



## MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

**Date:** Tuesday 9 February 2010

**Time:** 9 a.m.

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

**Present:** E von Dadelszen – Chairman  
A J Dick  
N Kirton  
E McGregor  
P Paku  
L Remmerswaal  
K Rose  
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 Nicolson – Consents Officer

**1. WELCOME/NOTICES/APOLOGIES**

Chairman von Dadelszen welcomed everyone to the meeting, and noted apologies from Councillor Gilbertson and Mr Black. Further apologies were received from Councillor Rose and Councillor Dick for lateness, and Councillor Kirton sought leave to be excused from 10-10.30a.m.

**Remmerswaal/McGregor  
CARRIED**

**2. CONFLICT OF INTEREST DECLARATIONS**

Councillor McGregor declared an interest in item 8 Submission to the Ministry for the Environment.

Council has sought a legal opinion on whether councillors who hold resource consents should be advised to declare a conflict of interest where matters relating to resource consent processing charges are being considered. This was not yet available to Councillors

**3. CONFIRMATION OF MINUTES OF MEETING HELD ON WEDNESDAY 11 NOVEMBER 2009**

**Moved:** That the Minutes of the meeting held on Wednesday 11 November 2009, a copy having been circulated prior to the meeting, be confirmed as read.

**McGregor/Scott  
CARRIED**

**4. MATTERS ARISING FROM MINUTES OF MEETING HELD ON WEDNESDAY 11 NOVEMBER 2009**

There were no matters arising.

**5. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS**

**Moved:** That the Action item from the 8 July 2009 meeting (to schedule a Hearings Committee meeting) be confirmed as completed.

**Scott/Remmerswaal  
CARRIED**

**6. CONSIDERATION OF GENERAL BUSINESS**

There was no general business raised.

**7. REGIONAL PLAN REVIEW**

Ms Codlin provided an overview of the RMA Policy work programme, prioritised in line with Council's strategic priorities.

***Councillor Kirton was excused at 9.10am and re-joined the meeting at 9.25am.***

***Councillor Dick arrived at 9.15am.***

There was discussion around links between the different plan changes, the Heretaunga Plains Urban Development Strategy and changes to the Regional Policy Statement.

Further discussion surrounding the proposed timeframes for the changes and staff resourcing required to progress those, along with issues relating to future 'catchment based' water take renewal processes and community/stakeholder expectations.

## Recommendations

**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.
2. Endorses the proposed timetable for notifying the proposed plan changes as follows:

Plan Change No.	Plan Change title	Preferred notification date
Plan Change 3	Stormwater – links to Growth Management	Between July-Oct 2011
Plan Change 4	On-site Wastewater – links to Growth Management	Between July-Oct 2011
Plan Change 5	Taharua Land use	July 2011
Plan Change 6	Growth management – Region wide principles	Between July-Oct 2011
Plan Change 7	Growth management – Strategic Integration of Infrastructure	Between July-Oct 2011
Plan Change 8	Growth management – Heretaunga Plains Strategy	Sept – Oct 2010
Plan Changes 9-16	Freshwater	Mar – July 2012

**Scott/von Dadelszen  
CARRIED**

3. Instructs staff to present the need for two additional staff resources at the Annual Plan workshop, for Council's consideration.

**Scott/Dick  
CARRIED**

## 8. SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT

Councillor McGregor declared an interest in this item and took no part in the discussions, nor voted.

A point of order was raised by Councillor Scott in relation to a legal opinion from a case in Canterbury which suggested that councillors holding resource consents for water takes be advised to declare a conflict of interest on items relating to section 36 charges for resource consent processing. An Audit Office ruling on the matter has been sought by this Council, however has not yet arrived. The point of order was upheld and Chairman von Dadelszen sought declarations from any councillors who wished to declare an interest in the issue under consideration. There were no further declarations.

The Ministry for the Environment asked for feedback from local authorities on the Discount Regulations Issues and Options Paper and set the deadline for receiving that feedback at 5pm, Friday 5 February.

***Councillor Rose arrived at 9.45am.***

A decision is required at this meeting as the submission should be formally endorsed prior to the Council meeting on 24 February 2010. As this is a matter of urgency it has been requested that the Committee exercise its delegated power to make a decision that is a binding decision of Council in accordance with the Terms of Reference for Committees (July 2009).

### **Recommendations**

**Moved:** That the Committee:

1. Decides to exercise its delegated powers to make a decision that will have the same effect as the Council could itself have exercised or performed and that the decision deserves urgency and is carried unanimously.
2. Approves the draft submission sent to Ministry of Environment on Friday, 5 February 2010.

**Scott/Wilson  
CARRIED UNANIMOUSLY**

***Councillor Kirton was excused at 9.55am.***

## **9. RECOMMENDATIONS ON SUBMISSIONS TO PROPOSED PLAN CHANGE 2 AND VARIATION 2: AIR QUALITY**

Ms Codlin acknowledged the work that the Environmental Management and Hearings Committees had done throughout the plan change process. She also acknowledged the significant amount of work and effort put in by Murray Buchanan, Liz Lambert, Megan Rose, John Keenan, John Peacock, Susan Wylie, Drew Broadley and Emily Rockwell. Special acknowledgement and thanks were also conveyed to Belinda Riley for her extraordinary efforts, efficiency and professionalism in taking the plan changes through the process, and Christine Scott in her role as Chair of the Hearings Committee.

The Panel's deliberations and resulting recommendations have remained in public excluded session.

### **Recommendations**

**Moved:**

1. That the Committee exclude the public from this section of the meeting (with the exception of Council staff, Mr Buchanan and Dr Wilton) being Agenda Item **10: Recommendations on Submissions on Plan Change 2 and Variation 2** with the general subject of the item 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**

**REASON FOR PASSING THIS RESOLUTION**

**FOUNDATIONS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION**

Recommendations on submissions on Plan Change 2 to the Regional Resource Management Plan and Variation 2 to the Proposed Regional Coastal Environment Plan

48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:  
(a) Any proceedings before the local authority where:  
(i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings.

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

7(2)(c) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information prior to its formal and complete release to the submitters and the general public where the withholding of the information is necessary to ensure factual information based on Council's final decision can be presented and made available to all interested parties in a managed and coordinated way.

**Rose/Wilson  
VOTE 7 for:1 (Remmerswaal) against  
CARRIED**

***The meeting adjourned for morning tea at 10.15am and reconvened at 10.30am in Public Excluded session with Councillor Kirton in attendance.***

***The meeting moved out of Public Excluded Session at 12.27pm***

**Closure:**

There being no further business the Chairman declared the meeting closed at 12.28pm.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....