



MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

Date: Wednesday 10 November 2010

Time: 9.00am

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

Present: E von Dadelszen (Chair)
T Gilbertson
E McGregor
L Remmerswaal
K Rose
C Scott
A J Dick
F Wilson

In Attendance: M Black – Maori Committee member
P Paku – Maori Committee member
A Newman – Chief Executive
H Codlin – Group Manager Strategic Development
D Lew – Group Manager Resource Management
E Lambert – Group Manager External Relations
L Hooper – Executive Assistant
G Ide – Team Leader Policy
B Lawrence – Manager Compliance
K Peacock – Senior Environmental Officer
D Moule – Manager Consents
E O'Neill – Senior Consents Officer
K Ferguson – Water Information Services Manager
G Sevicke-Jones – Manager Environmental Science
Dr H Baalousha – Senior Groundwater Scientist
R Waldron – Resource Analyst

1. WELCOME/APOLOGIES/NOTICES

An apology was received from Councillor Kirton. Councillor Rose and Mr Black gave notice that he may need to be excused from the meeting early.

Members of the Maori Committee present, are attending in a 'transitional' capacity until the new Maori Committee members have been appointed to the Committee at the 23 November 2010 meeting, with speaking but not voting rights.

**Scott/McGregor
CARRIED**

2. CONFLICT OF INTEREST DECLARATIONS

There were no declarations made.

3. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS

As the 2 action items on the list have been completed, there are no outstanding items from previous Environmental Management Committee meetings.

Resolution:

1. That the Environmental Management Committee receives the report "Action Items from Environmental Management Committee Meetings".

**Scott/Rose
CARRIED**

4. CONSIDERATION OF GENERAL BUSINESS ITEMS

Pekapeka

Signs of Change Conference

E Waste

5. SUBMISSION ON MARINE AND COASTAL AREA (TAKUTAI MOANA) BILL

Mr Ide and Mrs Lambert outlined the submission drafted by staff in response to the proposed Marine and Coastal Area (Takutai Moana) Bill. This Bill repeals the Foreshore and Seabed Act 2004 and applies to the area formerly known as the foreshore and seabed, which will be known in future as the 'marine and coastal area (from mean high water springs to the 12 nautical mile offshore limit).

The most notable change is the proposal of a common marine and coastal area 'incapable of being owned (as opposed to FSA which vested ownership in Crown). Perhaps the most contentious change within the Bill is the way the Bill provides for customary interests and rights of Maori in the common marine and coastal area.

This submission has been prepared with a Hawke's Bay focus, as opposed to the more general LGNZ submission.

It was suggested that staff request a 'later' submission date so that the Maori Committee has an opportunity to comment on or endorse Council's submission. Staff feel that the most appropriate option is to submit the submission by the deadline with the proviso that Maori Committee and Council endorsement be submitted as an addendum.

Barring the Bill's activities carried out in the MCA are still 'managed' via rules and policies under the RMA and other laws.

Amend 4.2 RCEP by adding that Maori Committee members were involved in the process, as members of the plan development and Hearings committees.

Resolutions:

The Environmental Management 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. Agrees to lodge the attached submission, as amended, to the Maori Affairs Select Committee on the Marine and Coastal Area (Takutai Moana) Bill.

Scott/Rose

CARRIED 6/ 1

For: McGregor, Rose, Scott, von Dadelszen, Dick, Wilson

Against: Gilbertson

Abstained: Remmerswaal

3. That the Committee decides to exercise its delegated powers to make a decision that will have the same effect as the local authority could itself have exercised or performed and that the decision deserves urgency and the decision is carried unanimously.

Scott/Rose

LOST 6/ 1

For: McGregor, Rose, Scott, von Dadelszen, Dick, Wilson

Against: Gilbertson

Abstained: Remmerswaal

Amendment:

To add an additional recommendation that:

4. Requests that the Maori Affairs Select Committee allows an addendum to the submission to be lodged following consultation with Maori Committee on 23 November 2010.

Remmerswaal/Dick

CARRIED

6. REVIEW OF COMPLIANCE MONITORING PROGRAMME FOR DOMESTIC ON-SITE WASTEWATER TREATMENT SYSTEMS

Mr Peacock outlined staff's proposal to improve the cost effective, timely monitoring of onsite wastewater discharge consents.

Mr Lawrence noted that an amended National Environmental Standard for On-site Wastewater Systems proposed in 2008 has recently been withdrawn by the Ministry for the Environment.

Resolutions:

The Environmental Management 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. Agrees that staff shall develop the details of the accredited installer procedure, approved system procedure and 'lower risk' criteria, through consultation with the waste water industry and report back to Council via the Annual Plan process for 2011/12.
3. Agrees that staff will assess if the Annual plan will need to set a nominal annual fixed charge to cover the cost of information returns associated with administering the proposed new consenting process.
4. Agrees that the consent and compliance procedures and policy be amended to implement the:
 - 4.1 Cessation of routine inspections for accredited installers and systems
 - 4.2 Introduction of accredited installers
 - 4.3 Introduction of a more formal accredited systems process
 - 4.4 Introduction of random audits of approved installations
 - 4.5 Creation of a two tiered consenting process
 - 4.6 Contribution of \$5,000 per year to the OSET trials
 - 4.7 Redirection of some of the cost savings to monitoring higher risk systems and communities as a whole.

**Gilbertson/Dick
CARRIED**

The meeting adjourned for morning tea at 10.45am and reconvened at 11.05am.

6. INTRODUCTION OF NATIONAL WATER METER REGULATIONS AND IMPLICATIONS FOR COUNCIL

These regulations span functions of Council across the Consents, Compliance and Water Information Services sections and come into effect today, 10 November 2010.

Ms O'Neill provided the Committee with an overview of the implications of the regulations for the resource consent application and monitoring processes.

Mr Ferguson outlined how the Water Information section would be affected by the regulations coming into effect, which appears to be a continuation of 'business as usual' at this stage.

The regulations do not apply to permitted takes that don't require a resource consent.

Resolution:

The Environmental Management 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. Requires that water permits for the taking of water which are subject to minimum flow restrictions in rivers and streams set out in Table 9 of the RRMP, and takes from sensitive groundwater areas, record their water use on a daily basis.
3. Allows takes from other less sensitive areas to record their water use on a weekly basis.

**Scott/McGregor
CARRIED**

7. STATUS OF RESOURCE CONSENT APPEALS TO THE ENVIRONMENT COURT

Mr Moule and Mr Lew provided responses to a couple of queries of clarity.

Resolution:

1. That the Environmental Management Committee receives the report.

**Rose/Wilson
CARRIED**

9. ISOTOPE AGEING IN THE RUATANIWHA BASIN

Mr Sevicke-Jones introduced the item by providing Council with an overview of how the work contributes to the Council's other work streams.

Dr Baalousha provided the Committee with a summary of the results of the Ruataniwha isotope aging study.

Resolution:

1. That the Environmental Management Committee receives the report.

**Gilbertson/McGregor
CARRIED**

8. RUATANIWHA GROUNDWATER ALLOCATION - IMPLICATIONS FOR THE CONSENTS PROCESS

Mr Moule outlined, for the Committee, how the current scientific knowledge reaffirms the approach taken for consenting processes in the Ruataniwha Basin in 2007, with the knowledge of the interactions between groundwater and surface water in the basin at that time.

Mr Barrett then outlined what the updated scientific knowledge meant to current and future consent applications to take water from the Basin.

Dr Baalousha then provided an overview of the results of the Gyopari and Murray modelling scenarios, followed by the results of his own modelling.

Resolution:

1. That the Environmental Management Committee receives the report titled '*Ruataniwha Groundwater Allocation – Implications for the Consents Process*'.

**Gilbertson/Scott
CARRIED**

The meeting adjourned for lunch at 12.50pm and reconvened at 1.20pm, with Councillor Rose and Mr Black having been excused.

10. SECURITY OF WATER SUPPLY

Mr Lew and Mr Waldron addressed queries from the committee in relation to current statistics about the length of ban or low flow periods in different catchments, and the effects on the security of the water supply for existing consent holders.

Resolution:

1. That the Committee receives the report titled '*Security of Water Supply*'.

**Gilbertson/Dick
CARRIED**

11. Update on RMA Policy Statement and Plan Changes

Ms Codlin tabled some graphic representations (previously distributed to Councillors as part of the Annual Plan 2010/11 process) of the progress of Plan Change processes currently on Council’s work programme.

Mr Ide provided an outline of the development of various Central Government NPS and NES.

Councillors expressed serious concerns about the shortage of staff resource to enable the Policy work programmes to progress within timeframes.

Resolution:

- 1. That the verbal report be received.

**Dick/Scott
CARRIED**

12. Statutory Advocacy Matters

Mr Ide responded to queries from Councillors on the information contained within the Statutory Advocacy summary document.

Resolution:

- 1. That the Environment Management Committee receives the Statutory Advocacy Update report for the 24 August to 15 October period.

**McGregor/Scott
CARRIED**

13. GENERAL BUSINESS

Pekapeka Wetland – hours during which access to the parking area is available

Signs of Change Conference next Monday and Tuesday, 15 and 16 November – information available from Councillor Remmerswaal

E Waste Day held on Saturday, 6 November – opportunities for Council to be involved in the Regional promotion of this event next year?

Closure:

There being no further business the Chairman declared the meeting closed at 2.25pm on Wednesday, 10 November 2010.

Signed as a true and correct record.

DATE:

CHAIRMAN: