



## MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

*Unconfirmed*

**Date:** Wednesday 10 March 2010

**Time:** 9.30 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  
K Rose  
C Scott  
F Wilson

**In Attendance:** L Hooper – Minute Secretary  
A Newman – Chief Executive  
D Lew – Group Manager Resource Management  
G Ide – Senior Planner  
M Conland – Manager Consents  
C Nicolson – Consents Officer  
C Reed – Senior Planner  
F King – Hazardous Substances Advisor  
D Broadley – Community Engagement & Communications Manager  
S Wylie – Communications Coordinator

**1. WELCOME/NOTICES/APOLOGIES**

Chairman von Dadelszen welcomed everyone to the meeting and noted an addition to the Agenda, that being item 15 Confirmation of Public Excluded Minutes of Meeting held on Tuesday 9 February 2010.

**2. CONFLICT OF INTEREST DECLARATIONS**

There were no conflict of interest declarations.

**3. CONFIRMATION OF MINUTES OF MEETING HELD ON TUESDAY 9 FEBRUARY 2010**

**Moved:** That the Minutes of the meeting held on Tuesday 9 February 2010, a copy having been circulated prior to the meeting, be confirmed as amended.

**McGregor/Rose  
CARRIED**

**4. MATTERS ARISING FROM MINUTES OF MEETING HELD ON TUESDAY 9 FEBRUARY 2010**

There were no matters arising.

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

**Moved:** That the Committee confirms there are no Action items outstanding from previous Environmental Management Committee meetings.

**Scott/Remmerswaal  
CARRIED**

**6. CONSIDERATION OF GENERAL BUSINESS**

- a) Minutes on the website (Remmerswaal)
- b) Karituwenua Stream AGM (Remmerswaal)
- c) Fishy matter (Rose)
- d) HDC effluent treatment plant (Dick)
- e) Air Quality Plan Change decisions (Scott)

**7. RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT ACT 2009 FOLLOW UP**

Mr Lew introduced Mr Ide, who spoke to the subject of 'when regional rules take legal effect' (s86(b)) under the amended RMA which came into effect 1 October 2009.

In relation to when rules in plan changes take legal effect, the default timing is for rules to have effect when Council's decisions are issued. That timing can be delayed, but not brought forward, by Council resolution so effect is from the date that rule becomes operative. The default can also be varied by an Environment Court Order specifying any other date of legal effect (this could be as soon as public notification, or later after decisions are issued).

Ms Nicolson explained how direct referrals to the Environment Court would be processed, and associated timeframes and issues.

Ms Nicolson then provided an overview of the use of Independent Commissioners at the request of applicants or submitters, and the associated cost implications.

An amendment to recommendation 2 was proposed, to allow staff to determine a more accurate 'estimate' of the costs involved for the use of Independent Commissioners in

order to provide more accurate information to applicants and submitters considering requesting their use, and also deleting the words 'when submitters'.

### **Recommendations**

**Moved:** The Committee recommends that Council:

1. Confirms that the decision of whether a resource consent application should be directly referred to the Environment Court on request by the applicant, rests with the Council.
2. Includes (for a request for the use of an independent commissioner at a hearing under section 100A) a fixed charge based on the lower end of historic actual costs and notes that additional charges may be payable in the 2010/2011 Draft Annual Plan, which is subject to a special consultative procedure as required by section 95(2) and 85 of the Local Government Act 2002.

**Scott/Wilson  
CARRIED**

***The meeting adjourned for morning tea at 10.30am and reconvened at 10.50am.***

## **8. SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL**

Mr Reed provided an overview of the Ministry for the Environment's proposed NES for assessing and managing contaminants in soil, which the submission supports overall as a step forward.

Put simply, the NES seeks to control the risks from the development, subdivision or land use change of at-risk land (including land on the HAIL register, land flagged as contaminated or potentially contaminated on Councils' land use register, or any other evidence of contamination).

There was a suggestion that a statement relating to funding requirements for implementation be included, in relation to local authorities' and communities bearing the costs.

### **Recommendations**

**Moved:** The Committee recommends that Council:

1. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted policy on significance and that Council can make decisions on this issue as the Minister has conferred 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. Lodges the attached submission, including any amendments, with the Ministry for the Environment.
3. Agrees that staff refer any amendments to Council's submission, following the MfE workshop on 23 March 2010, to the Chairman and Councillor holding the Land Use Change portfolio for approval prior to lodging it.

