports
- (e) Environmental Awards
- (f) Karamu planting
- (g) Soil Carbon

8. VARIATION 1 – RIVER MOUTH HAZARD AREAS

In May 2010, the Council resolved to vary the Proposed Regional Coastal Environment Plan ("the RCEP") to concurrently remove and reintroduce the rivermouth hazard areas as part of Coastal Hazard Zone 1 (CHZ1).

Ms Riley briefly outlined the important last steps that Council must cover prior to Variation 1 – River Mouth Hazard Areas being adopted for public notification, including

the section 32 report, meeting with the Ngāti Kahungunu Iwi, and the legal and proofing audit of Variation.

Moved:

The Committee recommends that Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided, and in any case those people will have an opportunity to submit on Variation 1 following a decision by Council to publicly notify it.
2. Adopts Draft Variation 1 (Attachment 1), subject to any minor further amendments incorporating feedback from legal and proofing reviews, as Variation 1 to the Proposed Regional Coastal Environment Management Plan for public notification.
3. Adopts Draft 'Section 32 Evaluation Summary: Variation 1 – Proposed Regional Coastal Environment Plan: River Mouth Hazard Areas' (Attachment 1), subject to minor amendments, and make it available for public inspection.
4. Resolves to give public notice on 10 August 2010 that the Variation to the Proposed Regional Coastal Environment Plan has been released as Variation 1 and that submissions can be made until the closing date of 7 September 2010.

**Scott/Kirton
CARRIED**

9. EDUCATION WITHIN COMPLIANCE AND POLLUTION RESPONSE PROJECTS

Mr Lawrence provided the Committee with an overview of the education projects undertaken in the Compliance and Pollution Response section during the 2009/10 year.

Moved:

1. That the Committee receives the report titled "*Education within Compliance and Pollution Response Projects*".

**Gilbertson/Scott
CARRIED**

10. WATER TAKE COMPLIANCE UPDATE

Mr Lawrence updated the Committee on the water take compliance strategy and the non-compliance workloads over the past three years.

Moved:

1. That the Committee receives the report titled "*Water Take Compliance Update*".

**Scott/McGregor
CARRIED**

11. BUILDING ACT UPDATE

This report provided the Committee with an update of the recent legislative changes to the Building Act, in relation to timelines for dam owners to undertake dam classifications and prepare a dam safety assurance program.

Moved:

1. That the Committee receives the report titled "*Building Act Update*".

**Kirton/Dick
CARRIED**

The meeting adjourned for morning tea at 10.25am and reconvened at 10.45am.

1. ADDITIONAL APOLOGIES

An additional apology was received from Mr Paku, who was attending a funeral.

**Scott/Remmerswaal
CARRIED**

12. SCIENCE WORK PLAN AND COMMUNICATION

Mr Lew introduced the paper and informed the Committee that the regional council science resource is the largest in New Zealand. Bigger, in fact, than the CRI and University resources combined.

Mr Sevicke-Jones provided the Committee with an overview of how the communication of science information is changing and increasing, nationally. Efforts are being made for groups of work to be collectively communicated and aligned to the needs of the information 'users' (i.e. external groups such as water user groups). A national website will provide a 'central' repository for people to access and more emphasis will be put on web based reporting.

There was discussion of whether there could be economic/commercial potential for Council's scientific knowledge, possibly in partnership with EIT.

Moved:

1. That the Committee receives the report titled "*Science Work Plan and Communication*".

**Scott/Wilson
CARRIED**

Moved:

2. That the Committee instructs staff to investigate the economic potential of the Council's science knowledge.

**Kirton/Remmerwaal
CARRIED**

13. RECREATIONAL WATER QUALITY IN HAWKE'S BAY: A REVIEW OF THE 2009-2010 RECREATIONAL WATER QUALITY MONITORING PROGRAMME

Ms Madarasz-Smith provided the Committee with an overview of the Recreational Water Quality Monitoring programme, and a breakdown of recreational water quality results in Hawke's Bay over the 2009/10 Summer period.

The RWQ monitoring network consists of 30 sites: 14 marine/beach sites, 4 river sites, 1 site at Lake Tutira, 11 lagoon sites/river sites that may receive tidal influence, and 5 sites monitored for shellfish gathering. Of those 30 sites, 23 showed no trend while 1 site showed a decreased water quality trend (Porangahau) and 6 showed trends of improved water quality.

Moved:

1. That the Committee receives the report titled "*Recreational Water Quality in Hawke's Bay: Review of the 2009-2010 Recreational Water Quality Monitoring Programme*".

Scott/McGregor
CARRIED

14. STATE OF OUR ENVIRONMENT 2009 REPORT

Mr Sevicke-Jones provided the Committee with the proposed communication strategy for the 2009 Trends report, noting that the means for distribution this year would be via Council's website with printed copies available on request.

Moved:

1. That the Committee approves the '*State of our Environment Report*' for release in accordance with the attached Communications Strategy.

Gilbertson/Remmerswaal
CARRIED

15. TAHARUA CATCHMENT UPDATE

Ms Codlin introduced the item and the multidisciplinary project team working on the *Taharua Policy Development Strategy* (November 2009) to develop and implement an effects-based framework to address water quality issues in the Taharua and upper Mohaka rivers.

Mr Reed spoke about progress related to the stakeholder group. Over the past six months the group has met to define the problem and the detail underlying that, build the knowledge base of the group, build relationships within the membership, work through a Values exercise to develop a joint vision for the Taharua and the Upper Mohaka, and is currently working on a set of provisional objectives and targets to present to Council. The group has committed to being fully involved in the process of developing certain and enduring solutions and then implementing those solutions.

At the same time, scientific investigations relating to groundwater flows, surface water quality and ecology, and fish energetics have been, and are continuing to be, carried out and nutrient modelling work is expected to be ready to take to the stakeholder group at the end of August.

At the same time, again, on-farm riparian fencing projects have been undertaken, and in some cases completed, as this type of work (getting the animals out of the water) will have the biggest immediate effect.

The meeting adjourned for lunch at 12.45pm and reconvened at 1.20pm.

Stakeholder group established initially with those that have a 'stake' in the Taharua in order to ensure 'buy in'. Once draft objectives and targets have been set, the group membership may be widened, however the entire populace will be consulted through the plan change processes.

Benefits of getting stakeholders engaged and active early on has definitely been evidenced by the progress made.

Moved:

1. That the Committee receives the report titled "Taharua Catchment Update".

Scott/Kirton
CARRIED

16. LOW FLOW MONITORING REPORT 2008-2009

This paper provided a summary of the Low Flow Monitoring Report 2008-2009 and the low flow monitoring undertaken during 2009-2010 summer.

There was some discussion around the increased demand for water and whether that has caused an increase in the number of 'ban' days. Although there is a direct collation between the two, it is difficult to determine the exact figure to represent the increase due to the influence of changing weather patterns from year to year.

With regard to forecasting the effects of climate change on low flow periods, models can be run using various scenarios (data) but these rely on specific sets of circumstances (possibilities) to 'guess' what might happen rather than forecast (predictive) the future.

Moved:

1. That the Committee receives the report titled "Low Flow Monitoring Report 2008-2009".

**Dick/Kirton
CARRIED**

17. STATUTORY ADVOCACY MATTERS

Ms Bate updated the Committee on proposals considered under Council's statutory advocacy project and the Resource Management Act 1991 between 15 April and 18 June 2010.

Moved:

1. That the Committee receives the report "Statutory Advocacy Matters."

**Wilson/McGregor
CARRIED**

19. GENERAL BUSINESS

- (a) Topsoil in Tukituki – the river has been full of mud for the last couple of weeks, and this is an ongoing issue.
- (b) Moko – Councillor Dick has been approached for a contribution toward a memorial in Mahia and sought councillors' views on whether it would be appropriate for Council to make a contribution.
- (c) Whakaki dune land restoration – 21 June 2010 report will be in the Councillors lounge for those who wish to read it. If anyone is looking for coastal plants, they also have a nursery that sells seedlings.
- (d) Council reports – Mr Black will be added to the mail list for the Regional Council agenda to ensure that he is informed on all matters relating to his roles on the Hearings Committee and Environmental Management Committee.
- (e) Environmental Awards – Reminder that applications close 15 July.
- (f) Karamu planting – the plants Council and community groups planted in June have been stolen and so far there has been no progress on apprehending the thieves.
- (g) Soil Carbon – there is a conference scheduled on 15 and 16 September and anyone wanting information can speak to Councillor Remmerswaal.

18. CONSENT PROCESSING CHARGES – DISCOUNT REGULATIONS

New provisions in the 2009 Resource Management (Simplifying and Streamlining) Amendment Act 2009 (RMAA) requiring that consent authorities offer discounts on resource consent processing charges if the timeframes for processing consents are exceeded come into force on 31 July 2010.

Ms O'Neill provided an overview of the regulations, explained possible cost implications for Council, and covered changes that Consents staff had implemented to ensure that Council's exposure to discounts is minimised.

Moved:

1. That the Committee receives the report "Consent Processing Charges – Discount Regulations".

**Scott/Wilson
CARRIED**

20. HAIL UPDATE

Moved:

1. That the Committee excludes the public from this section of the meeting being Agenda Item 20 – **Hazardous Activities on Industrial Land Issues** with the general subject of the items to be considered while the public is excluded. The reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASONS FOR PASSING THIS RESOLUTION	GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
Hazardous Activities on Industrial Land Issues	7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Scott/Wilson
CARRIED 8:1**

The Committee went into public excluded session at 2.20pm.

The Committee moved out of public excluded session at 2.35pm.

Closure:

There being no further business the Chairman declared the meeting closed at 2.35pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: