



MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

Confirmed

- Date:** Wednesday 9 September 2009
- Time:** 9 a.m.
- Venue:** Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER
- Present:** E von Dadelszen – Chairman
M Black
A J Dick
T Gilbertson
N Kirton
E McGregor
P Paku
L Remmerswaal
C Scott
F Wilson
- In Attendance:** L Hooper – Minute Secretary
A Newman – Chief Executive
D Lew – Group Manager Resource Management
H Codlin – Group Manager Strategic Development
C Reed – Senior Planner
B Stansfield – Environmental Scientist
J Phillips – Senior Environmental Scientist
M Conland – Manager Consents
B Lawrence – Manager Compliance
K Peacock – Compliance Officer
B Powell – Land Management Advisor
G Sevicke-Jones – Manager Environmental Science
M Armer – Data Analyst Climate & Air

1. WELCOME/NOTICES/APOLOGIES

Chairman von Dadelszen welcomed everyone to the meeting, and noted the presence of members of the Tukituki Liaison Group and that representatives from MfE would be making a presentation at 1.15pm.

Mr Newman announced the appointment of Bruce Corbett to the position of Group Manager, Water Initiatives Group.

Apologies for absence were received from Councillor Rose.

2. CONFLICT OF INTEREST DECLARATIONS

Mr Black noted that he is representing Te Taiwhenua o Heretaunga in their appeals as per item 9 on today's agenda.

3. CONFIRMATION OF MINUTES OF MEETING HELD ON WEDNESDAY 8 JULY 2009

Moved: That the Minutes of the meeting held on Wednesday 8 July 2009, a copy having been circulated prior to the meeting, be confirmed as read.

**Scott/Kirton
CARRIED**

4. MATTERS ARISING FROM MINUTES OF MEETING HELD ON WEDNESDAY 8 JULY 2009

There were no matters arising.

5. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS

Moved: That the Action items from 8 July 2009 meeting be confirmed as completed, with the exception of 8. to schedule a Hearings Committee meeting.

**Scott/McGregor
CARRIED**

7. TUKITUKI LIAISON GROUP: RECOMMENDATIONS FOR MANAGEMENT OF THE TUKITUKI CATCHMENT

Mr Reed introduced the chair of the Tukituki Liaison Group, Mr Hugh Ritchie.

Mr Ritchie spoke to the group's recommendations to Council on how Tukituki catchment issues might be better managed.

Mr Ritchie emphasised the need for ongoing stakeholder involvement in change processes, the incentivising of good practice within the farming industry, and a programme of regulating outputs rather than land use.

Knowledge sharing had been critical to the group's success, as a means of all members understanding each others' views, knowledge and aspirations for the catchment.

John Scott (HB Environmental Water Group), Iain Maxwell (Fish & Game HB), and Neil Grant (DoC) joined Mr Ritchie in responding to questions.

Although members of the group didn't see a need for ongoing, regular structured meetings, it was suggested that there could be value in the group's continued involvement in future processes (issues based or otherwise) as part of consultation and engagement with the wider community.

The group sought consensus, however there was one dissenting view expressed by Simon Lusk (representing Friends of the Tukituki). The dissenting view was more about processes and members of the group not being democratically elected to represent their communities rather than an objection to any of the group's goals for future improvements in the catchment.

Water allocation methods, water storage and irrigation efficiency; the management of nutrients; incentives for best practice backed up by regulation; and the balancing of all values were discussed.

Through Council's development of a Strategy for implementing its recommendations, the group sought Council's intensification of work required to address the issues in the catchment. Key to achieving the goals for the catchment, were addressing the issues in partnership with environmentalists, the farming industry, Council and the wider community and maintaining focus on the desired outcomes.

Recommendations

Moved: The Committee recommends that Council:

- 1.1. Receives the report titled '*Tukituki Liaison Group: Recommendations for Management of the Tukituki Catchment*'.
- 1.2. Instructs staff to report on the implications of the recommendations for current and planned Council activities in the catchment.
- 1.3. Considers how the recommendations can effectively contribute to a strategy for the improved management of the Tukituki catchment.

**Dick/Wilson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Council's policy on significance

The meeting adjourned for morning tea at 10.10am and reconvened at 10.30am.

8. TAHARUA CATCHMENT: LAND USE ISSUES AND MANAGEMENT OPTIONS

Mr Reed introduced the item, and provided a brief overview of the Mohaka River Water Conservation Order, Council's policies and management options available.

Mr Phillips provided an explanation of what scientific investigations in the catchment have shown to date, identified gaps in Council's scientific understanding of the catchment and future investigations and scientific work (i.e. groundwater dating to determine lag times and modelling to determine environmental thresholds) planned to fill in those gaps. The science has shown that water quality issues from the Taharua River are having effects on the Mohaka River.

There are short-term and long term actions that can be taken that complement each other and can contribute to the targets and objectives to be achieved.

It is recommended that Council take an approach for dealing with the water quality issues in the Taharua and Mohaka catchments which will incorporate an effects based regulatory framework along with an adaptive management approach.

An effects based approach starts out with an assessment to determine the values, and a management objective for each set of values. From this, models are used to determine the thresholds (or limits) and regulatory framework required to achieve the objectives.

Recommendations

Moved: The Committee recommends that Council:

- 1.1. Receives the report titled '*Taharua Catchment: Land use issues and Management Options*'.
- 1.2. Recognises the Mohaka River and its tributaries as having outstanding values in terms of ecosystems, natural character, fisheries, public amenity and cultural significance, requiring integrated and sustainable management of the water resource.

**Scott/Gilbertson
CARRIED**

- 1.3. Supports an approach for dealing with the water quality issues in the Taharua and Mohaka catchments that incorporates an effects based regulatory framework along with an adaptive catchment management approach.

**Dick/Gilbertson
CARRIED**

Moved: The addition of a new recommendation: "1.4 Instructs staff to investigate the means to maintain and enhance the quality of the water in the Mohaka and Taharua rivers through the control of land use under RMA section 30 in order to effectively enact the Water Conservation Order 2004."

**Remmerswaal/Black
For: Black, Gilbertson, Paku, Remmerswaal
Against: Dick, Kirton, McGregor, Scott, von Dadelszen, Wilson
LOST 4:6**

- 1.4. Endorses a zero tolerance approach to consent non-compliance in the Taharua River Catchment.
- 1.5. Instructs staff to clearly communicate Council's position on the effects of land use intensification of the Taharua River Catchment to relevant industry organisations such as Federated Farmers and Fonterra, both at a local level and at a national level.
- 1.6. Instructs staff to communicate with all landowners in the Taharua Catchment, the issues and management of the environmental effects of land use activities in the catchment.
- 1.7. Instructs staff to establish a catchment stakeholder group for the Taharua and Mohaka rivers for the purpose of community engagement.
- 1.8. Instructs staff to prepare a Taharua River Strategy which sets out the approach, key steps and timetable toward the development of an (ideally) agreed policy framework for inclusion in the regional plans, with the draft Strategy to be reported back to the November 2009 Environmental Management Committee meeting.

**Scott/Dick
CARRIED**

The meeting adjourned for lunch at 12.30pm and reconvened at 1.00pm.

Chairman von Dadelszen welcomed representatives from the Ministry for the Environment to the meeting.

13. MINISTRY FOR THE ENVIRONMENT BRIEFING

Paul Reynolds (Secretary for the Environment), Sue Powell (Deputy Secretary, Programmes), Andrew Crisp (Deputy Secretary, Strategy & Corporate), Chappie Te Kane (Takawaenga) and Guy Beatson (Deputy Secretary, Policy) from the Ministry for the Environment provided a brief overview of the role of the newly established Environmental Protection Authority as the national consenting authority, and answered queries from councillors.

Mr Newman and the MfE representatives were excused at 1.40pm.

9. NGARURORO WATER PERMIT APPEALS DELEGATION

Ms Conland presented this paper, seeking delegation for the Group Manager Resource Management to enter into mediation with appellants to the Ngaruroro water permits.

Recommendations

Moved: The Committee recommends that Council:

- 1.1. 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 to 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.
- 1.2. Authorises officers to attend mediation of the appeals lodged with the Environment Court with respect to the Council's decisions on the various Ngaruroro catchment water permit applications.
- 1.3. Delegates, in accordance with s34A of the Resource Management Act, to the Group Manager Resource Management the authority to sign any mediated agreement on behalf of Council in relation to Te Taiwhenua o Heretaunga appeals on 50 Ngaruroro water takes.
- 1.4. Retains its existing delegation to sign any mediated agreement in relation to the 6 appeals from 5 applicants to take water from the Maraekakaho Stream Management Zone.

