

WAIKATO REGIONAL COUNCIL

Minutes of a Meeting of the Waikato Regional Council held in the Council Chambers, Waikato Regional Council office, 401 Grey Street, Hamilton East at 1.00 pm on Thursday 23 February 2012.

MEMBERS: Cr PR Buckley (Chairman), Cr AI Armstrong, Cr NW Barker, Cr LB Burdett, Cr SP Friar, Cr J Hennebry, Cr ST Kneebone, Cr PM Legg, Cr LA Livingston, Cr RM Rimmington, Cr PA Southgate, Cr TM Stark.

STAFF: Chief Executive (RF Laing), Group Manager River and Catchment Services (DS Fowlds), Group Manager Resource Use (C McLay), Acting Group Manager Resource Information (D Noiton), Group Manager Corporate Services (J Stewart), Group Manager Finance (M Garrett), Group Manager Land and Water Initiative (RA Petch), Council Secretary (D Snape)

APOLOGIES: Nil

Leave of Absence

(Agenda Item 1)

Cr Barker moved/Cr Burdett seconded.

WRC12/39

THAT leave of absence be granted to:

- Cr Rimmington for the period 16 March 2012 to 27 April 2012 inclusive.
- Cr Kneebone for the period 27 February 2012 to 8 March 2012 inclusive.

The motion was put and carried (WRC12/39)

Confirmation of Agenda

(Agenda Item 1)

Cr Burdett moved/Cr Legg seconded.

WRC12/40

THAT the agenda of the meeting of the Waikato Regional Council of Thursday 23 February 2012, as circulated, be confirmed as the business for the meeting.

The motion was put and carried (WRC12/40)

Disclosures of Interest

(Agenda Item 2)

Cr Rimmington declared a conflict of interest in any discussion of the southern links proposed roading network.

Confirmation of Minutes**Minutes - Council Meeting – 13 December 2011**

File: 03 04 02 (Agenda Item #3.1) Docs#2099664

Cr Friar moved/Cr Hennebry seconded.

WRC12/41

THAT the Minutes of the Council Meeting of 13 December 2011 be approved as a true and correct record.

The motion was put and carried (WRC12/41)

Cr Hennebry advised that she would raise discussion in respect of item RC11/62.1 in the Regulatory Committee minutes of 24 November 2011 as reported to the Council meeting of 13 December 2011 (THAT staff be directed to review the Terms of Reference and Scope of Activity for the Regulatory Committee and the potential for amalgamation with Council's other Standing Committees) at the time of consideration of item 6.6 in the agenda 'Review of Standing Committees' and advised of her intention to move a motion at that time.

Minutes - Council Meeting – 31 January 2012 – 2 February 2012

File: 03 04 02 (Agenda Item #3.2) Docs#2120871

Cr Rimmington moved/Cr Hennebry seconded.

WRC12/42

THAT the Minutes of the Council Meeting commencing on 31 January 2012 and continuing on 1 and 2 February 2012 be approved as a true and correct record.

The motion was put and carried (WRC12/42)

Committees Reporting to Council**Lake Taupo Protection Project Joint Committee – 8 December 2011**

File: 03 04 20 (Agenda Item #4.1) Docs#2100034

Chairman Buckley presented the following report to Council of the Lake Taupo Protection Project Joint Committee dated 8 December 2011.

LAKE TAUPO PROTECTION PROJECT JOINT COMMITTEE

Report of the Lake Taupo Protection Project Joint Committee held in the Council Chambers, Taupo District Council offices, 72 Lake Terrace, Taupo at 10.30am on Thursday, 8 December 2011.

MEMBERS:

Waikato Regional Council
Cr PR Buckley (Chair)
Cr LB Burdett

Taupo District Council
Cr R Henderson
Mayor R Cooper

Ministry of Agriculture and Forestry
P Journeaux

Tuwharetoa Maori Trust Board
I Kusabs

STAFF:

Waikato Regional Council
Committee Administrator (M Ahipene)

Taupo District Council
Deputy Chief Executive Officer (A McLeod)

IN ATTENDANCE:

Lake Taupo Protection Trust
Chairman (C Stent)
Chief Executive Officer (G Fleming)
Trustee (S Yerex)
Trustee (M Barton)

APOLOGIES: M Pinckard (Ministry for the Environment), C Sherley (Ministry for the Environment) and G Asher (Tuwharetoa Maori Trust Board)

Accepted

I Kusabs opened the meeting with a Karakia.

Confirmation of Agenda
(Agenda Item 2)

Cr Burdett moved/Cr Henderson seconded

LTJC11/39 **THAT the agenda of the Lake Taupo Protection Project Joint Committee of 8 December 2011 as circulated, be confirmed as the business for the meeting.**

The motion was put and carried (LTJC11/39)

Disclosures of Interest

(Agenda Item 3)

There were no disclosures of interest noted.

SECTION A: (UNDER DELEGATION FOR THE INFORMATION OF COUNCIL)**Minutes of Previous Meeting**

File: 03 04 20 (Agenda Item 4) Doc: 1909491

Cr Burdett moved/P Journeaux seconded

LTJC11/40 **THAT the minutes of the meeting of the Lake Taupo Protection Project Joint Committee held on 22 September 2011 be confirmed as a true and accurate record of the meeting.**

The motion was put and carried (LTJC11/40)

Matters Arising from Previous Meeting

(Agenda Item 5)

Variation 5 implementation to small rural blocks (<20ha):

- At its previous meeting, the Joint Committee requested that a cost benefit analysis identifying the minimum property size at which the cost to implement Variation 5 was the most cost effective, be undertaken. It was reported that the Lake Taupo Implementation Manager (N Hayward), intended to present the report at a future meeting.

Appointment of Trustees to the Lake Taupo Protection Trust

File: 03 04 20 (Agenda Item 6) Doc: 2094437

Taupo District Council's Deputy Chief Executive Officer (A McLeod) presented the report noting that a Trustee rotation/appointment process must be completed by the end of the current financial year (30 June 2012) to comply with the requirements of the Trust Deed. The Trust Deed:

- Provided direction regarding what must be achieved and the timeframes in which to achieve those goals, however, did not specify the process that should be undertaken.
- Stipulates that half of the Trustees must retire from office at the conclusion of every third financial year.
- Allowed for the reappointment of retiring Trustees.

The Chairman (C Stent) provided the following comments on behalf of the Lake Taupo Protection Trust ("the Trust"):

- Each of the Trustees had indicated their interest and availability to continue in their capacity as a Trustee.
- The Trustees each performed an individual role considered to be integral to the success of the project.
- The Trust advocated to retain all (eight) of the existing Trustees.

It was acknowledged that the existing Trust representation was of high calibre and resourced with appropriate skills knowledge and experience to meet the project's future goals. Therefore the requirement to undertake an interview, selection and appointment process to recruit new Trustees was considered unnecessary.

Based on the rotation/appointment history and the requirements of the Trust Deed, it was confirmed that:

- Four Trustees must retire.
- Colin Horton, John Hura and John Kneebone, being those longest in office since their last appointment, must retire.
- The remaining five Trustees (Sue Yerex, Gerald Fitzgerald, Jeremy Rickman, Clayton Stent and Mike Barton) were all appointed or reappointed as an outcome of the previous Trustee rotation/appointment process undertaken in 2009 (appointments effective as of 1 July 2009 as per resolutions LTJC09/16 & LTJC09/17) and therefore, all eligible for retirement.
- As between the remaining five Trustees, the fourth Trustee to retire shall (unless they otherwise agreed amongst themselves) be determined by lot.

The Trust was to confirm the fourth retiring Trustee and which retirees sought reappointment as per clause 6.4 of the Trust Deed. The Joint Committee indicated its intention to reappoint some or all of the retiring Trustees (at its next meeting) noting that the following matters would be taken into consideration:

- A lesser (fixed) term appointment period (if it was anticipated that the projects future goals may evolve or change).
- The appropriate number of Trustees (previously increased from six to eight to mitigate business risk).

Mayor Cooper moved/Cr Burdett seconded

- LTJC11/41
- 1 THAT the report “Appointment of Trustees to the Lake Taupo Protection Trust” (WRC Doc 2094437 dated 29 November 2011) be received.**
 - 2 THAT some or all (no less than two) of the retiring Trustees will be reappointed.**

The motion was put and carried (LTJC11/41)

General Business

(Agenda Item 7)

Application to the Fresh Start for Fresh Water Cleanup Fund

Joint Committee member, P Journeaux provided the following update:

- The Minister-appointed assessment panel consisted of Roku Mihinui (Te Arawa Lakes Trust), Hugh Canard (Lincoln Ventures Limited) and John Hutchings (Fonterra) and chaired by Guy Beatson, the Deputy Secretary Policy, Ministry for the Environment.
- The panel would assess applications against the published assessment criteria and make its recommendations to the Secretary for the Environment.
- The final decision on funding allocation was expected early the following year (2012).

Resolution to Exclude the Public

(Agenda Item 7)

Mayor Cooper moved/I Kusabs seconded

LTJC11/42 THAT in accordance with the provisions of Standing Orders NZS902:2003 Appendix A & B (P40/42) and Section 48(1) of the Local Government Official Information and Meetings Act 1987, the public be excluded from the following part/s of the proceedings of the meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Item Name and general subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
9	Trust update and policy confirmation request	Good reasons to withhold exist under Section 7	S48(1)(a)
10	Minutes of the public excluded section of the meeting held on 22 September 2011	Good reasons to withhold exist under Section 7	S48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No.	Reason/s for withholding official information	Section/s
9	Prejudice commercial position	S7(b)(ii)
9&10	Prejudice negotiations	S7(b)(i)

Recommended that in accordance with the provisions of Standing Orders NZS9202:2003, Clause 2.16.4 and the Local Government Official Information and Meetings Act 1987, Section 48(5), that Trustees, Chief Executive Officer and Secretary of the Lake Taupo Protection Trust remain in the public excluded session because of their knowledge of the issues involved.

The motion was put and carried (LTJC11/42)

Return to Open meeting 12pm.

I Kusabs closed the meeting with a karakia.

Meeting closed 12pm.

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Return to the report of the Council meeting 23 February 2012

Item 4.1 Report of the Lake Taupo Protection Project Joint Committee 8 December 2011

Cr Buckley moved/Cr Burdett seconded.

WRC12/42

THAT the decisions contained in Section A of the report of the Lake Taupo Protection Project Joint Committee dated 8 December 2011 be noted.

The motion was put and carried (WRC12/42)

Minutes - Hearings Appointment Subcommittee – 13 December 2011

File: 03 02 40 (Agenda Item #4.1) Docs#2103471

Cr Friar presented the following report to Council of the Hearings Appointment Subcommittee dated 13 December 2011.

HEARINGS APPOINTMENT SUBCOMMITTEE

Report of the Hearings Appointment Subcommittee of the Waikato Regional Council held in the Committee Room, Waikato Regional Council office, 401 Grey Street, Hamilton East at 9.35am on Tuesday, 13 December 2011.

MEMBERS: Cr SP Friar (Chair), Cr PA Southgate.

STAFF: Division Manager – Consented Sites, Resource Use (B Sinclair), Manager Statutory Processes (M Poole), Committee Administrator (M Ahipene).

APOLOGIES: Cr PR Buckley (leave of absence), Cr LA Livingston.

Accepted

Confirmation of Agenda

(Agenda Item 1)

Cr Friar moved/Cr Southgate seconded

HAS11/26 **THAT the agenda of the Hearings Appointment Subcommittee of 13 December 2011 as circulated be confirmed as the business for the meeting.**

The motion was put and carried (HAS11/26)

Disclosures of Interest

(Agenda Item 2)

There were no disclosures of interest noted.

SECTION A: (UNDER DELEGATION FOR THE INFORMATION OF COUNCIL)

Proposed Resource Consent Hearings – January 2012

File: 03 02 40 (Agenda Item 3) Doc: 2047767

Manager Statutory Processes (M Poole) presented the report seeking the establishment of a Hearing Committee in respect of a resource consent application by Solid Energy New Zealand Limited for ground water take and discharge (aquifer pump testing) at Ohinewai and the appointment of Commissioners thereto.

Given the small number of parties involved and the scope of issues associated with the proposal, the appointment of a Sole Commissioner was recommended.

Cr Southgate moved/Cr Friar seconded

- HAS11/27**
1. THAT the report "Proposed Resource Consent Hearings December 2011 (Doc: 2097587 dated 5 December 2011) be received.
 2. That a Hearing Committee be established in terms of the Resource Management Act 1991 to hear and decide the following applications for resource consent, together with all the ancillary powers under the Act:
 - (i) Solid Energy New Zealand Limited (Applications 12076 & 122077), ground water take and discharge (aquifer pump testing) for up to two (2) weeks near Ohinewai, with the Hearing Committee to comprise sole Commissioner, G Ridley

The motion was put and carried (HAS11/27)

Hearings Committee Establishment – Draft Regional Public Transport Plan 2011-2021

File: 21 20 80e, 03 04 11, 03 02 40 (Agenda Item 4) Doc: 2092264

The Regional Transport Committee had considered the establishment and constitution of the Draft Regional Land Transport Programme 2012/13 – 2014/15 Hearing Committee at its meeting on 7 November 2011, and made a recommendation thereon, for consideration and approval by the Hearing Appointment Subcommittee.

Cr Southgate moved/Cr Friar seconded

- HAS11/28**
1. THAT the report "Hearings Committee Establishment – Draft Regional Land Transport Programme 2012/13 – 2014/15 (Doc. No.2092264, dated 5 December 2011) " be received.
 2. THAT a Hearing Committee be established in accordance with the Terms of Reference (Appendix A) to hear/consider the submissions lodged on the Draft Waikato Regional Land Transport Programme as per the Hearing Procedures (Appendix B).
 3. THAT the membership of the Draft Waikato Regional Land Transport Programme Hearing Committee comprise representatives of the Waikato Regional Transport Committee as follows:
 - i) One (1) Waikato Regional Council representative [Cr N Barker], and
 - ii) One (1) Hamilton City Council representative [Cr D Macpherson], and
 - iii) One (1) representative from the Thames-Coromandel, Hauraki, Matamata Piako sub-region [Mayor J Tregidga] and
 - iv) One (1) representative from the North Waikato [Cr N Smith], and
 - v) One (1) representative from the South Waikato, Taupo sub-region [Cr B Hickling], and
 - vi) One (1) representative from the Waipa, Otorohanga, Waitomo sub-region [Cr G Webber]
 - vii) One (1) representative from the NZ Transport Agency as a non-voting technical advisor.

The motion was put and carried (HAS11/28)

Provisions for the Regional Policy Statement Hearing

File: 05 10 00, 03 02 40 (Agenda Item 5) Doc: 2097652

Manager Statutory Processes (M Poole) presented the report which sought provision for the Chairperson of the Regional Policy Statement Hearing Committee to have a casting vote in the case of equality of votes.

Cr Friar moved/Cr Southgate seconded

- HAS11/29**
1. THAT the report “Provisions for the Regional Policy Statement Hearing” (Doc 2097652 dated 6 December 2011) be received.
 2. THAT the provision for the Chairperson of the Regional Policy Statement Hearing Committee to have a casting vote in the case of equality of votes, be approved.

The motion was put and carried (HAS11/29)

Meeting closed 9.40am.

Doc: 2103471

Appendix A

Proposed Regional Land Transport Programme Hearing Committee

REPORTING TO: Waikato Regional Council via the Regional Transport Committee.

CONSTITUTION: One (1) Waikato Regional Transport Committee representative representing Waikato Regional Council
Four (4) Waikato Regional Transport Committee representatives representing each of the four Waikato sub-regions.

One (1) Waikato Regional Transport Committee representative representing Hamilton City Council.

One (1) NZ Transport Agency representative as a technical advisor (non-voting member)

MEETING FREQUENCY: As required following the 'proposal' of the Draft Regional Land Transport Programme 2012-15 (and after the public notification and submission period requirements have been met).

OBJECTIVE: To consider the submissions received to the Proposed Waikato Regional Land Transport Programme

SCOPE OF ACTIVITY:

- a) to consider all submissions received in respect of the Proposed Waikato Regional Land Transport Programme 2012-15, including verbal presentations from submitters wishing to be heard, and
- b) to report to the Waikato Regional Council via the Regional Transport Committee with recommendations for adoption including any amendments/changes to the Proposed Waikato Regional Land Transport Programme 2012-15.

POWER TO ACT:

1. To conduct meetings for the purpose of hearing and considering submissions made on the Proposed Waikato Regional Land Transport Programme 2012-15.
2. To deliberate on the submissions received for the purpose of making recommendations (with reasons) to the Waikato Regional Council via the Regional Transport Committee for adoption of the Proposed Waikato Regional Land Transport Programme including any amendments/changes.

Appendix B**STATUTORY PLANNING PROCESS
HEARING COMMITTEES****HEARING PROCEDURES**

1. Every person who has made a submission and stated that they wish to be heard, may speak either personally or be represented by legal counsel or any other authorised representative.
2. If any person wishes to give their written or spoken evidence in Maori, Environment Waikato needs to be informed of this at least five (5) working days before the hearing so that a qualified interpreter can be provided. Alternatively, an interpretation may be provided by the person giving the evidence at the hearing.
3. No cross examination is permitted.
4. Only the Chairperson or members of the Hearing Committee may ask questions of any person appearing/making a statement during the course of the hearing.
5. The Chairperson of the Hearing Committee may recall any person who has made a statement where considered appropriate to further clarify or elaborate on any matter raised in evidence.
6. The Chairperson of the Hearing Committee may, if it is considered that there is likely to be excessive repetition, limit the circumstances in which parties that have the same interest or stance on an issue may speak or give evidence in support.
7. The hearings will be held in public except where the Hearing Committee determines that the public should be excluded pursuant to one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987.

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Return to the report of the Council meeting 23 February 2012
Item 4.2 Report of the Hearings Appointment Subcommittee 13 December 2011

Cr Friar moved/Cr Livingston seconded.

WRC12/43 THAT the decisions contained in Section A of the report of the Hearings Appointment Subcommittee held 13 December 2011 be noted.

The motion was put and carried (WRC12/43)

Minutes - Hearings Appointment Subcommittee – 8 February 2012

File: 03 02 40 (Agenda Item #4.2) Docs#2131034

Cr Buckley presented the following report to Council of the Hearings Appointment Subcommittee dated 8 February 2012.

HEARINGS APPOINTMENT SUBCOMMITTEE

Report of the Hearings Appointment Subcommittee of the Waikato Regional Council held in the Committee Room, of Waikato Regional Council office, 401 Grey Street, Hamilton East at 9.30am on Wednesday, 8 February 2012.

MEMBERS: Cr PR Buckley, Cr SP Friar, Cr LA Livingston, Cr PA Southgate

STAFF: Manager, Statutory Processes (ME Poole), Committee Administrator (M Ahipene)

Confirmation of Agenda

(Agenda Item 1)

Cr Friar moved/Cr Southgate seconded

HAS12/01 **RESOLVED**
THAT the agenda of the Hearings Appointment Subcommittee of 8 February 2012 as circulated be confirmed as the business for the meeting.

The motion was put and carried (HAS12/01)

Disclosures of Interest

(Agenda Item 2)

There were no disclosures of interest noted.

SECTION A: (UNDER DELEGATION FOR THE INFORMATION OF COUNCIL)

Proposed Resource Consent Hearing – March 2012

File: 03 02 40 (Agenda Item 3) Doc: 2123325

Cr Friar moved/Cr Southgate seconded

HAS12/02 **RESOLVED**

1. **That the report “Proposed Resource Consent Hearing – March 2012 (Doc 2123325 dated 27 January 2012) be received.**
2. **That a Hearing Committee be established in terms of the Resource Management Act 1991 to hear and decide the following application for resource consent, together with all the ancillary powers under the Act:**
 - (i) **Matamata-Piako District Council (Applications 119917, 119918, 119919, 119920 & 122748), Water take, discharge and use for municipal water supply purposes, Waiteariki Stream, Matamata, with the Hearing Committee to comprise Independent Commissioners C Shearer (Chair) and C Koroheke.**

The motion was put and carried (HAS12/02)

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Return to the report of the Council meeting 23 February 2012
Item 4.2.1 Hearings Appointment Subcommittee 8 February 2012

Cr Buckley moved/Cr Livingston seconded.

WRC12/44 **THAT the decisions contained in Section A of the report of the Hearings Appointment Subcommittee held 8 February 2012 be noted.**

The motion was put and carried (WRC12/44)

Minutes – Catchment Services Committee – 7 February 2012

File: 03 04 08 (Agenda Item #4.3) Docs#2116890

Cr Kneebone presented the following report to Council of the Catchment Services Committee dated 7 February 2012.

CATCHMENT SERVICES COMMITTEE

Report of the Catchment Services Committee of the Waikato Regional Council held in the Council Chamber, Waikato Regional Council office, 401 Grey Street, Hamilton East at 10:00 am on Tuesday 7 February 2012.

MEMBERS: Councillors ST Kneebone (Chair), Al Armstrong, PM Legg, PR Buckley and SP Friar
G Baker, R Hicks M Lumsden, G McBride, R McGuire, J Sanford S Smith and S O'Sullivan

IN ATTENDANCE Councillors J Hennebry, NW Barker, L Livingstone

STAFF: Group Manager River and Catchment Services (DS Fowlds), Division Manager Business Process (BA Peploe), Division Manager Catchment Management (D Speirs), Operations Manager Rivers and Drainage (G Russell), Committee Administrator (DG Atkinson)

APOLOGIES Cr TM Stark

Accepted

Confirmation of Agenda

(Agenda Item 1)

The Chair noted that Item 8 of the agenda ((Whangamata Mangrove Consent Appeal) would now be held in Open Meeting and that item 7 (Resolution to Exclude the Public would no longer be needed). A late item (Recognition of forty (40) years service by staff member Roger Spooner) was also requested to be added to the agenda

M Lumsden moved/G Baker seconded

CAT12/1 **THAT the agenda of the Catchment Services Committee of 7 February 2011 as circulated be confirmed as the business for the meeting subject to the following amendments:**

- **Item 8 (Whangamata Mangrove Consent Appeal) being heard in Open Meeting and Item 7 (Resolution to Exclude the Public) not being proceeded with.**
- **The addition of a new Item 9 (Recognition of forty (40) years service by staff member Roger Spooner).**

The motion was put and carried (CAT12/1)

Disclosures of Interest

There were no disclosures of interest.

SECTION A: (UNDER DELEGATION FOR THE INFORMATION OF COUNCIL)

Aka Aka Otatau Drainage Advisory Subcommittee

File: 03 04 08 (Agenda Item 3)

The Committee considered reports of meetings of the Aka Aka Otatau Drainage Advisory Subcommittee held on 9 September 2011, 14 October 2011, 11 November 2011 and 9 December 2011

Cr Friar moved/G Baker seconded

CAT12/2

That the minutes of the meetings of the Aka Aka Otatau Drainage Advisory Subcommittee of 9 September 2011 (Doc #2061848), 14 October 2011 (Doc #2080712), 11 November 2011 (Doc #2092202) and 9 December 2011 (Doc #2111090) be received and

- 1) the decisions made at that meeting noted and**
- 2) the recommendations made at that meeting adopted**

The motion was put and carried (CAT12/2)

Safe and Resilient Communities Outcome 2011/12 – Progress Report to 31 December 2011

File: 03 04 08 (Agenda Item 4)

This item was jointly presented by Division Manager Business Process (BA Peploe), Division Manager Catchment Management (D Speirs) and Programme Manager Regional Hazards and Emergency Management (A Munro). The Committee noted the following matters that were identified as not running to timeline/budget.

- Development of Best Management Practice across RCS in respect of land management and environmental enhancement. This work is behind schedule as the intended staff resource has been required to work on progressing comprehensive consents.
- Document RCS Group asset management processes. Expected now to be completed by 3rd February 2012.
- Prepare a Regional Land Drainage Management Plan. Waiting for an appointment to the new Drainage Manager position. Project completion date of 30 June 2012 will not be met.
- Full review and update of RCS Hazard Register. Has not been completed through Tui Mine Project requiring a reprioritisation of resources.

Waipa Zone

- Manage Operational and Capital Expenditure within plus or minus 2% of budget. Operational expenditure is behind anticipated position predominately due to delay in finalising Corporate Health and Safety policy. Capital expenditure is anticipated to meet target at year end.

Lower Waikato Zone

- Mercer West Flood Protection Scheme. Some performance measures are below flood protection service levels agreed with communities concerned. To be addressed over next three years. \$560K added to 2011/12 capital programme

Report of the Catchment Services Committee 7 February 2012 – page 3Coromandel Zone

- Manage Capital Expenditure within plus or minus 2% of budget. Te Puru Capital Expenditure Flood Protection Project likely to be approximately 5% over budget.
- Draft Zone Plan to be prepared by October 2011 and finalised by 30 June 2012. Being presented to Subcommittee on 15 February 2012.
- Develop at least one new Harbour/Catchment Plan on the Coromandel Peninsula annually. Current year's resources have been focussed on existing plans. Scoping the next plan (likely to be Whangapoa) is intended to commence later in 2012.

Waihou Piako Zone

- Maintain and manage flood protection works associated with the Waihou and Piako Schemes in accordance with service levels agreed with the community. Over the next three years Council will prioritise and upgrade some stopbanks within the Waihou and Piako Schemes that do not meet agreed flood protection levels.

Concern was expressed that resources needed for other projects were being used to obtain comprehensive consents. The view was expressed that efforts being made to satisfy some submitters was creating a perception of favoured treatment. This was responded to by staff noting that significant efforts were being made to obtain agreement to less onerous conditions that would have a reduced impact on Council work programmes and thus avoid the need to implement an expensive appeal process.

A discussion ensued about the process being used to develop a catchment management plan in the Matahuru Catchment which includes the interlinked Matahuru Catchment, Lake Waikare, and Whangamarino Wetlands systems. Reservation was expressed about the consultation process used in the context of being able to identify and capture the attention of all those entitled to take part.

In regard to Waihou and Piako Schemes stop bank services not meeting service levels it was suggested the stopbanks around Thames were of the greatest concern. With stopbanks for the two schemes being constructed on soft silts constant topping up is required and this needs to be based on a continual process of planning and prioritisation.

In response to a question Programme Manager Regional Hazards and Emergency Management (A Munro) advised Waikato Regional Council had to date been reimbursed approximately \$200K for work undertaken on the Rena recovery operation during October/November 2011. A further approximately \$15K was being sought for December 2011.

Chair moved/S O'Sullivan seconded

CAT12/3

THAT the report 'Safe and Resilient Communities Outcome 2009/2010 – Progress report to 17 January 2012' (Docs #2116877 dated 17 January 2012) be received.

The motion was put and carried (CAT12/3)

2012 Draft Long Term Plan Budgets

File: 03 04 08 (Agenda Item 5)

Jointly presented by Division Manager Business Process (BA Peploe), Division Manager Catchment Management (D Speirs) and Programme Manager Regional Hazards and Emergency Management (A Munro) the purpose of this item was to provide the most up to date possible 2012 LTP financial information for Committee Members at agenda closing date (26 January 2012) and provide a verbal update to the current meeting of decisions made by Council at its meeting held 31 January 2012 to 2 February to finalise Draft Long Term Plan proposals and budgets. During the presentation and related questions answers and discussion the Committee noted or discussed:

- Council had approved virtually all resources requested by the Subcommittees for both new works and maintenance programmes. There may be some differences in timing.
- The Lower Waikato Liaison Subcommittee Chair (M Lumsden) requested that information be available for the Subcommittee's meeting of 21 February 2011 regarding the rating impacts of Draft 2012 Long Term Plan approvals by Council.
- In some zones there would be issues regarding rating sustainability that would need to be further considered prior to closure of LTP submissions.
- The implementation of Regional rating for Civil Defence and Emergency Management (Community Safety) on a per property basis was noted.

Cr Kneebone moved/G Baker seconded

CAT12/4

THAT the report '2012 Draft long Term Plan Budgets – Catchment Management, Flood Protection and Community Safety' (Docs #2117179) dated 25 January 2012 be received.

The motion was put and carried (CAT12/4)

SECTION B: (FOR RECOMMENDATION TO COUNCIL)**Designation of Flood Mitigation Assets**

File: 03 04 08 (Agenda Item 6)

The purpose of this item presented by Coromandel Zone Manager (J Beaufill) was to seek direction on whether designations over private land should be pursued where Waikato Regional Council has constructed flood mitigation assets.

Cr A Armstrong moved/G Baker seconded

CAT12/5

1. **That the report 'Designation of flood mitigation assets' (Doc #2113754 dated 11 January 2012) be received, and**

2. **Recommended That**
That the process outlined in the report 'Designation of flood mitigation assets' (Doc #2113754 dated 11 January 2012) as set out below be pursued:
 - **Council advises TCDC that it intends to roll over existing designations; and**
 - **Council pursues with TCDC the exploration of provisions and zoning to be included in the draft District Plan which would enable the maintenance and upgrade of existing assets to be undertaken as permitted activities. At the same time the possibility of these provisions applying to the construction of new works to also be raised;**
 - **If TCDC is not receptive towards Council's proposed permitted activity provisions, Council to issue a notice of requirement for designations over land on which the remaining assets (those in addition to the existing ones within the Waihou scheme) have been constructed. To reduce costs this to be done as part of the District Plan review process.**

The motion was put and carried (CAT12/5)

Whangamata Mangrove Consent

File: 03 04 08 (Agenda Item 8)

The purpose of this item presented by Harbour and Catchment Management Co-ordinator (E O'Donnell) was to provide:

- A brief background on the Whangamata mangrove consent application and process
- The current status of the resource consent application
- Information for decision making purposes on the appeal process to determine way forward.

During the presentation and subsequent questions, answers and discussion the Committee noted:

- The outcome of the October 2011 hearing had been a decision to grant consent for 16 hectares of new removal and 6.5 hectares of tidy up in response to an application for 31.5 hectares of new removal and 6.5 hectares of tidy up.
- In December 2011 Forest and Bird had lodged an appeal against the above decision. Prior to this it had been decided that RCS (as applicant) would not appeal the original decision on the basis that if future monitoring data indicated such action was justified a second consent could be applied for in future.
- To ensure that RCS is actively involved in the process and that strategically we are well placed, a decision was subsequently made to lodge an appeal for the full quantum of mangrove removal as applied for in July 2011. This provides the opportunity to:

Report of the Catchment Services Committee 7 February 2012 – page 6

- Counter balance Forest and Bird's appeal.
- Provide more time to consider appeal approach, risks and potential benefits.
- Seek guidance from this Committee.
- Withdraw from appeal if consensus can be reached with Forest and Bird through mediation process.
- The Waikato Region Coastal Policy Statement (which must be consistent with the National Policy Statement) in reality protects mangroves.
- It is intended to use the Tairua Harbour Plan to provide a better model for mangrove removal.
- Flood protection monitoring data does not support mangrove removal at Whangamata.

R Hicks moved/Cr Buckley seconded

CAT12/6

1. **That the report Whangamata Mangrove Consent Appeal (Doc # 2114193 dated 23 January 2012) be received, and**
2. **Recommended That
That River and Catchment Services Group, as applicant for the removal of mangroves from the Whangamata harbour, proceed with an appeal of the granted consent (Option two in the report titled 'Whangamata Mangrove Consent Appeal' (Doc # 2114193 dated 23 January 2012)**

The motion was put and carried (CAT12/6)

Recognition of 40 Years Service

File: 03 04 08 (Agenda Item 9)

Prior to closure of the meeting the Chair made a presentation to RCS staff member Roger Spooner in recognition of his completion of 40 years service.

Meeting closed at 12.37pm

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Return to the report of the Council meeting 23 February 2012
Report of the Catchment Services Committee 7 February 2012

Cr Kneebone moved/Cr Legg seconded.

WRC12/45

THAT the decisions contained in Section A of the report of the Catchment Services Committee held 7 February 2012 be noted and the recommendations contained in Section B be adopted.

The motion was put and carried (WRC12/45)

Minutes - Environment Committee – 7 February 2012

File: 03 04 16 (Agenda Item #4.4) Docs#2124650

Cr Hennebry presented the following report to Council of the Environment Committee dated 7 February 2012.

ENVIRONMENT COMMITTEE

Report of the meeting of the Environment Committee of the Waikato Regional Council held in the Council Chambers, Waikato Regional Council office, 401 Grey Street, Hamilton East at 1.05pm on Tuesday, 7 February 2012.

- MEMBERS:** Cr J Hennebry (Chair), Cr Al Armstrong, Cr PR Buckley, Cr SP Friar and Cr P Legg.
- IN ATTENDANCE:** Cr NW Barker, Cr LA Livingston, Cr RM Rimmington, Cr PA Southgate.
- STAFF:** Acting Group Manager Resource Information (D Noiton) and Acting Committee Administrator (J Robertson).
- APOLOGIES:** Cr TM Stark, Cr Al Armstrong (for lateness) and Cr SP Friar (for lateness).

Accepted

Confirmation of Agenda

Agenda Item 1

Cr Buckley moved/Cr Legg seconded

- EC12/1 **THAT the agenda of the Environment Committee of 7 February 2012 be confirmed as the business for the meeting.**

The motion was put and carried (EC12/1).

Disclosures of Interest

Agenda Item 2

There were no disclosures of interest.

Cr Armstrong in at 1.07 pm

SECTION A: (UNDER DELEGATION FOR THE INFORMATION OF COUNCIL)

Potential Environmental Effects of Fish Farming

Agenda Item 3 (Doc # 2108833)

Coastal Ecologist, Dr H Giles advised the Committee on the potential environmental effects of fish farming in the Waikato region and provided an overview of available management options.

During discussion the Committee raised or noted the following matters:

Report of Environment committee 7 February 2012 – page 2

- A number of projects were currently being undertaken including the Ministry of Fisheries' Aquaculture Unit Ecological Guidance project which would provide a review of environmental effects; the Waikato Regional Council's hydrodynamic and aquaculture effects model encompassing seafloor effects, nitrogen and spread of disease; the development of monitoring standards and guidance material which would include expert advice from the Cawthron Institute and industry input; as well as other relevant projects on marine strategy, marine spatial plan, SOE monitoring and land and sea interactions.
- The Firth of Thames would be suitable for fish farming because of its depth. Fish farm issues raised in the media related to farms in more sheltered situations than the Firth of Thames.
- The offshore location of the fish farms was not expected to affect the international migratory path of endangered species of birds.
- A large fish farming industry would be needed to support a local fish meal factory, so the fish food would need to be imported. Research and trials were being undertaken in terms of fish food ingredients, however no long term studies had yet been completed. The industry would be too small to consider the harvesting of local pest fish koi carp as an ingredient in fish food.
- Sea squirt was an unwanted organism because it took up space in the finfish farm structure and released nutrients.
- It was expected that a fish farm could be operative perhaps one-and-a-half to two years from the time when space was released by the Council, however it was understood that the fish farming industry was not yet ready to start the process.
- The cost of developing a commercially successful fish farm had been estimated at \$40 million over the first five years.
- Although fish farms would have consent conditions that required self-monitoring, the Council would need to undertake monitoring to ensure that the fish farms were complying with the consents. Senior Policy Advisor, G Silver, was requested to check the Long Term Plan with regard to inclusion of a compliance budget for monitoring of fish farms.
- It was suggested that Australia provided an example of the establishment of fish farms and that New Zealand should learn from their experience. G Silver, Senior Policy Advisor, had visited Adelaide in 2007 to study the management of fish farms.

Cr Buckley moved/Cr Armstrong seconded

EC12/2

THAT the report 'Potential environmental effects of fish farming' (Doc # 2108833) dated 25 January 2012 be received for information.

The motion was put and carried (EC12/2).

Computer Models as Tools for Integrated Spatial Planning

Agenda Item 4 (Doc # 2121556)

Project Manager Sustainability Projects, Dr B Huser advised the Committee on the use of computer models for integrated spatial planning and decision-making. He also updated the Committee on the Waikato Integrated Scenario Explorer (WISE) model. Spatial Analyst and Modeller, D Phyn demonstrated some practical examples.

Cr Friar in at 1.54 pm.

During discussion the Committee raised or noted the following matters:

- The Council had a lot of information that was useful in its own way however more use could be made of the same information by 'joining the dots'. Waikato Integrated Scenario Explorer (WISE) was built using existing models that were incorporated into one model. A platform was provided by the Research Institute for Knowledge Systems (RIKS), an overseas company that has built similar applications in other countries. RIKS was selected after Landcare and Waikato Regional Council had evaluated similar models around the world.
- The Waikato Regional Council would need to purchase a one-off licence at \$20,000 plus pay an annual amount depending on data input.
- The model would make more use of existing data and knowledge so that Council could be proactive and look into the future. It would help with communication internally and externally and could be particularly useful in relation to inter-regional planning in terms of transport, for example. The model would help to explore alternative options for policy and could evaluate different types of policy.

Cr Armstrong moved/Cr Legg seconded

EC12/3 THAT the report 'Computer Models as Tools for Integrated Spatial Planning' (Doc # 2121556) dated 24 January 2012 be received for information.

The motion was put and carried (EC12/3).

Cr Buckley out of meeting 2.40 pm.

Upper Waikato Groundwater Modelling

Agenda Item 5 (Doc # 2120944)

Hydrogeologist, J Hadfield described recent and ongoing groundwater modelling of the Upper Waikato catchment noting that the work was being carried out to improve understanding of land-use impacts on water resources in the catchment and to enable prediction of future effects from a range of scenarios.

Cr Buckley in at 2.44 pm.

During discussion the Committee raised or noted the following matters:

- Modelling had been undertaken based on present land use.
- A good calibration had been reached with regard to the flow data which was reasonably robust and had been reported sensibly.
- Groundwater flows were consistently toward the Waikato River.
- Councillors requested a copy of the presentation.

Cr Buckley moved/Cr Armstrong seconded

EC12/4 THAT the report 'Upper Waikato Groundwater Modelling' (Doc # 2120944) dated 25 January 2012 be received for information.

The motion was put and carried (EC12/4).

Modelling and Visualisation of Hydrological Data

Agenda Item 6 (Doc #2121049)

Hydrologist, B Jenkins provided an overview of hydrological modelling and visualisation that occurs within the Resource Information Group of the Waikato Regional Council with case studies.

During discussion the Committee raised or noted the following matters:

- Hydrology data came in at five to 10 minute intervals. The quality of the data was reviewed and then the data was turned into information.
- NIWA had a soil moisture model.
- The level of Lake Taupo was measured at Acacia Bay at five minute intervals, however waves on the surface could make it difficult to achieve accurate measurements.

Cr Buckley moved/Cr Armstrong seconded

EC12/5 THAT the report ‘Modelling and Visualisation of Hydrological Data’ (Doc # 2121049) dated 24 January 2012 be received for information.

The motion was put and carried (EC12/5).

The meeting closed at 3.22 pm.

* * * * *

Return to the report of the Council meeting 23 February 2012
Report of Environment committee 7 February 2012

Cr Hennebry moved/Cr Legg seconded.

WRC12/46 THAT the decisions contained in Section A of the report of the Environment Committee held 7 February 2012 be noted.

The motion was put and carried (WRC12/46)

Minutes – Policy and Strategy Committee – 8 February 2012

File: 03 04 15 (Agenda Item #4.5) Docs#2124049

Cr Southgate presented the following report to Council of the Policy Committee dated 8 February 2012.

POLICY AND STRATEGY COMMITTEE

Report of the Policy and Strategy Committee of the Waikato Regional Council held in the Council Chambers, Waikato Regional Council office, 401 Grey Street, Hamilton East at 10.05am on Wednesday, 8 February 2012.

MEMBERS: Cr PA Southgate (Chair), Cr AI Armstrong, Cr PR Buckley (until 12.25pm), Cr LB Burdett (until 12.25pm), Cr SP Friar, Cr J Hennebry, Cr ST Kneebone, Cr PM Legg, Cr LA Livingston, Cr RM Rimmington, Cr TM Stark.

STAFF: Group Manager, Policy and Transport (VRJ Payne), Committee Administrator (M Ahipene)

APOLOGIES: Cr NW Barker (on other Council business)

Accepted

Confirmation of Agenda

(Agenda Item 1)

Cr Rimmington moved/Cr Kneebone seconded

PC12/01

RESOLVED

THAT subject to item 10 being considered before item 9 and with the addition of the report of the Land and Water Quality Subcommittee meeting held on 22 November 2011, the agenda of the Policy and Strategy Committee of 8 February 2012 as circulated be confirmed as the business for the meeting.

The motion was put and carried (PC12/01)

Disclosures of Interest

(Agenda Item 2)

There were no disclosures of interest noted.

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

Report of the Land and Water Quality Subcommittee – 22 November 2011

File: 03 02 42 (Agenda Item 3A) Doc: 2090163

The Committee considered the recommendations arising from the Land and Water Quality Subcommittee meeting held on 22 November 2011.

Cr Kneebone moved/Cr Burdett seconded

PC12/02

RESOLVED

THAT the report of the Land and Water Quality Subcommittee meeting held on 22 November 2011 (Doc: 2075952) be received.

Recommended

That the following recommendations made at that meeting be adopted:

A Framework for Regional Plan Changes that address water quality issues

THAT a Model comprising a staged approach, be approved in principle as the preferred scope for the Regional Plan Change to address water quality, noting that:

- (i) the implicit costs will be appropriately addressed through Council's 2012-2022 Long Term Plan Process;
- (ii) the staged region wide water quality approach is a programme of action to be notified on or before January 2013, outlining where and when Council anticipates water quality targets, limits and methods will be developed for each catchment to implement the National Policy Statement for Freshwater Management; and
- (iii) the Waikato River Catchment will be the first regional plan change, followed by staged plan changes for the remaining catchments in the Waikato region.

THAT the proposed framework for regional Plan Changes that address water quality (as set out in Doc: 2082554) be approved.

The motion was put and carried (PC12/02)

Amend Navigation Safety Bylaw Clause 3.2

File: 56 50 04 (Agenda Item 3) Doc: 2120905

Programme Manager, Navigation Safety (N Botherway) presented the report which sought approval to proceed with a minor change to the Waikato Regional Council ("Council"), Navigation Safety Bylaw 2009 ("Bylaw"). During the course of enforcement, staff discovered that the Bylaw did not carry a penalty (in the form of a fine) for infringements against.

A legal opinion on the matter (sought from Tompkins Wake), confirmed that the proposed amendment would make the Bylaw easier to administer.

The Committee was satisfied that the minor amendment was necessary to provide the Navigation Safety Programme the ability to ensure compliance with and enforcement of the Bylaw.

Cr Friar moved/Cr Livingston seconded

PC12/03

RESOLVED

THAT the report “Amend Navigation Safety Bylaw Clause 3.2” (Doc: 2120905 dated 24 January 2012) be received.

Recommended

1. **That within the “Waikato Regional Council Navigation Safety Bylaw 2009”:**
 - **“Clause 3.2(e) in area designated in Schedule 1” be added to the current bylaw.**
 - **The addition of clause 3.2(e) remains in place until the 2009 Bylaw is reviewed an Council has resolved to amend, replace or delete this clause; and**
2. **That the decision of Council be publicly notified in accordance with Section 86 of the Local Government Act.**

The motion was put and carried (PC12/03)

An Expressions of Interest phase for fish farming

File: 22 03 76 (Agenda Item 4) Doc: 2114323

At its previous meeting, the Committee requested information on the potential tender process for the new fish farming space (in Wilson Bay, Coromandel).

Senior Coastal Policy Advisor (G Silver) prepared and presented the report which sought consideration of a proposal to hold an Expressions of Interest round prior to tendering out the fish farming space. The proposed Expressions of Interest round would assist Council to identify potential applicants, the level of demand for space, and what types of fish farming might be proposed.

Arising from questions, answers and related discussion, it was noted that:

- Major marine farming companies had indicated they were unable to prepare a sound business case for fish farming because of the uncertainty regarding coastal occupation charges.
- Council had previously resolved (in 2005) that coastal occupation charges should be imposed. However, further progress on the matter was delayed pending the outcome of Government policy and legislation.
- The Regional Coastal Plan (review), the mechanism to implement coastal occupation charges, was unlikely to be operative before 2020.
- Staff would prepare a draft position paper on coastal occupation charges for Council’s consideration prior to the tender evaluation process.
- Applications to the Expressions of Interest round would not commit nor limit applications to the tender process.

Given the uncertainty regarding coastal occupation charges that could threaten the establishment of fish farming in the new space allocated, the Committee agreed to delay the tender round and call for Expressions of Interest, to gauge the level of demand for fish farming.

Cr Kneebone moved/Cr Legg seconded

PC12/04

RESOLVED

THAT the report “An Expressions of Interest phase for fish farming” (Doc: 2114323 dated 11 January 2012) be received.

Recommended

That staff be directed to carry out an ‘Expressions of Interest’ round and report the results to Council.

The motion was put and carried (PC12/04)

SECTION A: (UNDER DELEGATION FOR THE INFORMATION OF COUNCIL)

Variation 6 – Water Allocation – Environment Court Decision

File: 21 20 11 (Agenda Item 5) Doc: 2118463

Senior Policy Advisor (B McAuliffe) and Senior Legal Advisor (N Rye) provided information on the Environment Court’s (“Court”) decision on the appeals on Variation 6 – Water Allocation to the Proposed Waikato Regional Plan. The Court’s decision focused on those matters which remained in contention at the end of the hearing. The key aspects were:

- Allocable flow on Waikato River at Karapiro Dam,
- Takes for stock water and domestic use,
- Transfer of water permits,
- Iwi Development,
- Recognition of the Vision and Strategy.

Arising from questions, answers and related discussion, it was noted that:

- Applications would be assessed on a ‘first-in, first-served’ basis.
- Many catchments were nearing or had already reached full allocation. Therefore, the consent process may be contested, costly and for some, have an uncertain outcome.
- Once a water body had reached full allocation, applications would be subject to a prioritised assessment.
- There was provision in the Court’s decision for water harvesting of extra water during times of high flow.

In recognition of the Court’s favourable comments, which reflected very highly on those involved in the Variation 6 Appeal process, the Committee acknowledged the great work undertaken by staff.

Cr Buckley moved/Cr Kneebone seconded

PC12/05

RESOLVED

THAT the report “Variation 6 – Water Allocation – Environment Court Decision” (Doc: 2118463 dated 20 January 2012) be received for information.

The motion was put and carried (PC12/05)

Transport Policy Update

File: 21 20 11 (Agenda Item 6A) Doc: 2118463

The Programme Manager-Transport Policy (B McMaster) and Senior Transport Planner (G Morton) presented the report. It provided an update on current regional transport policy projects and other related transport matters.

In particular, staff noted their intention to seek Council's endorsement on a draft submission to the Productivity Commission Inquiry into International Freight Transport Services, at its meeting on 23 February 2012.

Cr Buckley moved/Cr Kneebone seconded

PC12/06

RESOLVED

THAT the report "Transport Policy Update" (Doc: 2118463 dated 25 January 2012) be received for information.

The motion was put and carried (PC12/06)

Regional Integration Update

File: 20 00 05 (Agenda Item 7) Doc: 2113505

Programme Manager, Regional Integration (T May) presented the report which provided an update on current and upcoming Regional Integration work.

Of particular note, it was reported that, whilst Council largely supported the intent of Waikato District Council's Plan Change 2 (rural and coastal zones), it had lodged an appeal to the Environment Court with regard to its proposed lot size rule, noting that Council sought an increase to the proposed minimum lot size from 6ha to 40ha.

Cr Armstrong indicated a potential conflict of interest in relation to the matter being discussed and noted that he would not participate in discussion.

Arising from questions, answers and related discussion, it was noted that:

- The proposed minimum lot size was inconsistent with and detrimental to the Future Proof plan, jointly developed by Hamilton City Council, Waikato Regional Council, Waipa District Council and Waikato District Council.
- The decision to lodge an appeal was not taken lightly.

The Committee was concerned that the challenge may be detrimental to Council's relationship with the District Council, however, noted that the integrity of the Future Proof plan must be upheld and the productive capacity of rural areas, adequately protected.

Cr Livingston moved/Cr Buckley seconded

PC12/07

RESOLVED

THAT the report "Regional Integration Update" (Doc: 2113505 dated 18 January 2012) be received for information.

The motion was put and carried (PC12/07)

US State Department Climate Change Professional Fellows Exchange

File: 22 00 00 (Agenda Item 8) Doc: 2085008

Each year, the US State Department provides grants to US non-profit organisations to conduct two-way exchanges that provide substantive professional development and support emerging leaders from the US and foreign countries. The Principal Policy Advisor, Regional Strategy (B Dickie) provided feedback on the four week professional exchange in which he had participated.

Cr Buckley moved/Cr Kneebone seconded

PC12/08

RESOLVED

THAT the report “US State Department Climate Change Professional Fellows Exchange” (Doc: 2085008 dated 21 January 2012) be received for information.

The motion was put and carried (PC12/08)

Waikato regional economic profile

File: 20 00 01 (Agenda Item 9) Doc: 2117001

Senior Strategic Advisor, Regional Strategy (T Ashraf) advised the key findings of the Waikato regional economic profile, noting that:

- Waikato was lagging behind much of New Zealand across a range of indicators.
- There were variations amongst sub-regional communities that posed a challenge for the sustainability of some communities.
- Waikato’s economy was closely tied to the resources and waste assimilation services provided by its environment.
- Waikato was important to the national economy.

Arising from questions, answers and related discussion, it was noted that:

- Staff would work with territorial authorities and other stakeholders to determine and help meet their regional economic information needs.
- Staff would collaborate with territorial authorities and other stakeholders to close the knowledge gaps and make the information publically available.
- Staff would continue to support existing collaborative networks.
- The final version of the profile would be completed as a Council technical report and made available on Council’s website and given directly to contributors.

Cr Buckley moved/Cr Legg seconded

PC12/09

RESOLVED

THAT the report “Waikato regional economic profile” (Doc: 2117001 dated 18 January 2012) be received for information.

The motion was put and carried (PC12/09)

Crs Buckley and Burdett out of meeting (12.25 pm).

Meeting adjourned (12.25pm).

Meeting resumed (1.15pm).

Investigation into spatial planning models relevant to the Waikato region

File: 20 00 02 (Agenda Item 11) Doc: 2115425

Principal Policy Advisor, Regional Strategy (U Trebilco) presented the report which provided information on the relevance of spatial planning in the Waikato region context, noting that spatial planning:

- Went beyond the traditional land use planning approach which generally sought to manage growth pressures, primarily through designating particular land areas for particular land uses.
- Sought to identify, through a process of engagement and collaboration with communities and stakeholders, a preferred economic, social, cultural and environmental future.
- Sought integration across agencies and communities and with national, regional and local planning contexts.

During discussion on the matter, concern was expressed that Council had not budgeted in the draft Long Term Plan to undertake a full spatial planning process and that whilst it was a useful planning approach, there were a number of other Council projects and functions that required adequate resourcing.

However, Council had signalled its desire to provide greater strategic leadership and to collaborate more effectively with respect to strategic and planning issues across the Waikato region and within the Upper North Island. It was recognised that a spatial plan process would be a useful tool for achieving those ends.

Cr Kneebone moved/Cr Hennebry seconded

PC12/10

RESOLVED

THAT the report “Investigation into spatial planning models relevant to the Waikato region” (Doc: 2115425 dated 13 January 2012) be received for information.

The motion was put and carried (PC12/10)

SECTION B: (FOR RECOMMENDATION TO COUNCIL)**Strategic Development update**

File: 20 00 02/01 (Agenda Item 10) Doc: 2112205

Programme Manager, Regional Strategy (K Mayes) presented the report which provided an update of strategic development work being undertaken and sought guidance on future steps.

It was anticipated that the Triennial Agreement Forum would establish a joint committee to enable greater collaboration by the Waikato regional's local authorities on strategic and servicing matters. Staff intended to seek its support and input with respect to the development of a regional economic development strategy including a report back on options and budget implications. Whilst the cost associated with the development of a regional economic development strategy was yet to be established, there was an expectation that all parties would contribute.

Cr Legg moved/Cr Armstrong seconded

PC12/11

RESOLVED

THAT the report “Strategic Development update” (Doc: 2112205 dated 20 January 2012) be received.

Recommended

That Waikato Regional Council staff scope the preparation of a regional economic development strategy and report back to the Policy and Strategy Committee on options and potential budget requirements.

**The motion was put and carried (PC12/11)
Cr Stark recorded her vote against the motion**

Meeting closed 1.50pm.

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*Return to the report of the Council meeting 23 February 2012
Report of the Policy and Strategy Committee 8 February 2012*

Cr Southgate highlighted the excellent work undertaken by staff in the Variation 6 Appeal process, as reflected in the Court’s favourable comments.

Cr Stark requested that the minutes record her disappointment at the decision to lodge an appeal to the Environment Court in respect of the Waikato District Council’s Plan change 2 (rural and coastal zones) with regard to an increase in its proposed minimum lot size rule.

Cr Southgate moved/Cr Armstrong seconded.

WRC12/46

THAT the decisions contained in Section A of the report of the Policy and Strategy Committee held 8 February 2012 be noted and the recommendations contained in Section B be adopted.

The motion was put and carried (WRC12/46)

Waikato-Tainui Joint Management Committee – 8 February 2012

File: 01 19 60 (Agenda Item #4.6) Docs#2125768

Chairman Buckley presented the following report to Council of the Waikato-Tainui Joint Management Committee dated 8 February 2012.

WAIKATO RAUPATU RIVER TRUST AND WAIKATO REGIONAL COUNCIL

Report of the Waikato Raupatu River Trust and Waikato Regional Council Joint Management meeting held in the Waikato Regional Council Chambers, 401 Grey Street, Hamilton East 2.35pm on Wednesday 8 February 2012.

MEMBERS: **Waikato Raupatu River Trust**

Trustee T Morgan
Trustee P Te Ao (Co-Chair)
Trustee R Papa
Trustee T Maipi

Waikato Regional Council

Councillor PR Buckley (Co-Chair)
Councillor SP Friar
Councillor L Livingston
Councillor P Southgate
Councillor TM Stark

STAFF:

Waikato Raupatu River Trust

P McLean (Chief Executive)
P Nepia (Kaumatua)
T Paki (Manager – Implementation and Operations)
J Williams (Manager - Strategy)

Waikato Regional Council

C Crickett (Deputy Chief Executive)
V Payne (Group Manager: Policy and Transport)
M Poole (Electoral Officer)
E Wilson (Project Manager – Co-management)
D Thurlow (Committee Support)

APOLOGIES: Trustee T Morgan for lateness and Trustee M Moana-Tuwhangai for absence.

Accepted

E Wilson opened the meeting with a Mihi and a Karakia.

Co-Chair, P Buckley welcomed P Nepia, Kaumatua for Waikato-Tainui to the meeting.

Confirmation of Agenda

(Agenda Item 3) Doc # 2125768

Cr Friar moved/R Papa seconded

WT12/1.0 THAT the agenda of the Waikato Raupatu River Trust and Waikato Regional Council Joint Management Committee of 7 February 2012 as circulated be confirmed as the business for the meeting with the following alteration:

- **Item 9 – Representation Arrangements Review – Maori Constituencies be considered after Item 6 – Progress Report on Joint Management Agreement.**

The motion was put and carried (WT12/1.0)

Disclosures of Interest

(Agenda Item 4)

There were no disclosures of interest.

Minutes of Previous Meeting

(Agenda Item 5) Doc # 2065199

Cr Livingston moved/R Papa seconded

WT12/2.0 THAT the minutes of the Waikato Raupatu River Trust and Waikato Regional Council Joint Committee held on 14 November 2011 be approved.

The motion was put and carried (WT12/2.0)

Progress Report on Joint Management Agreement and Co-managed Lands

(Agenda Item 6) Doc # 2060788

E Wilson, Project Manager and J Williams, Strategy Manager provided an overview on the Joint Management Agreement.

Cr Southgate moved/R Papa seconded

- WT12/3.0**
- 1. THAT the report ‘Joint Management Agreement and Co-managed Lands’ (Doc # 2121544) dated 8 February 2012 be received for information.**
 - 2. THAT the draft Joint Management Agreement be approved in principle and recommended to the parties for adoption.**
 - 3. THAT the progress report to the Minister in relation to the Joint Management Agreement includes an invitation to attend the 9 July 2012 Joint Management Agreement signing.**

The motion was put and carried (WT12/3.0)

Representation Arrangements Review – Maori Constituencies

(Agenda Item 9) Doc # 2114204

Electoral Officer, M Poole provided information on the representation arrangements review process as required/prescribed in the Local Electoral Act 2001 and in particular material relevant to the establishment of one or more Maori constituencies for input and feedback from Waikato-Tainui.

T Morgan arrived at the meeting at 2.45pm.

During questions, answers and related discussion Committee members raised or noted the following matters:

In respect to the map showing the distribution and density of the Maori population within the Waikato region (Doc # 2057065) staff undertook to check the data source.

To date regional candidates have not stood or been elected on political or party lines.

Trustees advised that iwi will work to identify potential candidates and then it is up to the voters to decide who will be elected to represent Maori.

Feedback was sought on the question of whether to have the Waikato Region as a constituency of the whole, with two members elected from all electors on the Maori electoral roll, or whether the Waikato region be divided into two Maori constituencies, with one member elected from all electors on the Maori electoral roll within each constituency boundary area.

Waikato-Tainui trustees expressed the view that it would like to have the whole Waikato region as one Maori constituency.

At the last election, all voters within each constituency, regardless of which roll they were on, were selected from the same list of candidates. Therefore it would be difficult to extrapolate the number of Maori who voted. It was noted by Trustees that given that this is a new process going forward it would be useful to have statistics on Maori participation in the regional council elections to find the 'gaps' which would indicate areas where effort was required to encourage Maori to enrol and exercise their vote.

People on the general roll will vote for candidates standing in the relevant general constituency, and people on the Maori roll will vote for candidates standing in the relevant Maori constituency.

Cr Livingston moved/T Morgan seconded

WT12/6.0

1. **THAT the report 'Representation Arrangements Review – Maori Constituencies (Doc # 2114204) dated 11 January 2012 be received.**
2. **That the feedback and views of Waikato-Tainui trustees be taken into account by Waikato Regional Council as part of the 2012 Representation Arrangements Review process.**

The motion was put and carried (WT12/6.0)

A Framework for Regional Plan Changes that Address Water Quality Issues

(Agenda Item 7) Doc # 2121742

Group Manager: Policy and Transport, V Payne updated the Joint Committee on the process that could be followed in Regional Plan Changes that address water quality issues.

Cr Friar moved/R Papa seconded

WT12/4.0

THAT the report 'A Framework for the Regional Plan Change: Water Quality' (Doc # 2121742) dated 16 January 2012 be received for information.

The motion was put and carried (WT12/4.0)

Variation 6 – Water Allocation

(Agenda Item 8) Doc # 2113762

Group Manager: Policy and Transport, V Payne informed the Joint Committee of the Environment Court's decision on the appeals on Variation No.6 – Water Allocation to the Proposed Waikato Regional Plan.

During questions, answers and related discussion Committee members raised or noted the following matters:

Trustees advised that Waikato-Tainui's concerns relate to over allocation and tradable rights. These are ongoing matters that Waikato-Tainui wishes to continue to have dialogue with Council on. However, in the main, Waikato-Tainui is happy with the process and the Environment Court's decision.

Councillors acknowledged Waikato-Tainui's concerns around equity of allocable flows.

Cr Livingston moved/T Morgan seconded

WT12/5.0

THAT the report 'Variation 6 – Water Allocation' (Doc # 2113762) dated 20 January 2012 be received for information.

The motion was put and carried (WT12/5.0)

Regional Development Update

(Agenda Item 10) Doc # 2115826

Group Manager: Policy and Transport, V Payne provided the Joint Committee with an update of regional development work being undertaken.

During questions, answers and related discussion Committee members raised or noted the following matters:

Report of Waikato-Tainui JMA 8 February 2012 – page 5

Tainui Group Holdings was acknowledged for the development work it has undertaken in the region particularly Ruakura and the Base which have had big impact on the regional economy.

Members noted that the profiling of the Waikato region in the recent Fonterra report is positive. The report states that the agricultural sector is buoyant, however the analysis provided in this report does not indicate this. Staff acknowledged that the dairy sector is a stand out for the region, however there are other sectors within the region that could be doing better. The profile is at a macro level, but it has also drilled down to identify a range of indicators, a number of which are positive.

It was further noted that approximately half of the population within the region is in Hamilton. The report has tried to acknowledge that the Waikato region is large and diverse, in that it has pockets of wealth and also pockets of deprivation.

T Morgan moved/Cr Southgate seconded

WT12/7.0

THAT the report ‘Regional Development Update’ (Doc # 2115826) dated 19 January 2012 be received for information.

The motion was put and carried (WT12/7.0)

Closing Comments

Agenda Item 11

Co-Chair, P Te Ao made the following closing comments:

- Waikato-Tainui is looking forward to working with the Council on the Maori constituencies.
- The technical teams were thanked for their reporting.
- Thanks were extended to the Council for hosting the meeting.

Co-Chair, P Buckley made the following closing comments:

- Collectively staff have done a great job for their work on the Joint Management Agreement.
- Thanks were extended to the members.
- Waikato-Tainui members were acknowledged for the up and coming elections.

Closing Karakia

Agenda Item 12

Kaumatua P Nepia closed the meeting with a Karakia.

The meeting closed at 3.30pm.

* * * * *

Cr Livingston moved/Cr Friar seconded.

WRC12/47 THAT the report to Council of the Waikato-Tainui Joint Management Committee dated 8 February 2012 be received.

The motion was put and carried (WRC12/47)

External Committee reports

Cr Hennebry had attended a routine meeting of the Animal Ethics Committee.

Cr Kneebone advised that a background report would be presented to the next Tb Free Waikato Committee meeting outlining Council's rationale in respect of AHB funding.

Cr Rimmington had attended a meeting of the Mighty River Power Domain and Karapiro Reserves committee where it was noted that by being aboard a raft, people had got around the liquor ban. The playground is growing into an exciting project with the involvement of some exceptional people. The Anzac Day commemorations are being moved from the Domain because of the proposed aerial combat displays.

Cr Armstrong advised of the forthcoming Farm Environment Awards Trust dinner and that the Field days would be looking at soil.

Cr Burdett had attended a meeting of the Taupo-nui-a-tia Action Plan Joint Management Group which had considered a request from the Department of Internal Affairs for adjustments to the jetty.

Cr Kneebone had attended a meeting of the Maungatautari Reserve Management Committee and noted that the MOU signed in October 2005 is due for review.

Hearing Committee Reports in terms of the Resource Management Act 1991

File: 03 20 00

Evergreen Ventures Ltd and RG and SC Pearce

File:61 10 21A, 60 71 62A (Agenda Item #5.1) Docs#2121403

Cr Burdett moved/Cr Southgate seconded.

WRC12/48 THAT the report/decision of the Commissioners in the matter of objections under Section 357A of the RMA between Evergreen Ventures Ltd and RG and SC Pearce and Waikato Regional Council be noted

The motion was put and carried (WRC12/48)

IN THE MATTER: of the Resource Management Act 1991

A N D

IN THE MATTER: of two objections under section 357A of the Act against specific conditions imposed by the Waikato Regional Council

BETWEEN: **EVERGREEN VENTURES LIMITED**
and **RG & SC PEARCE**

Objectors

A N D: **WAIKATO REGIONAL COUNCIL**

Respondent

COMMISSIONERS' DECISION

Introduction

- [1] Evergreen Ventures Limited (Evergreen) and RG & SC Pearce (the Pearces) are objectors under s357A of the RMA against conditions of consent to take and use water from the Little Waipa Stream for irrigation purposes.
- [2] Both Evergreen and the Pearces are the respective owners of 136ha and 267ha dairy farms at Putaruru, and are seeking renewals of their existing irrigation consents.
- [3] The renewal consents were granted by the Waikato Regional Council with both consents having the same conditions except for different take rates, volumes and seasonal limitation volumes.
- [4] However, unlike the earlier consents, the new consents contain conditions restricting the takes in low flow conditions and requiring the monitoring of the Little Waipa Stream during the irrigation season¹.
- [5] More specifically, the conditions require the takes to cease when the 7 day rolling average flow at either of two sites on the Little Waipa Stream is at or less than a specified environmental flow calculated for each site as 95% of the Q5 low flow of the stream.²

¹ November through to April the following year, inclusive.

² The mean low flow occurring on average every 5 years over a 7 day period

Decision report Evergreen Ventures Ltd and RG and SC Pearce – page 2

- [6] Other conditions restrict the daily take volumes for irrigation when the Karapiro Catchment is experiencing water shortage conditions as measured according to the Lake Taupo level or the minimum flow levels at the Lake Taupo and the Karapiro dam outflows.
- [7] Evergreen and the Pearces have filed directions jointly challenging the legality and/or reasonableness of the conditions that restrict irrigation in times of low flow and require the monitoring of the water flow in the Little Waipa Stream.
- [8] Their primary contentions are that the environmental flow trigger levels fixed at each of the two sites on the Little Waipa Stream for ceasing abstraction have not been accurately assessed, would require expensive monitoring of the stream, and are unnecessary given there are other more appropriate methods to manage the effects of an abstraction on low water flows.
- [9] The original objections challenged conditions 10-16 and 17 of the consents. At the hearing of the objections, the applicants limited their objections to challenging conditions 10-13 and 16, having accepted conditions 14, 15 and 17.
- [10] For convenience, and in order to understand the nature of the objections, the conditions at issue are set out as follows:

“10. Prior to 1 November 2011, the consent holder shall develop and implement a system for continuously monitoring Little Waipa Stream 7-day rolling average flow (during the irrigation season only) at either:

- at or about NZMS 260 T15:461-401 (hereinafter referred to as Site 1); or*
- at or about NZMS 260 T15:463-460 (hereinafter referred to as Site 2).*

For the avoidance of doubt, continuous monitoring of Little Waipa Stream 7-day rolling average flow is required at one site only. This 7-day rolling average flow monitoring system shall have a reliable calibration to water flow and shall be operated over the duration that this water take is authorised.

11. Prior to 1 November 2011, the consent holder shall write to the Waikato Regional Council to confirm the site – either Site 1 or Site 2 – that the consent holder has chosen to continuously monitor Little Waipa Stream 7-day rolling average flow. The chosen site shall be the 7-day rolling average flow monitoring site over the duration that this water take is authorised.

12. *If the consent holder has chosen Site 1:*
 - (1) *the system for continuously monitoring Little Waipa Stream 7-day rolling average flow shall have an emphasis on that part of the flow regime that is equal to or less than 0.285 cubic metres per second; and*
 - (2) *no water shall be taken when the Little Waipa Stream 7-day rolling average flow at Site 1 is less than 0.285 cubic metres per second; and*
 - (3) *the consent holder shall record 1-hourly values of 7-day rolling average Little Waipa Stream flow at Site 1 and, within the first 10 working days of each month, forward these records for the preceding month to the Waikato Regional Council via email in agreed electronic format.*

13. *If the consent holder has chosen Site 2:*
 - (1) *the system for continuously monitoring Little Waipa Stream 7-day rolling average flow shall have an emphasis on that part of the flow regime that is equal to or less than 1.568 cubic metres per second; and*
 - (2) *no water shall be taken when the Little Waipa Stream 7-day rolling average flow at Site 2 is less than 1.568 cubic metres per second; and*
 - (3) *the consent holder shall record 1-hourly values of 7-day rolling average, Little Waipa Stream flow at Site 2 and, within the first 10 working days of each month, forward these records for the preceding month to the Waikato Regional Council via email in agreed electronic format.*

16. *Prior to 1 November 2011, the consent holder shall document and submit to the Waikato Regional Council a methodology, prepared by a suitably qualified expert in consultation with the Waikato Regional Council, for managing the exercise of this resource consent in accordance with conditions:*
 - 10;
 - 12 or 13 (as the case may be);
 - 14;
 - 15.”

[11] We, Laurie Burdett, Gina Rangi, and Paul Cooney were appointed by the Regional Council as Hearing Commissioners under s34A of the RMA to hear and determine the objections. We held a hearing in Hamilton on 28 November and 7 December 2011. At the hearing, we heard submissions and background evidence from Mr Martin Bennett, a Principal of Evergreen Ventures Limited, and Robert Pearce for RG & SC Pearce, as well as evidence from the applicants' consultant hydrologist, Mr Frederick Phillips. For the Regional Council as consent authority, we received legal submissions from Mr J Milne, with evidence given by Dr B David freshwater scientist, Dr E Brown hydrologist, and Mr C King Council's reporting officer.

Water Allocation Context

- [12] Before outlining the reasons for the applicants' objections against the low flow abstraction and monitoring conditions, we should briefly explain the relatively recent change in Council's water allocation policy which underpins Council's rationale for restricting the takes granted to the applicants during low flow conditions.
- [13] In recent times, there has been an increasing demand for ground and surface water for an assortment of reasons, including for agricultural purposes. This has resulted in pressure being placed on the resource, giving rise to issues relating to resource scarcity and the fairness of allocation methods.
- [14] In order to manage these issues more effectively, Council promoted Variation 6 (Water Allocation) to the Proposed Waikato Regional Plan in October 2006. In general terms, Variation 6 comprises objectives, policies and implementation methods, including rules providing for the protection, allocation and use of the region's surface and ground water resources.³
- [15] For surface water takes in times of water shortage, there is a clear policy intent to prioritise and restrict the allocation of water. In order to give effect to this policy direction, and in order to protect in-stream values, Rule 3.3.4.21 of Variation 6 requires both Evergreen and the Pearces to cease taking water when the stream's average flow for the previous 7 days is less than the environmental flow, being 95% of the Q5 of the Little Waipa Stream, or to put it another way, when the stream levels have reduced down to the stream's environmental flow, leaving no allocable flow (5% of Q5) over and above this.
- [16] We should add here that the key provisions in Variation 6, including Rule 3.3.4.21 dealing with water shortage restrictions, are beyond challenge and are to be given considerable weight. The consent applications before us have been considered as applications for discretionary activities under the Transitional Waikato Regional Plan, and non-complying activities under Variation 6⁴. As the most stringent status applies, overall the applications were considered as non-complying activities.
- [17] As the applications have been granted by Council, we are only required to consider whether the conditions under challenge should be upheld, modified or deleted.

³ Excluding geothermal water

⁴ The applicants are seeking takes exceeding the allocable flow – see Rule 3.3.4.20 of Variation 6

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[18] When the applicants applied for renewal of their existing consents, they say no questions were raised during the processing of the applications as to the need for low flow restrictions and having a system for the continuous monitoring of the Little Waipa Stream. It seems the applicants were not expecting conditions of this kind to be imposed on their consents. That may be so, and we can appreciate why the applicants' initial response was to challenge a number of the conditions, but it should not be overlooked that at the time the applicants sought renewal of their consents the regulatory environment for managing water allocation had changed under Variation 6.

Reasons for the Applicants' Objections

- [19] In accordance with Rule 3.3.4.21, the Regional Council has in conditions 12 and 13 set an environmental flow figure of 0.285 cumecs at Site 1 as being the low flow trigger level at which irrigation is to cease, and 1.58 cumecs at Site 2.
- [20] Council has set these low flow trigger levels using flow data from gaugings taken on the Little Waipa Stream over a 6 year period, and then comparing that flow data with flow readings referenced at the same time for the Pokaiwhenua Stream in the adjoining catchment in order to calculate the Little Waipa Q5.
- [21] According to Council, the wording of conditions 10-13 requiring the consent holder to develop and implement a system for continuously monitoring the Little Waipa Stream, permits the use of a comparative model so long as the other measuring location has a similar flow regime, whether it be elsewhere on the Little Waipa or in another nearby catchment.
- [22] The applicants, through their hydrologist Mr Phillips, dispute the low flow trigger levels for Sites 1 and 2 are accurate and contend the correlation with the Pokaiwhenua Stream to assess the Q5 for the Little Waipa is unreliable due to the lack of long term comparative flow data and the difference in flow characteristics between the two streams.
- [23] The applicants say due to these difficulties in calculating a specific environmental flow figure for the Little Waipa, a better method is to set the trigger point at 95% of Q5 instead of having a specific figure, with the nearby Oraka Stream being used to model on a comparative basis the low flow characteristics of the Little Waipa for the purposes of determining when its environmental flow trigger level (95% of Q5) is reached.

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- [24] The applicants further contend that under the current wording of the consents, they would be required to establish an expensive fixed cross-section structure at either of the two sites for flow monitoring purposes, whereas they should be able to use other means of determining the flow such as modelling an alternative location.
- [25] In support of the applicants' position, Mr Phillips produced flow duration curve graphs to explain that the limited low flow data for the Little Waipa and Pokaiwhenua Streams cannot be relied on to establish a credible relationship between the two streams for modelling purposes.
- [26] He also pointed to the large Carter Holt Harvey take from the upper catchment of the Pokaiwhenua Stream as influencing the recorded flow of the Pokaiwhenua.
- [27] Mr Phillips considered the Oraka Stream within the Oraka catchment to the east of the Pokaiwhenua catchment, would be a better stream to use for modelling the Little Waipa low flow than the Pokaiwhenua Stream as it had a similar catchment, did not have a large take, and had a Council-owned gauging station with thirty years of available data.
- [28] Mr Phillips undertook a hydrological comparison of the three streams using the available data for each stream, including three and a half years of new flow data for the Oraka previously not available until this hearing, and concluded there is a better relationship between the Oraka and the Little Waipa Streams for the purpose of modelling the Little Waipa's environmental flow.
- [29] For the reasons advanced by Mr Phillips, the applicants believe there is no need to have a specific trigger level figure in the conditions of consent requiring abstraction to cease when the Little Waipa has reached its environmental flow level. Instead, the applicants seek the following condition to replace conditions 10-13 and condition 16 in both consents:
- “The consent holder shall cease abstractions when the 7-day rolling average flow of the Oraka Stream (measured at the Waikato Regional Council gauging station at Pinedale Road) is less than 95% of Q5.”*
- [30] In addition, the applicants are prepared to undertake spot measurements on the Little Waipa for the first three times when the Oraka is at a 7-day rolling average Q5 during the irrigation season.

Regional Council's Response

- [31] The Regional Council's hydrologist, Dr Brown, disputes Mr Phillips' proposition that the Oraka and Little Waipa are significantly different from the Pokaiwhenua. According to Dr Brown, the new flow data for the Oraka produced at this hearing adds little to the debate due to its lack of data readings and should not be used, as Mr Phillips has done, to calculate a lower Q5 for the Little Waipa.
- [32] Dr Brown expresses the view that both the Oraka data and the Pokaiwhenua data have a "similar goodness of fit", but that they produce quite different Q5's for the Little Waipa.
- [33] More importantly, Dr Brown points to the fact that Council has used data from the Pokaiwhenua that has been recorded at the same time as the recorded flow data for the Little Waipa for assessing the environmental flow level for the Little Waipa, whereas the same time recordings are not available for the Oraka flow data. According to Dr Brown, this provides a more accurate correlation between the Pokaiwhenua and the Little Waipa.
- [34] In Dr Brown's opinion, the Carter Holt Harvey take on the Pokaiwhenua is restricted during low flow conditions and therefore would not influence the Q5 calculations.
- [35] As to the applicants' monitoring concerns, Dr Brown considers there are other existing sites capable of directly measuring the flow in the Little Waipa without the need for expensive weir-type installations, such as at the Pearson Road bridge on the Little Waipa which would provide more accurate readings than modelling the Oraka or the Pokaiwhenua Streams.
- [36] Overall, Council does not dispute that the Oraka Stream, or for that matter the Pokaiwhenua Stream, can be used for comparative modelling purposes to assess when the trigger levels at either of the two sites on the Little Waipa specified in conditions 12 and 13 of the consent are reached, but further flow monitoring data would be required for either stream in order to establish a more accurate relationship with the Little Waipa. This issue would need to be addressed in any methodology for measuring flows in the Little Waipa.
- [37] It is Council's position that the trigger level figures specified in conditions 12 and 13 of the consent are reasonable accurate based on the best available information for determining the environmental flow for the Little Waipa.

Evaluation

- [38] During the hearing of the their objections, the applicants no longer challenged the need to have a condition of consent requiring abstraction to cease when the flow in the Little Waipa reaches its environmental flow level, which they now accept as being 95% of Q5.
- [39] The issues raised by the applicants at the hearing for our consideration are how should the environmental flow be calculated, and how should it be monitored for compliance purposes. We should add here the relief being sought by the applicants is an amalgam of these two issues but we prefer to deal with each issue separately.

Flow Calculation

- [40] Dealing with the first issue, the applicants are seeking to have a condition limiting extraction when the 7-day rolling average flow in the Oraka Stream is less than 95% of Q5 in substitution for having the environmental flow figure for the Little Waipa specified in conditions 12 and 13.
- [41] Leaving aside for the moment consideration of the applicants' challenge through Mr Phillips to the accuracy of the environmental flow figures set out in conditions 12 and 13, we believe the substituted condition proposed by the applicants would be void for uncertainty. In our view, a condition of this kind would be difficult to enforce as it would result in a debate as to what is the actual environmental flow level for the Oraka Stream at which abstraction is to cease.
- [42] Even if we are wrong on the uncertainty question, we are not convinced after hearing the competing arguments from the two hydrologists Dr Brown and Mr Phillips that the trigger levels calculated by Dr Brown in conditions 12 and 13 are so unreliable they place an unfair and unreasonable restriction on the consent holders.
- [43] We appreciate the calculation of the environmental flow for the Little Waipa as a specific figure is not a precise science but we are satisfied the figures specified are reasonably accurate and are based on the most reliable hydrological data currently available, that is a time flow comparison of best available data from the Little Waipa correlated with the data from the Pokaiwhenua Stream, both streams having similar catchment characteristics.

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- [44] We believe it is important to have the trigger level flow figures at which irrigation is to cease spelt out clearly in the conditions of consent in order to provide certainty for both the consent holders and Council, and to ensure the allocation limit (5% of Q5) for the Little Waipa is not exceeded in times of low flow.
- [45] We note at this point that the Evergreen and Pearce take volumes far exceed the allocation available in the Little Waipa catchment. It therefore becomes important in times of low flow that restrictions are placed on irrigation takes to preserve instream values, even if according to Mr Phillips those limits may be conservative.
- [46] In contrast to Dr Brown's evidence Mr Phillips fails in his evidence to specify alternative environmental flow figures but instead focuses on modelling the Oraka Stream for determining on a comparative basis when abstraction should cease on the Little Waipa. Mr Phillips' position is that when the Oraka reaches its minimum flow of 95% of Q5, the takes from the Little Waipa should then cease.
- [47] There are in our view inherent difficulties in taking this approach at this time. Whilst Dr Brown does not disagree that the Oraka can be used for comparative modelling purposes, we are satisfied from Dr Brown's evidence not enough information is currently available to establish a reasonable correlation between the two streams.
- [48] More monitoring over time of both streams would be required and adjustments would need to be made for example to take account of distortions in flow comparisons due to more allocations granted for the Little Waipa than the Oraka, or when the Oraka reaches 95% of Q5, the Little Waipa could already be lower due to the applicants' takes, or how to measure flows when rainfall occurs in one catchment and not the other.
- [49] All of this will take time to work through in order to establish a reliable correlation between the two streams but in the meantime the Little Waipa would remain exposed to the risk of excessive drawdown in low flow conditions, unless reliable readings are taken directly from the Little Waipa Stream.
- [50] For these reasons, we therefore find that conditions 12 and 13 as proposed by Council are reasonable and appropriate for managing the use of water in the Little Waipa Stream by the applicants for irrigation purposes.

Monitoring

[51] Turning to the monitoring issue, we can appreciate why Mr Phillips takes the much broader approach in recommending the modelling of the Oraka for assessing the environmental low flow of the Little Waipa, instead of specifying trigger level flow figures as conditions of consent. It is to address the primary concern of the applicants namely to reduce the cost of monitoring low flows on the Little Waipa by using data from Council's gauging station on the Oraka Stream.

[52] The applicants take the view they are required under condition 10 to install expensive measuring devices at the point of take, such as a weir-type installation to monitor the 7 day rolling average flow in the Little Waipa for compliance purposes.

[53] We think the applicants concerns on this point are over stated for two reasons. Firstly the wording of condition 10 has been amended during the hearing to clarify the measurement of the 7 day rolling average flow at the point of take can be modelled elsewhere on the stream or in another similar nearby catchment such as the Pokaiwhenua or Oraka Streams.

[54] The proposed condition 10 as amended by Council is to now read:

"10. Prior to 1 November 2011, the consent holder shall develop and implement a system for continuously monitoring Little Waipa Stream 7-day rolling average flow (during the irrigation season only) at either:

- at or about NZMS 260 T15:461-401 (hereinafter referred to as Site 1); or*
- at or about NZMS 260 T15:463-460 (hereinafter referred to as Site 2).*

For the avoidance of doubt, continuous monitoring of Little Waipa Stream 7-day rolling average flow is required at one site only. This 7-day rolling average flow monitoring system shall;

- measure or model flow; and*
- have a reliable calibration to water flow; and*
- be operated over the duration that this water take is authorised."*

Decision report Evergreen Ventures Ltd and RG and SC Pearce – page 11

- [55] Secondly we accept the evidence of Dr Brown and Mr King that there are suitable existing sites on the Little Waipa for directly measuring its flow, such as at the Pearson Road Bridge, without the need for expensive weir-type installations.
- [56] Although the applicants have the right under condition 10 to monitor flows in the Little Waipa elsewhere other than at the point of take, it seems to us that the most practical and cost effective method is to use one of the existing sites on the Little Waipa recommended by Dr Brown. However that is a choice for the applicants to make bearing in the mind the concerns we have mentioned earlier over the difficulties of using the Oraka Stream for comparative modelling purposes due to the lack of current available data. We would expect the methodology proposed by the applicants for modelling the Oraka would need to address these concerns and would also need to provide for flow gauging of the Little Waipa to assist in correlating the two streams until such time as the Oraka can be relied on for modelling purposes.
- [57] On this point, one of the other concerns expressed by the applicants is getting sign off from Council to a proposed methodology for monitoring the Little Waipa Stream such as using the Oraka Stream. We accept those concerns as evidenced by the competing arguments between Council and the applicants on low flow measurement during the course of this hearing. But it is our view any potential disagreement between Council and the applicants on what is an appropriate methodology could be avoided if the applicants accept there need to be a number of measurements taken on the Oraka Stream (if selected) over a similar timeframe as the Little Waipa, generally in the manner relied on by Council to model the Pokaiwhenua Stream. We would expect the applicants' methodology to provide for that data.
- [58] We had considered including a peer review condition in the conditions of consent to address any impasse between Council and the applicants on the appropriate methodology, but we consider a condition of that kind is unnecessary. That option is always available to the applicants by engaging a second expert to certify a proposed methodology is appropriate. Another way is to prescribe monitoring methodology criteria, but we do not wish to fetter the applicants' discretion to choose their own methodology, subject to observing what we have said in the preceding paragraph and paragraph 56.
- [59] Finally, as a result of the following of these objections and the timing of this decision, consequential amendments need to be made to conditions 5, 6, 10, 11 and 16 to replace the reference to *Prior to the 1st of November 2011* with *Prior to first commencing irrigation under this consent*.

Determination

For the reasons set out in this decision, we dismiss the applicants' objections against conditions 10-13 and 16 except to the extent those conditions have been amended as recorded in this decision. We attach hereto a set of the amended conditions.

In our view, the conditions as amended will meet the Act's purpose by enabling the applicants to take water for irrigation purposes in a sustainable manner while ensuring the instream values of the Little Waipa Stream are maintained during low flow conditions.

Signed this 23rd day of January 2011

.....
Paul Cooney
Chair of Hearing Commissioners

.....
Gina Rangi
Commissioner

.....
Laurie Burdett
Commissioner

Resource Consent Certificate

Resource Consent: 121056

File Number: 60 71 62A

Pursuant to the Resource Management Act 1991, the Waikato Regional Council hereby grants consent to:

Evergreen Ventures Ltd
C/O M & J Bennett
689 Arapuni Road
RD 1
Putaruru 3481

(hereinafter referred to as the Consent Holder)

Consent Type: Water permit

Consent Subtype: Surface water take

Activity authorised: Take water from the Little Waipa Stream

Location: Arapuni Rd - Putaruru

Map Reference: NZMS 260 T15:463-460

Consent Duration: This consent will commence on the date of decision notification, unless otherwise stated in the consent's conditions, and expire on 1 July 2026

Subject to the conditions overleaf:

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1. The activity authorised by this resource consent shall be undertaken:
 - in general accordance with the application for this resource consent received 12 March 2010 and any documentation supporting the application; and
 - as specified in resource consent conditions below.Where there is any disagreement between the application documentation and resource consent conditions the resource consent conditions below shall prevail.
2. Water may only be taken during the irrigation season, defined for the purposes of this resource consent as the period November through April the following year, inclusive. Water may not be taken outside of this period.
3. The consent holder shall ensure that the velocity of water through the intake screen does not exceed 0.3 metres per second at all times. If requested by the Waikato Regional Council in writing, the consent holder shall provide information on how this velocity requirement is achieved.
4. The intake shall be screened with a mesh aperture size not exceeding 3 millimetres by 3 millimetres (or 3 millimetre diameter holes).
5. A water measuring device shall record the quantity of water taken from the take location on a cumulative basis. The device shall have a reliable calibration to water flow and shall be maintained to an accuracy of +/- 5%. Evidence of the water measuring device's calibration to an accuracy of +/- 5% and as built plans of the installed water measuring device shall be provided to the Waikato Regional Council prior to first commencing irrigation under this consent.
6. Prior to first commencing irrigation under this consent, calibration of the water measuring device shall be undertaken by the consent holder, and every five years thereafter. The calibration shall be undertaken by an independent qualified person and evidence documenting the calibration shall be forwarded to the Waikato Regional Council within one month of the calibration being completed.
7. The instantaneous take rate shall not exceed 43 litres per second.
8. The daily take volume shall not exceed 2780 cubic metres.
9. The irrigation season take volume shall not exceed 265,337 cubic metres.
10. Prior to first commencing irrigation under this consent, the consent holder shall develop and implement a system for continuously monitoring Little Waipa Stream 7-day rolling average flow (during the irrigation season only) at either:
 - at or about NZMS 260 T15:461-401 (hereinafter referred to as Site 1); or
 - at or about NZMS 260 T15:463-460 (hereinafter referred to as Site 2).For the avoidance of doubt, continuous monitoring of Little Waipa Stream 7-day rolling average flow is required at one site only. This 7-day rolling average flow monitoring system shall;
 - measure or model flow; and
 - have a reliable calibration to water flow; and
 - be operated over the duration that this water take is authorised.
11. Prior to first commencing irrigation under this consent, the consent holder shall write to the Waikato Regional Council to confirm the site – either Site 1 or Site 2 – that the consent holder has chosen to continuously monitor Little Waipa Stream 7-day rolling average flow. The chosen site shall be the 7-day rolling average flow monitoring site over the duration that this water take is authorised.
12. If the consent holder has chosen Site 1:

- (1) the system for continuously monitoring Little Waipa Stream 7–day rolling average flow shall have an emphasis on that part of the flow regime that is equal to or less than 0.285 cubic metres per second; and
 - (2) no water shall be taken when the Little Waipa Stream 7–day rolling average flow at Site 1 is less than 0.285 cubic metres per second; and
 - (3) the consent holder shall record 1–hourly values of 7–day rolling average Little Waipa Stream flow at Site 1 and, within the first 10 working days of each month, forward these records for the preceding month to the Waikato Regional Council via email in agreed electronic format.
13. If the consent holder has chosen Site 2:
- (1) the system for continuously monitoring Little Waipa Stream 7–day rolling average flow shall have an emphasis on that part of the flow regime that is equal to or less than 1.568 cubic metres per second; and
 - (2) no water shall be taken when the Little Waipa Stream 7–day rolling average flow at Site 2 is less than 1.568 cubic metres per second; and
 - (3) the consent holder shall record 1–hourly values of 7–day rolling average Little Waipa Stream flow at Site 2 and, within the first 10 working days of each month, forward these records for the preceding month to the Waikato Regional Council via email in agreed electronic format.
14. When the taking of water will contribute to:
- (1) the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level; or
 - (2) the minimum flow (based on a seven day rolling average of river flow data) from the Karapiro dam to be less 140 cubic metres per second and the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level
- for three or more consecutive days, the daily take volume, when averaged over two consecutive days, shall not exceed 1390 cubic metres.
15. When the taking of water will contribute to:
- (1) the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level; or
 - (2) the minimum flow (based on a seven day rolling average of river flow data) from the Karapiro dam to be less 140 cubic metres per second and the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level
- seven or more consecutive days after condition 10 has been implemented, the daily take volume on any day shall not exceed 695 cubic metres.
16. Prior to first commencing irrigation under this consent, the consent holder shall document and submit to the Waikato Regional Council a methodology, prepared by a suitably qualified expert in consultation with the Waikato Regional Council, for managing the exercise of this resource consent in accordance with conditions:
- 10;
 - 12 or 13 (as the case may be);
 - 14;
 - 15.
- This methodology shall be to the satisfaction of the Waikato Regional Council.
17. For each day that this resource consent is exercised the consent holder shall maintain records of the following:
- (1) the date on which water was taken;
 - (2) the start and end time for which the consent was exercised;
-

- (3) the number of hours over which water was taken;
- (4) the volume of water taken;
- (5) the rate at which water was taken

On days during the irrigation season when no water is taken, these records must specify the volume of water taken as zero cubic metres. Within the first 10 working days of each month, these records for the preceding month shall be forwarded to the Waikato Regional Council via email in agreed electronic format.

18. At any time during the years 2014, 2017, 2020 and 2023 the Waikato Regional Council may, following service of notice on the consent holder, commence a review of the conditions of this resource consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:

(1) to review the adequacy and effectiveness of conditions:

- 12(2) or 13(2) (as the case may be);
- 14;
- 15;

in avoiding or mitigating adverse effects on the environment during water shortage conditions and if necessary to avoid, remedy or mitigate such effects by way of further or amended resource consent conditions; or

(2) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended resource consent conditions; or

(3) to review the adequacy of and the necessity for monitoring undertaken by the consent holder; or

(4) to review the consistency of the conditions of this consent with the vision and strategy ("vision and strategy") set out in Schedule 1 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and, if necessary, to address any inconsistency of the conditions of this consent with the vision and strategy by way of further or amended conditions.

19. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.

*For and on behalf of the
Waikato Regional Council*



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Advice notes

1. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
2. This consent shall lapse 5 years after the date of commencement of the consent unless, before the consent lapses, the consent is given effect to.
3. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
4. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
5. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

Resource Consent Certificate

Resource Consent: 121079

File Number: 61 10 21A

Pursuant to the Resource Management Act 1991, the Waikato Regional Council hereby grants consent to:

RG & SC Pearce
569 Huihuitaha Road
RD 1
Putaruru 3481

(hereinafter referred to as the Consent Holder)

Consent Type: Water permit

Consent Subtype: Surface water take

Activity authorised: Take water from the Little Waipa Stream

Location: Huihuitaha Rd - Putaruru

Map Reference: NZMS 260 T15:461-401

Consent Duration: This consent will commence on the date of decision notification, unless otherwise stated in the consent's conditions, and expire on 1 July 2026

Subject to the conditions overleaf:

Decision report Evergreen Ventures Ltd and RG and SC Pearce – page 19

1. The activity authorised by this resource consent shall be undertaken:
 - in general accordance with the application for this resource consent received 17 March 2010 and any documentation supporting the application; and
 - as specified in resource consent conditions below.Where there is any disagreement between the application documentation and resource consent conditions the resource consent conditions below shall prevail.
2. Water may only be taken during the irrigation season, defined for the purposes of this resource consent as the period November through April the following year, inclusive. Water may not be taken outside of this period.
3. The consent holder shall ensure that the velocity of water through the intake screen does not exceed 0.3 metres per second at all times. If requested by the Waikato Regional Council in writing, the consent holder shall provide information on how this velocity requirement is achieved.
4. The intake shall be screened with a mesh aperture size not exceeding 3 millimetres by 3 millimetres (or 3 millimetre diameter holes).
5. A water measuring device shall record the quantity of water taken from the take location on a cumulative basis. The device shall have a reliable calibration to water flow and shall be maintained to an accuracy of +/- 5%. Evidence of the water measuring device's calibration to an accuracy of +/- 5% and as built plans of the installed water measuring device shall be provided to the Waikato Regional Council prior to first commencing irrigation under this consent.
6. Prior to first commencing irrigation under this consent, calibration of the water measuring device shall be undertaken by the consent holder, and every five years thereafter. The calibration shall be undertaken by an independent qualified person and evidence documenting the calibration shall be forwarded to the Waikato Regional Council within one month of the calibration being completed.
7. The instantaneous take rate shall not exceed 51 litres per second.
8. The daily take volume shall not exceed 4400 cubic metres.
9. The irrigation season take volume shall not exceed 420,000 cubic metres.
10. Prior to first commencing irrigation under this consent, the consent holder shall develop and implement a system for continuously monitoring Little Waipa Stream 7-day rolling average flow (during the irrigation season only) at either:
 - at or about NZMS 260 T15:461-401 (hereinafter referred to as Site 1); or
 - at or about NZMS 260 T15:463-460 (hereinafter referred to as Site 2).For the avoidance of doubt, continuous monitoring of Little Waipa Stream 7-day rolling average flow is required at one site only. This 7-day rolling average flow monitoring system shall;
 - measure or model flow; and
 - have a reliable calibration to water flow; and
 - be operated over the duration that this water take is authorised.
11. Prior to first commencing irrigation under this consent, the consent holder shall write to the Waikato Regional Council to confirm the site – either Site 1 or Site 2 – that the consent holder has chosen to continuously monitor Little Waipa Stream 7-day rolling average flow. The chosen site shall be the 7-day rolling average flow monitoring site over the duration that this water take is authorised.
12. If the consent holder has chosen Site 1:

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- (1) the system for continuously monitoring Little Waipa Stream 7–day rolling average flow shall have an emphasis on that part of the flow regime that is equal to or less than 0.285 cubic metres per second; and
 - (2) no water shall be taken when the Little Waipa Stream 7–day rolling average flow at Site 1 is less than 0.285 cubic metres per second; and
 - (3) the consent holder shall record 1–hourly values of 7–day rolling average Little Waipa Stream flow at Site 1 and, within the first 10 working days of each month, forward these records for the preceding month to the Waikato Regional Council via email in agreed electronic format.
13. If the consent holder has chosen Site 2:
- (1) the system for continuously monitoring Little Waipa Stream 7–day rolling average flow shall have an emphasis on that part of the flow regime that is equal to or less than 1.568 cubic metres per second; and
 - (2) no water shall be taken when the Little Waipa Stream 7–day rolling average flow at Site 2 is less than 1.568 cubic metres per second; and
 - (3) the consent holder shall record 1–hourly values of 7–day rolling average Little Waipa Stream flow at Site 2 and, within the first 10 working days of each month, forward these records for the preceding month to the Waikato Regional Council via email in agreed electronic format.
14. When the taking of water will contribute to:
- (1) the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level; or
 - (2) the minimum flow (based on a seven day rolling average of river flow data) from the Karapiro dam to be less 140 cubic metres per second and the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level
- for three or more consecutive days, the daily take volume, when averaged over two consecutive days, shall not exceed 1390 cubic metres.
15. When the taking of water will contribute to:
- (1) the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level; or
 - (2) the minimum flow (based on a seven day rolling average of river flow data) from the Karapiro dam to be less 140 cubic metres per second and the minimum flow (based on a seven day rolling average of river flow data) from the Taupo Gates to be less than 50 cubic metres per second when the level of Lake Taupo is below 355.95 metres above sea level
- seven or more consecutive days after condition 10 has been implemented, the daily take volume on any day shall not exceed 695 cubic metres.
16. Prior to first commencing irrigation under this consent, the consent holder shall document and submit to the Waikato Regional Council a methodology, prepared by a suitably qualified expert in consultation with the Waikato Regional Council, for managing the exercise of this resource consent in accordance with conditions:
- 10;
 - 12 or 13 (as the case may be);
 - 14;
 - 15.
- This methodology shall be to the satisfaction of the Waikato Regional Council.
17. For each day that this resource consent is exercised the consent holder shall maintain records of the following:
- (1) the date on which water was taken;
 - (2) the start and end time for which the consent was exercised;

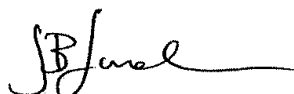
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- (3) the number of hours over which water was taken;
- (4) the volume of water taken;
- (5) the rate at which water was taken

On days during the irrigation season when no water is taken, these records must specify the volume of water taken as zero cubic metres. Within the first 10 working days of each month, these records for the preceding month shall be forwarded to the Waikato Regional Council via email in agreed electronic format.

18. At any time during the years 2014, 2017, 2020 and 2023 the Waikato Regional Council may, following service of notice on the consent holder, commence a review of the conditions of this resource consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:
 - (1) to review the adequacy and effectiveness of conditions:
 - 12(2) or 13(2) (as the case may be);
 - 14;
 - 15;in avoiding or mitigating adverse effects on the environment during water shortage conditions and if necessary to avoid, remedy or mitigate such effects by way of further or amended resource consent conditions; or
 - (2) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended resource consent conditions; or
 - (3) to review the adequacy of and the necessity for monitoring undertaken by the consent holder; or
 - (4) to review the consistency of the conditions of this consent with the vision and strategy ("vision and strategy") set out in Schedule 1 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and, if necessary, to address any inconsistency of the conditions of this consent with the vision and strategy by way of further or amended conditions.
19. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act 1991.

*For and on behalf of the
Waikato Regional Council*



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Advice notes

1. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
2. This consent shall lapse 5 years after the date of commencement of the consent unless, before the consent lapses, the consent is given effect to.
3. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
4. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
5. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.

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Return to the report of the Council meeting 23 February 2012

Ordinary Business

File: 02 30 00

Submission to the Productivity Commission Inquiry into International Freight Transport Services

File: 21 20 18 (Agenda Item #6.1) Docs#2132699

Senior Transport Planner, G Morton, presented the report seeking approval for a submission to the Productivity Commissioner's International Freight Transport Services Inquiry, and a power point presentation (doc#2141261) together with an updated copy of the submission (doc#2118308).

Arising from discussion it was noted that measures regarding larger freight vehicles and their impact on the roading environment are to be incorporated into the submission.

Cr Barker moved/Cr Kneebone seconded.

WRC12/48

THAT:

1. The report 'Response to Productivity Commission's International Freight Transport Services Inquiry Draft Report' (Doc#2132699 dated 14 February 2012) be received, and
2. That the updated Waikato Regional Council response to the Productivity Commission's International Freight Transport Services Inquiry Draft Report (doc#2118308) as presented to Council on 23 February 2012 is approved, and
3. That the Policy and Transport Group Manager is authorised to incorporate any changes to this response as a result of discussion at the Council meeting.

The motion was put and carried (WRC12/48)

2012 Draft Long Term Plan - Rate Remission and Postponements Policies

File: 01 12 12F (Agenda Item #6.2) Docs#2130648, 2011930

The Group Manager Finance, M Garrett, and the Programme Manager Finance, J Becker, presented the report outlining proposed changes to council's current rates remission and postponement policies.

Arising from discussion it was noted that:

- More Significant Natural Areas (SNAs) will be identified on a district level by the individual territorial authorities.
- It is anticipated that any costs associated with collecting penalty payments will be covered by the additional revenue generated.
- Penalties are cumulative if no arrangement has been put in place for payment.

Cr Friar moved/Cr Kneebone seconded.

WRC12/49

THAT:

- 1. The report '2012 Draft Long Term Plan – Rate remission and postponement policies' (Doc#2102024 dated 15 February 2012) be received, and**
- 2. That Waikato Regional Council approves the proposed changes to the Rate Remission and Postponement policies as set out (doc#2102024).**

The motion was put and carried (WRC12/49)

Discussion ensued on remission policies and it was noted that staff discretion can be applied on a case by case basis.

Cr Legg moved/Cr Kneebone seconded.

WRC12/49.1

That Waikato Regional Council approves an additional penalty charge on rates arrears as provided for in the Local Government (Rating) Act 2002 as follows:

- **Penalty applied to rates arrears six months after the first rates arrears penalty**
- **Penalty interest rate of 10 per cent will apply.**

The motion was put and carried (WRC12/49.1)

New Building Funding Options

File: 01 12 12A (Agenda Item #6.3) Docs#2130443

The Group Manager Finance, M Garrett, presented the report outlining options for the new office building for inclusion in the 2012 Long Term Plan.

Arising from discussion it was commented that:

- The draft 2012 LTP will be updated to reflect council's decision.
- The LTP is a special consultative procedure, giving ratepayers the opportunity to make submissions on both options.
- The assessed value of the building in 2018 is based on a forecast from the range provided by the Property Group. The CV of the current building is to be reported back to council.
- The lease option is the logical decision and is supported by the investigations undertaken.
- The LTP budget figures will be based on the lease option, if so moved by Council, with a paragraph commenting on the other options considered and providing an opportunity for ratepayers to submit.

A point of order raised by Cr Rimmington in respect of a comment from Cr Friar was considered by the Chairman.

Cr Friar moved/Cr Kneebone seconded.

WRC12/50

THAT:

1. **The report 'New building funding options' (doc#2130443 dated 10 February 2012) be received, and**
2. **That in accordance with the provisions of Standing Orders NZS 9202:2003 Incorporating Amendment No 1, clause 3.9.18, Waikato Regional Council revokes its preferred funding option for the new building (as resolved at the 31 January – 2 February Council meeting, Resolution number WRC12/5.3) and**
3. **Resolves that the 2012-22 Long Term Plan be prepared on the basis of the leasing option (scenario 1 report doc#2130443) as the preferred option for funding the new building.**

The motion was put and carried (WRC12/50)

Crs Hennebry, Armstrong, Rimmington and Stark voted against.

2012 LTP – Treasury Risk Management Policy

File:01 12 12A (Agenda Item #6.4) Docs#2118152

The Group Manager Finance presented the report recommending changes to the policy to be adopted in accordance with section 102 of the Local Government Act (2002) (LGA) and a copy of the Statement of Investment Policy and Objectives (doc# 2118152) with tracked changes.

Cr Friar commended the Group Manager Finance for the excellent work of the Finance group.

Cr Friar moved/Cr Kneebone seconded.

WRC12/51

THAT:

1. **The report '2012 LTP – Treasury Risk Management Policy' (Docs#2114303 dated 11 January 2012) be received.**

The motion was put and carried (WRC12/51)

Cr Friar moved/Cr Kneebone seconded.

WRC12/51.1

- 2. That Waikato Regional Council in accordance with section 102 of the Local Government Act (2002) adopts the proposed Treasury Risk Management Policy including Liability and Investment Policies (Doc#2074833) noting that the significant changes from the current policy have been shown in tracked changes.**

Cr Stark and Cr Armstrong disagreed with policy 3.3.1, bullet point 2 – ‘Provide guarantees of the indebtedness of other local authorities to the LGFA and of the indebtedness of the LGFA itself’.

Cr Hennebry disagreed with policy 4.1 :

- in respect of the national cycling centre of excellence debt to be repaid from the associated rate over a period of 20 years.
- The final sentence ‘accordingly only approved credit worthy counterparts are acceptable’.

The motion was put and carried (WRC12/51.1)
Crs Hennebry, Armstrong and Stark voted against.

Cr Friar moved/Cr Kneebone seconded.

WRC12/51.2

- 3. That Waikato Regional Council adopts the Statement of Investment Policy and Objectives dated 18 January 2012 (Doc#2118152).**

The motion was put and carried (WRC12/51.2)

2012 – 22 draft Long Term Plan

File: 01 12 12A (Agenda Item #6.5) Docs#2129439

The Group Manager Finance, M Garrett, and Programme Manager Finance, J Bromley, presented the report summarising changes to the 2012-2022 LTP, a power point presentation ‘key changes to the 2012-22 Draft Long Term Plan’ (doc#2141266) and the draft “Your Waikato”, the Long Term Plan Summary (doc#2141261) for review.

Discussion ensued and further proposed changes were noted.

Councillors were advised to submit any further feedback on the summary by 28 February 2012. This will then be presented to the Finance and Audit committee meeting on 14 March 2012, and to Council for adoption for consultation on 21 March 2012.

Cr Livingston moved/Cr Kneebone seconded.

WRC12/52

THAT:

1. **The report '2012-22 draft Long Term Plan' (doc#2129439 dated 15 February 2012) be received, and**
2. **That Waikato Regional Council approves the 2012-22 draft Long Term Plan, incorporating the decisions made and changes approved at the Council meeting of 23 February 2012 and subject to any changes required by Audit NZ and other minor wording changes and insertions.**

The motion was put and carried (WRC12/52)

Crs Stark, Hennebry, Rimmington and Armstrong voted against.

The meeting adjourned at 3.35 pm and reconvened at 3.45 pm

Review of Standing Committees

File:02 10 20 (Agenda Item #6.6) Docs#2128043

The Programme Manager Statutory Process, M Poole, presented the report reviewing the Terms of Reference and Scope of Activity for the Regulatory Committee and outlining options for amalgamation with other Standing Committees.

It was noted that two Standing Committees had been identified as having synergies in their terms of reference with the Regulatory Committee, being the Policy and Strategy Committee and the Environment Committee, and of these the Policy and Strategy was evaluated as having an appropriate focus and a full workload for the whole of Council. An amalgamation of the scope of activities for the Environment Committee and the Regulatory committees was recommended as providing an effective response to the Office of the Auditor General comments in respect of a governance overview of the effectiveness of Council's targets, measures, monitoring and compliance activities.

Cr Hennebry questioned why changes had been instigated to the Environment Committee, and stated concerns that this was not part of the recommendation from the Regulatory Committee (RC11/62) and that she had not been previously consulted on the proposed amalgamation.

Cr Hennebry moved/Cr Armstrong seconded.

THAT Council disestablishes the Regulatory Committee and that the scope of activity of the Regulatory Committee be incorporated into the Environment Committee's terms of reference.

The Chief Executive, B Laing, apologised that Cr Hennebry had not been informed of the proposal and for the unavailability of the Deputy Chief Executive to present the report as she was on council business in Wellington, at which one of them had to be in attendance.

Discussion ensued, and individual councillors noted comments that:

- There are no synergies as suggested between the Regulatory and Environment Committees.
- The proposal had been foreshadowed in discussion at the Regulatory Committee that had not been fully recorded in the minutes.
- It had been recommended from the previous Council to the Triennial meeting of Council, in October 2010, that the Environment Committee not be established.
- The Office of the Auditor General's report and the subsequent decision that Council removes the power to consider legal proceedings with respect to non-compliance from the Regulatory Committee's terms of reference presented the opportunity to consider various scenarios in terms of efficiencies in Council's Standing Committee structure.
- There is no justification, in terms of efficiencies and associated costs, for the Environment Committee, as it is largely a repository for information only.
- In her right of reply, Cr Hennebry agreed that there is a need for efficiencies but questioned the right of Council staff to initiate a review of Council's other Standing Committees

Motion lost 4-8

Crs Buckley, Barker, Burdett, Livingston, Legg, Kneebone, Southgate and Friar voted against.

Cr Kneebone moved/Cr Burdett seconded.

WRC12/53

THAT :

1. **The report 'Review of Standing Committees' (Doc#2128043 dated 14 February 2012) be received.**

The motion was put and carried (WRC12/53)

Cr Livingston moved/Cr Burdett seconded.

WRC12/53.1

2. **THAT Waikato Regional Council disestablishes the Regulatory and Environment Committees.**

The motion was put and carried (WRC12/53.1)

Crs Hennebry, Stark, Rimmington and Armstrong voted against.

Cr Burdett moved/Cr Southgate seconded.

WRC12/53.2

3. **THAT Waikato Regional Council constitutes a new Standing Committee to be called the Resource Use and Environmental Monitoring Committee.**

The motion was put and carried (WRC12/53.2)

Crs Hennebry, Stark, Rimmington and Armstrong voted against.

Cr Friar moved/Cr Livingston seconded.

THAT Waikato Regional Council adopts the Terms of Reference (Doc#2095126) for the Resource Use and Environmental Monitoring Committee attached.

Discussion ensued on the scope of the Resource Use and Environmental Monitoring activity of the new Committee and with the agreement of the mover and seconder the proposed changes to incorporate the provision of advice on environmental and regulatory monitoring into the Terms of Reference Scope of Activity (2) were incorporated into the motion.

The motion was re-stated.

WRC12/53.3

- 4. THAT Waikato Regional Council adopts the Terms of Reference (Doc#2095126) for the Resource Use and Environmental Monitoring Committee attached, with changes to the scope of activity (2) and (3) as noted at the meeting.**

The motion was put and carried (WRC12/53.3)

Crs Hennebry, Rimmington and Armstrong voted against.

Terms of Reference - Resource Use and Environmental Monitoring Committee

- REPORTING TO:** Council
- CONSTITUTION:** Seven (7) Councillors
Chairman and Deputy Chair
(ex-officio with full voting rights)
- MEETING FREQUENCY:** Two monthly or as required
- OBJECTIVE:**
- i) To monitor and report on the effectiveness of and compliance with Council's resource management responsibilities.
 - ii) To be informed about emerging and significant environmental issues and monitor environmental performance trends.
 - iii) To monitor Council's activities associated with Policy implementation.

SCOPE OF ACTIVITY:

1. To overview monitoring and reporting undertaken in relation to:
 - (i) The effectiveness of Council's policy implementation activities; and navigation safety by-law responses, and Building Act responsibilities
 - (ii) The regulatory performance of permitted activities, resource consents and bylaw rules including compliance and enforcement;
 - (iii) the performance and effectiveness of Council's community extension activities including Environmental Education, Enviro Schools, Care Groups, natural heritage partnership projects and air quality incentive programmes;
 - (iv) State of the Environment monitoring trends;
2. To consider emerging environmental issues relating to environmental and regulatory monitoring and performance matters and provide advice on the implications for effective resource management within the region.

3. To consider iwi perspectives inclusive of co-management activities relating to environmental and regulatory monitoring and performance matters.

POWER TO ACT (Section A business)

1. To receive regular monitoring reports and presentations on the matters set out in the Scope of Activity.

POWER TO RECOMMEND TO COUNCIL (Section B business)

1. To provide recommendations for Council action in respect of emerging environmental issues.
2. To provide recommendations on any changes required to improve the effectiveness of Council's planning and regulatory tools, activities and suasive programmes.

* * * * *

Discussion ensued on the membership of the Resource Use and Environmental Monitoring Committee. In consideration of combining the current membership of both the Environment and Regulatory Committees, Cr Barker offered to step down in view of his current portfolio.

Cr Barker moved/Cr Southgate seconded.

That Waikato Regional Council appoints Crs Hennebry, Legg, Armstrong, Livingston, Stark, and Burdett, and the Chair and Deputy Chair of Council as ex officio members to the Resource Use and Environmental Monitoring Committee.

Cr Stark proposed that Cr Rimmington be appointed to the Resource Use and Environmental Monitoring Committee. With the approval of the mover and seconder the motion was re-stated to include Cr Rimmington.

- WRC12/53.3
5. **THAT Waikato Regional Council appoints Crs Hennebry, Legg, Armstrong, Livingston, Stark, Burdett, and Rimmington to the Resource Use and Environmental Monitoring Committee and the Chair and Deputy Chair of Council as ex officio members**

The motion was put and carried (WRC12/53.3)

Cr Livingston voted against.

Cr Rimmington moved/Cr Armstrong seconded.

That Waikato Regional Council appoints Cr Hennebry as the Chairperson and Cr Livingston as the Deputy Chairperson of the Resource Use and Environmental Monitoring Committee.

The motion was lost 4-8

Cr Kneebone moved/Cr Barker seconded.

- WRC12/53.4 **6. THAT Waikato Regional Council appoints Cr Livingston as the Chairperson of the Resource Use and Environmental Monitoring Committee.**

The motion was put and carried (WRC12/53.4)
 Crs Hennebry, Rimmington and Armstrong voted against.
 Cr Livingston abstained from voting.

Cr Hennebry was nominated by Cr Barker and seconded by Cr Burdett as Deputy Chairperson of the Resource Use and Environmental Monitoring Committee. Cr Hennebry did not accept the nomination.

Cr Hennebry moved/Cr Kneebone seconded.

- WRC12/53.5 **7. THAT Waikato Regional Council appoints Cr Legg as the Deputy Chairperson of the Resource Use and Environmental Monitoring Committee.**

The motion was put and carried (WRC12/53.5)
 Cr Legg abstained from voting.

Cr Burdett moved/Cr Stark seconded.

- WRC12/53.6 **8. THAT staff seek Remuneration Authority approval for the transfer of any associated salary savings to the meeting fee pool.**

The motion was put and carried (WRC12/53.6)

Report of Routine Documents Executed Under Seal

(Agenda Item #6.7)

Cr Rimmington moved/Cr Burdett seconded.

- WRC12/54 **THAT the following routine document executed under the Common Seal for the period 12 December 2011 to 14 February 2012 be reported for information:**

Easement in gross of right to drain water over land shown as 'A', 'B' and 'C' on Lot 1 D 447297 (CT564429) at Lot 1 Hillview Road between Gene Eduard Duncan and Lyrae Ellen Collett (grantors) and Waikato Regional Council (grantee). (WRC 1758)

Easement in gross of right to drain water over land shown as 'A' on DP 448472 on Lot 2 CT 567311 between Heather Dianne Macferson, Natalie Ruth Barker and Garth William O'Brien (grantor) and Waikato Regional Council (grantee) (WRC1759)

Auckland Council and WRC, Holcim NZ and ANZ National Bank Ltd release of bond and guarantee in respect of land described in CT 64C/517, 64C/518, 64C/519, 64C/520, 64C/521, 572/221, 572/218, 70A/649, 46A/735, 18B/924 (North Auckland registry) (WRC1760)

Auckland Council, Waikato District Council and WRC, Holcim NZ and ANZ National Bank Ltd substitution bond and guarantee (WRC1761)

Funding Deed WRC and The Home of Cycling Charitable Trust (WRC1762)

Bond to secure performance between Rikapa Moana enterprises Ltd, Rabobank NZ Ltd, and WRC over resource consents relating to marine farming within the coastal marine area contained in the Wilsons Bay Marine Farm Zone Area A, Map 11 in Appendix III of the WRCP. (WRC1763)

Discharge of Bond between Enviro Landfill Ltd, Rabobank NZ Ltd and WRC and WDC over that land comprised CT SA21C/1332 and SA18B606 (South Auckland Registry) (WRC1764)

Easement in gross of right to drain water over that part of land marked A on Lot 2 DP 448203 between David Bruce Finlay, Beverley Ann Behrent and Jenifer Mary Finlay (grantors) and WRC (grantee) (WRC1765)

The motion was put and carried (WRC12/54)

Resolutions to Exclude the Public

(Agenda Item #7.1)

Cr Burdett moved/Cr Legg seconded.

WRC12/55 **THAT in accordance with the provisions of Standing Orders NZS 9202:2003 Incorporating Amendment No 1, Appendix A&B (p40/42) and Section 48 of the Local Government Official Information and Meetings Act 1987, the public be excluded from the following part/s of the meeting:**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Item Name and general subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
8.1	Council Minutes – 13 December 2011	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
		Conclusive reason(s) to withhold exist(s) under Section 6	Section 48 (1) (a)
8.2	Council Minutes – 2 February 2012	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
8.3	Lake Taupo Protection Project Joint Committee – 8 December 2011	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
8.4	Update on Treaty Settlement Negotiations within the Waikato	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No	Reason/s for withholding official information	Section/s
8.1,	Maintenance of the law and right to a fair trial	S6 (a)
8.1	Protection of privacy of natural persons	S7 (a)
8.1, 8.3	Prejudice commercial position	S7 (b) (ii)
8.1, 8.2, 8.3, 8.4	Conduct of negotiations	S7 (i)
8.1,	Maintain legal professional privilege	S7 (g)
8.1, 8.2	Commercial activities	S7 (h)
8.1	Prejudice the supply of similar information	S7 (c) (i)

The motion was put and carried (WRC12/55)

Return to Open Meeting 4.50 pm

Meeting closed 4.51pm

Chairman

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