**Kirton/Dick  
CARRIED**

## **9. FUTURE OF HB ENVIRONMENTAL AWARDS**

Mr Broadley and Ms Wylie provided an overview of the history of the awards and options for the future of the awards.

Discussion covered how Council's values would be 'considered' in relation to the various different awards, particularly in relation to the Chamber of Commerce; the 'value' of the awards in the business community, including economic benefits to the winners; and funding requirements.

### **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. Having considered the options, confirms that the HB Environmental Awards will be retained and refined by devolving appropriate categories to sector specific award programmes including:
  - 2.1 The Farm Forestry Awards (in kind) and the Ballance Farm Environment Awards (\$20,000 per annum approved, from 2011) will address the traditional 'rural' category
  - 2.2 The HB Chamber of Commerce Business Awards include 'sustainable business' and 'product/ service' categories. Council will sponsor an appropriate category award (for an annual investment of \$4,000) subject to suitable conditions being agreed with the Chamber of Commerce and reported to Council for consideration.

**Remmerswaal/Dick  
CARRIED**

- 2.3 A refined HB Environmental Awards, which allows the 3 councils to continue working together to celebrate Community/ Volunteer, Schools/ Education and Small Block/ Lifestyle Property projects subject to the appropriate values of the member councils being established, and also submitting appropriate winners into the Minister for the Environment's Green Ribbon Awards.

**Scott/Rose  
VOTE 10 For: 1 Against (Gilbertson)  
CARRIED**

- 2.4 Agrees that the net additional cost of \$2,000 per annum above the budget already approved for the Awards be funded from the Community Engagement budget.

**Dick/von Dadelszen  
VOTE 10 For: 1 Against (Gilbertson)  
CARRIED**

## **10. OVERVIEW OF APPEALS OF RESOURCE CONSENT DECISIONS**

Ms Conland provided the Committee with an overview of appeals received, resolved or in the mediation process. It was noted that there had been a trend of increasing numbers of appeals, nationally, over the last couple of years.

### **Recommendations**

**Moved:** That the Committee:

1. receives the report titled 'Overview of Appeals of Resource Consent Decisions'.
2. notes the possible implications to unbudgeted costs upon Council if some or all of the appeals proceed to the Environment Court.

**Gilbertson/Black  
CARRIED**

## **11. STATUTORY ADVOCACY**

Mr Ide provided information to the Committee in relation to the Statutory Advocacy work that the Policy Team is currently progressing.

It was reiterated that Councillors felt it was important that water shortage and wastewater issues related to subdivision applications be addressed, more explicitly, in HBRC submissions to TLAs.

### **Recommendations**

**Moved:** That the Committee receives the updated report "Statutory Advocacy Matters".

**Wilson/Rose  
CARRIED**

## **12. GENERAL BUSINESS**

- a) A request, please, for Corporate Services to ensure Committee and Council minutes are available on the website.
- b) Karitūwhenua Stream Care Group – held their AGM recently, and the minutes are available in the Councillors' lounge for those interested.
- c) Dead trout in the Tukituki – Mr Lew provided a brief update on this issue, that being:
  - the one fish (trout) provided by Mr Skins had not been able to be autopsied as it was frozen
  - advice from scientists believed that the deaths may have been related to the increased turbidity in the river due to the 'fresh' in the days prior to the discovery of the dead fish
  - no further reports of dead trout in the area had been received.
- d) Council's Air Quality Plan Change decisions will be posted to submitters next week, and notified in the media on 17 March.
- e) Clifton Beach erosion – a photo of the new access road was circulated.

***The meeting adjourned for lunch at 12.40pm and reconvened at 1.20pm (excluding Councillor Kirton).***

## **13. & 14. HAZARDOUS ACTIVITIES ON INDUSTRIAL LAND ISSUES 1/2**

### **Recommendation**

#### **Moved:**

1. That the Committee excludes the public from this section of the meeting being Agenda Items 13 and 14 – **Hazardous Activities on Industrial Land Issues 1 and Hazardous Activities on Industrial Land Issues 2** 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**

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

**Hazardous Activities on  
Industrial Land Issues 1**

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/Dick  
CARRIED**

***The meeting moved into Public Excluded Session at 1.22pm***

***The meeting moved out of Public Excluded Session at 1.58pm***

**Closure:**

There being no further business the Chairman declared the meeting closed at 2.00pm.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....