



## MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

**Date:** Wednesday 12 October 2011

**Time:** 9.00am

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

**Present:** E von Dadelszen - Chairman  
A J Dick  
T Gilbertson  
N Kirton  
E McGregor  
L Remmerswaal  
K Rose  
F Wilson  
M Apatu  
P Paku

**In Attendance:** H Codlin – Group Manager Strategic Development  
G Sevicke Jones –Acting Group Manager Resource Management  
G Ide – Team Leader Policy  
T Sharp – Strategic Policy Advisor  
C Reed – Senior Planner  
K Kozyniak – Senior Scientist, Climate & Air  
N von Westernhagen, Environmental Scientist Freshwater Quality and Ecology  
M Drury, Committee Secretary

## 1. WELCOME/APOLOGIES/NOTICES

Chairman von Dadelszen welcomed all present with a special welcome to members of the Land and Water Strategy External Reference Group.

EMC2/11 An apology was received from Councillor Scott.

Councillor Dick advised that he would be leaving the meeting at 2.00pm to attend a funeral.

Councillor Wilson advised that he would leaving the meeting at 12.00pm.

**Rose/Remmerswaal  
CARRIED**

## 2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

## HELD ON 10 AUGUST 2011

EMC3/11 Minutes of the Environmental Management Committee held on Wednesday, 10 August 2011, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**Wilson /Gilbertson  
CARRIED**

## 4. MATTERS ARISING FROM MINUTES OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE HELD ON WEDNESDAY 10 AUGUST 2011

There were no matters arising from the minutes.

## 5. CALL FOR GENERAL BUSINESS ITEMS

Waikoau Stream

## 6. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS

Ms Codlin updated the Committee on the action items listed.

### **Membership of the Ruataniwha Stakeholder group**

Ms Codlin advised that Mr Hugh Ritchie had been appointed to the Ruataniwha Stakeholder Group as a representative of Lower Tukituki River Landowners. Ms Codlin further advised that the Ruataniwha Stakeholder Group would be aligned to the Tukituki Stakeholder Group and would have additional members including Heretaunga Taiwhenua and Hastings District Council.

Mr Apatu said that with regard to Heretaunga Taiwhenua representation on the Ruataniwha Stakeholder Group, it was important that Taiwhenua be asked if they wished to be part of the Group.

EMC4/11 **Resolution:**

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

**Remmerswaal/McGregor  
CARRIED**

## 7. HAWKE'S BAY LAND AND WATER STRATEGY

Ms Codlin introduced members of the Hawke's Bay Regional Water Strategy External Reference Group, gave a powerpoint presentation and tabled the latest version of the Hawke's Bay Land and Water Strategy document following feedback from the External Reference Group the previous day.

Ms Codlin advised that the Strategy which outlined the strategic direction for the management of land and water in the region was a non statutory document which enabled the region's strategic approach to land and water to be documented without the strict legal requirements of the Resource Management Act. She noted that there was still further assessment to be undertaken for many of the actions and further exploration of appropriate mechanisms and it was important that ongoing discussion and feedback from the stakeholders and community would be continued.

Ms Codlin acknowledged all members of the Reference Group, and all Council staff involved in the preparation of the Strategy for their excellent and ongoing participation. Ms Codlin then outlined the proposed next steps that includes a Symposium planned for 30 November as a community engagement event. The Strategy would be available from early November.

The Committee discussed the Strategy, how forestry and tree planting fitted into land management, science methods undertaken, biodiversity requirements and funding implications.

Responding to a question from the Committee, Ms Codlin advised that an implementation structure would need to be put in place. A similar Reference Group would meet 6 monthly and review action plans for the following year, timeframes and maintain ongoing relationships.

Mr John Cheyne (Fish & Game) who was a member of the External Reference Group advised that historically Council had performed well in biodiversity areas such as wetlands however the region had now fallen behind the pace and needed to do better. He emphasised the need for Council to commit to the development of a biodiversity strategy because currently in the absence of a strategy there is no framework for prioritising funding. A biodiversity strategy would feed into many other non statutory documents.

Concern was expressed that the scope of the Strategy was narrow, that it did not set aspirational targets in terms of environmental outcomes and it would subsequently narrow the Council's response.

The Committee agreed that it was a 'living' document and suggested that the scope of the Strategy be explained as part of the Introduction Section of the Strategy and that the name of the document be changed to "Land and Water Management Strategy" to reflect its 'management' focus.

### EMC5/11 Resolutions:

The Environmental Management Committee:

1. Receives the tabled Land and Water Strategy as reviewed by the External Reference Group at its meeting on 11 October 2011.

**Gilbertson/Wilson  
CARRIED**

That the Environmental Management Committee recommends that Council:

2. 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.

3. Adopts the Hawke's Bay Land and Water Management Strategy, as amended by feedback received at the Environmental Management Committee meeting
4. Endorses the 2<sup>nd</sup> Regional Land and Water Symposium event to be held on Wednesday 30 November 2011 as the key engagement event.

**Wilson/Rose**  
**CARRIED**  
**6/2**

5. Conveys its appreciation to the members of the External Reference Group for the time and energy they have committed to the development of the Strategy over the last 12 months.

**Gilbertson/Wilson**  
**CARRIED**

*The meeting adjourned at 10.50am and reconvened at 11.10am*

## **8. UPDATE ON TAHARUA STRATEGY FEEDBACK AND PROJECT REVIEW**

Mr Reed gave a powerpoint presentation which updated the Committee on the preparation of a non-statutory Strategy and subsequent plan changes to the Regional Resource Management Plan (RRMP) to restore and maintain the health of the Upper Mohaka River and its Taharua headwater tributary.

Mr Reed advised that as a result of public consultation on the draft strategy 40 responses were received which covered several issues which Council should consider before finalising the strategy and developing plan changes.

Mr Reed also advised that Council had commissioned Mr Rob van Voorthuysen to undertake a preliminary review of Council's progress to date and his findings confirmed that there was still a significant amount of work to be undertaken before a plan change would be ready for notification.

***Councillor Wilson left the meeting at 11:25 am.***

***Mr Apatu returned to the meeting at 11.35am.***

Responding to a question from the Committee, Mr Sevicke-Jones said that although the Overseer agricultural management tool structure is sound, the information around input data into the model is not as good as it could be and uncertainty arises around the information that could be extracted. Mr Sevicke-Jones advised that farmers were aware of the requirements for the model to give accurate measurements and work was currently underway to set a cost for this work which if agreed to by Council, would still be 18 months away from providing results.

***Ms Codlin returned to the meeting at 11.45am.***

The Committee discussed the findings contained in the van Voorthuysen report and hoped that staff would apply the learnings in future plan change processes. It was also noted that any land management plan change takes a lot of work and to date the time involved had been underestimated. There are significant implications of the decision that Council will be making with respect to this plan change and it is important that it is supported by robust analysis. Ms Codlin confirmed that Environment Bay of Plenty would be involved in the future if the scope of the Strategy included part of that region.

The Committee also discussed funding issues around the project and noted that it was possible that landowners may be assisted in making necessary changes with the Government's recently announced Clean Up Fund. It was also suggested that there was a moral and legal imperative that the Government picks up the fiscal costs

involved with this project.

The Committee acknowledged the ongoing contribution from the stakeholder's group, staff involved and the significant amount of work undertaken on the 3 farms over the last 3 years by landowners.

EMC6/11 **Resolutions:**

1. That the Environmental Management Committee receives the van Voorthuysen report.

The Environmental Management Committee recommends that Council:

2. 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.
3. Notes the public feedback received on the 'Taharua and Upper Mohaka Draft Strategy'.
4. Notes the van Voorthuysen report's conclusion that "*notification of a Taharua - Upper Mohaka plan change by the end of 2011 is unrealistic*".
5. Notes the complexity of the planning environment with respect to managing land uses for water quality enhancement purposes.
6. Agrees that staff continue to compile the information required in order to prepare a robust statutory plan change and associated section 32 evaluation.
7. Agrees that for future Environmental Management Committee meetings, staff will present updates outlining progress on significant work streams and at the February 2012 meeting a comprehensive programme for completion of a robust Taharua - Upper Mohaka statutory plan change will be presented for the Committee's consideration.

**Kirton/Rose  
CARRIED**

*The meeting adjourned at 12.40pm and reconvened at 1.25pm*

**9. REGIONAL POLICY STATEMENT "BUILT ENVIRONMENT" PLAN CHANGE UPDATE**

Mr Ide provided an update on the preparation of the "Built Environment" Change to the Regional Policy Statement (RPS) and explained that timeframes had been extended because stakeholder and public feedback deadlines had been extended to 20 October. It was hoped to prepare the final draft change and supporting Section 32 report for the Committee's consideration at a meeting on 16 November which would result in public notification prior to Christmas.

EMC7/11 **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. Agrees to defer the adoption of a 'Built Environment' Change to the RPS until a meeting of the Environmental Management Committee to be scheduled following the Asset Management and Biosecurity Committee meeting on 16 November 2011.

**Rose/Gilbertson  
CARRIED**

## 10. AIR QUALITY PLAN CHANGE

Mr Ide advised that as appeals against Council's decisions on Change 2 to the Regional Resource Management Plan have virtually all been settled without the need for an Environmental Court hearing, Council's in principle agreement that Change 2 should be declared operative from 1 January 2012 providing appeals are settled within the next few weeks was now sought.

Mr Ide noted that the decision was a procedural step and was not an opportunity to re-debate the content of Change 2. If Council wished to now modify some or all of the content of Change 2 a separate plan change, following due process, would be required.

Mr Ide explained that some parts of Change 2 were already "beyond challenge". He explained that whereas Rule 18b ("Discharge to air from open fires in the Napier and Hastings Airsheds) already specified the date of 1 January 2012, Rule 18h ("Time of Sale" rule) did not contain a specific date and would not come into force until the Council declares the Change operative and specifies the date from which all provisions in Change 2 become operative.

A view was expressed about the operative date of 1 January 2012, the costs to be incurred by home owners and unrealistic time frames.

### ***Councillor Dick left the meeting at 1.40pm***

Dr Kozyniak gave a powerpoint presentation which summarised the air quality during the winter months of this year. At Marewa Park the NES was exceeded on 4 occasions, one more than in 2009 and 2010 with the average winter PM<sub>10</sub> below previous years and the maximum PM<sub>10</sub> second lowest since 2006. In Hastings the NES was exceeded on 12 occasions equal lowest with 2009 with the average winter PM<sub>10</sub> below previous years and the maximum PM<sub>10</sub> the lowest since monitoring began.

## EMC8/11 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.

**Kirton/Rose  
CARRIED**

2. Subject to the Environment Court issuing a Consent Order settling the appeal by Solid Energy NZ Limited:
  - 2.1. Agree in-principle to approve Change 2 (Air Quality) to the Regional Resource Management Plan in accordance with Clause 17 Schedule 1 of

RMA; and

**Kirton /Rose**  
**CARRIED**  
**7/1**

2.2. Agree in-principle that Change 2 become operative from 1 January 2012.

**Kirton/ Rose**  
**CARRIED**  
**7/1**

3. Receives the information about PM<sub>10</sub> concentration trends within the Napier and Hastings Airsheds.

**Remmerswaal/Rose**  
**CARRIED**  
**7/1**

## **11. PLAN CHANGE PROCESS FOR HERETAUNGA ZONE - INTEGRATED CATCHMENT MANAGEMENT**

Ms Codlin updated the Committee on Council's proposal to address the scheduled review of the minimum flow and allocations limits of the Karamu stream as part of an integrated catchment approach for the wider Heretaunga zone and outlined the risks involved if Council proceeded with a plan change at this time.

Ms Codlin outlined the Heretaunga Zone which includes the Ahuriri Estuary and Poraiti Hills aquifer and indicated that this requires further analysis to determine whether this area should be included from an integrated water management perspective.

The Committee noted that although there is a total of 3679 consents in the Heretaunga Zone, which represents approximately half of the region's consented activity only 30 consents expire in 2013 which are in the Karamu river catchment and have been the driver for the planned Karamu Plan Change.

Responding to a question, Ms Codlin advised that a workshop was planned which would involve Council staff, Councillors and external stakeholders to help scope out what integrated management might look like. She noted that stakeholders to the Karamu consents were accepting of the delay and willing to find solutions to enable a streamlined consent process for the Karamu consents.

### **EMC9/11 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 a plan change to review the allocation limits and minimum flows for the Karamu Stream be delayed to enable an integrated catchment approach to the Heretaunga Zone.
3. Instructs staff to work with stakeholders and consent holders of consents which expire on 2013 to find a mutually acceptable arrangement that would enable the consents to be processed on a non-notified basis.
4. Instructs staff to hold a scoping workshop for Integrated Management of the

**12. WATER QUALITY TRENDS IN HAWKE'S BAY 1998-2011**

Dr von Westernhagen gave a powerpoint presentation which illustrated the current state and trends of key surface water quality parameters using the examples of nitrate-nitrogen and soluble reactive phosphorus, highlighted weaknesses in Council's existing water quality monitoring programme which limits Council's ability to deliver on their strategic goals and highlighted the importance of the SoE programme in supporting Council's regional goals and strategic direction.

Dr von Westernhagen advised that the current standard of SoE surface water sampling routines does not provide sufficient data for sound statistical analysis over the five yearly reporting cycle and it was important for Council to move to a monthly sampling regime which would provide for robust data aligned with regional reporting and enable consistency with national monitoring.

The Committee agreed it was important that the improvements outlined in the agenda item were considered because the results achieved were drivers for many of Council's plans and policies.

Responding to a question, Mr Sevicke-Jones advised that it was desirable that the SoE programme be rationalised in line with its strategic direction. There was also a possibility, depending on how national level monitoring meets regional needs, for Central Government funding.

Mr Sevicke-Jones advised that there was sufficient information in the Land and Water Strategy to drive several policies of Council but not enough information to show effectiveness of plans for future for Plan changes.

EMC10/11 **Resolutions:**

1. That the Environmental Management Committee receives the report.
2. Agrees to support an increase of sampling frequency of the current SoE sites for the ongoing management and investment into the Hawke's Bay region's water quality and that financial implications be brought to the 2012-2022 LTP process for consideration.

Remmerswaal/Kirton  
CARRIED

**13. STATUTORY ADVOCACY MATTERS**

Mr Ide presented this agenda item, outlined current proposals under Council's statutory advocacy project and the Resource Management Act 1991 and answered questions from the Committee.

EMC11/11 **Resolution:**

1. That the Committee receives the Statutory Advocacy Update report.

Rose/McGregor  
CARRIED



**14. GENERAL BUSINESS**

**Waikoau Stream**

Councillor Remmerswaal advised that she had received comment regarding plans for the Waikoau stream part of which runs through the farm purchased by Council.

Councillor Rose advised he had also received an email and had requested further information from Mr Leckie, Manager, Land Services.

**Closure:**

There being no further business the Chairman declared the meeting closed at 2.55pm on Wednesday, 12 October 2011.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....