**Dick/Wilson
CARRIED**

10. AFFCO DISCHARGE PERMIT APPEAL DELEGATION

Ms Conland presented this paper, seeking delegation for the Group Manager Resource Management to enter into mediation with AFFCO on their appeals against the Hearing Panel's decision.

Recommendations

Moved: The Committee recommends that Council:

- 1.1. 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 to 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.

- 1.2. Authorises officers to attend mediation of the appeals lodged with the Environment Court with respect to the Council's decision on the AFFCO discharge permit to discharge treated meat works and fellmongery wastewater into the Wairoa River.
- 1.3. Delegates, in accordance with s34A of the Resource Management Act, to the Group Manager Resource Management the authority to sign any mediated agreement on behalf of Council in relation to conditions 10 and 17(c) only of the AFFCO discharge permit.
- 1.4. Retains its existing delegation to sign any mediated agreement in relation to conditions 20 and 28 of the AFFCO discharge permit.

**Gilbertson/Scott
CARRIED**

11. STATE OF OUR ENVIRONMENT 2009 REPORT

Mr Lew introduced this item and Environmental Science staff who authored sections of the report were present to respond to technical questions.

Recommendation

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

**Gilbertson/McGregor
CARRIED**

Mr Lew was excused at 2.10pm.

12. ENVIRO SCHOOLS PROGRAMME FUNDING

Mr Broadley introduced the item, which was initially considered during LTCCP submissions hearings, where \$20,000 of contingency funding was flagged for this purpose. It has since transpired that the Ministry of Education cut the funding of the EnviroSchools Foundation for the 2009/10 year by 65%, resulting in the Foundation being able to offer Council only \$10,000 of support funding for the 2009/10 year.

Councillors requested further information relating to impacts on budgets and future, ongoing funding for the EnviroSchools programme.

Recommendation

Moved: That the Committee recommends Council:

- 1.1 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.

- 1.2 Endorses the proposed increased level of service and approves \$30,000 from the Contingency Fund for the 2009-10 year, subject to the contribution of \$10,000 from the EnviroSchools Foundation and subject to further information being brought to the 23 September 2009 Council meeting regarding the impact on the contingency fund and the environmental education programme.

von Dadelszen/Remmerswaal

For: Black, Gilbertson, McGregor, Paku, Remmerswaal, Scott, von Dadelszen

Against: Dick, Kirton, Wilson

CARRIED 7:3

Councillors Dick, Kirton and Wilson were excused at 3.10pm

14. DAIRY COMPLIANCE AND LIAISON

Mr Peacock presented the Committee with an overview of the newly established (June) Dairy Liaison Group, the results of the aerial compliance carried out during the last dairy season, and some photographic examples of dairy farm non compliance found by officers on site visits following up on situations spotted from the air.

Mr Powell spoke to the Committee about the Land Management Advisors' work with dairy farmers to educate them and encourage best practice, riparian protection and other environmental enhancements.

Recommendation

Moved: That the Committee receives the report titled '*Dairy Compliance and Liaison*'.

**Scott/Gilbertson
CARRIED**

The meeting adjourned for afternoon tea at 3.20pm and reconvened at 3.35pm.

15. UPDATE ON HAIL NOTIFICATION PROCESS

Mr King updated the Committee on the situation regarding public notification of the list, responses to date from property owners, and the Pattle Delamore phase 1 report on the Onekawa landfill site.

Recommendation

Moved: That the Committee receives the report titled "*Update on HAIL Notification Process*".

**Scott/McGregor
CARRIED**

Councillors Dick and Wilson rejoined the meeting at 3.40pm

Councillor Kirton rejoined the meeting at 3.50pm

16. STATUTORY ADVOCACY UPDATE

Ms Bate spoke to this item and responded to queries from the Councillors.

There was some discussion surrounding the ability of Council staff to comment or submit on functions not part of Council's plans and policy documents, for example Council's statutory functions relating to infrastructure, and how to include consideration of these when commenting on applications for development on the Heretaunga Plains.

Recommendation

Moved: That the Committee receives the report titled '*Statutory Advocacy Matters – 1 November 2008 to 31 January 2009*'.

**Scott/Remmerswaal
CARRIED**

17. GENERAL BUSINESS

- a) Council's policy on significance
There was discussion around whether it was time to include a broader definition of 'significance' in relation to Council's policy.

Closure:

There being no further business the Chairman declared the meeting closed at 4.05pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: