

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 1.05 pm on Thursday 29 March 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 PA Southgate, Cr TM Stark.

STAFF: Chief Executive (RF Laing), Group Manager River and Catchment Services (DS Fowlds), Group Manager Corporate Services (J Stewart), Group Manager Finance (M Garrett), Group Manager Transport and Policy (V Payne), Group Manager Land and Water Initiative (RA Petch), Council Secretary (D Snape)

APOLOGIES: Cr R Rimmington (leave of absence)

Accepted

Leave of Absence

Cr Friar moved/Cr Hennebry seconded.

WRC12/64 **THAT leave of absence be granted to Cr Stark for the period 16 – 18 April 2012 inclusive.**

The motion was put and carried (WRC12/64)

Confirmation of Agenda

(Agenda Item 1)

Cr Kneebone moved/Cr Friar seconded.

WRC12/65 **THAT the agenda of the meeting of the Waikato Regional Council of 29 March 2012, as circulated, be confirmed as the business for the meeting.**

The motion was put and carried (WRC12/65)

Disclosures of Interest

(Agenda Item 2)

There were no disclosures of interest.

Confirmation of Minutes

Minutes - Council Meeting – 23 February 2012

File: 03 04 02 (Agenda Item #3.1)

Cr Livingston moved/Cr Hennebry seconded.

WRC12/66 **THAT the Minutes of the Council Meeting of 23 February 2012 be approved as a true and correct record.**

The motion was put and carried (WRC12/66)

Cr Hennebry noted that the Deputy Chief Executive had not reported back to Council on any other efficiencies identified in the review of the Standing Committees. It was noted that the Regional Public Transport Committee is under review.

The CEO reported that the Council's resolutions in respect of a review of committees had been reported back to the Councillor and that no further staff action was to take place.

The CEO said that if Cr Hennebry wished to further her thoughts regarding committee efficiencies, Cr Hennebry should have discussed this with the Deputy Chief Executive.

Minutes - Council Meeting – 21 March 2012

File: 03 04 02 (Agenda Item #3.2)

Cr Burdett moved/Cr Livingston seconded.

WRC12/67 **THAT the Minutes of the Council Meeting of 21 March 2012 be approved as a true and correct record.**

The motion was put and carried (WRC12/67)

Committees Reporting to Council

Minutes - Hearings Appointment Subcommittee – 23 February 2012

File: 03 02 40 (Agenda Item #4.1) Docs#2137755

Chairman Buckley presented the following report to Council of the Hearings Appointment Subcommittee dated 23 February 2012.

HEARINGS APPOINTMENT SUBCOMMITTEE

Report of the Hearings Appointment Subcommittee of the Waikato Regional Council held in the Councillors' lounge, Waikato Regional Council office, 401 Grey Street, Hamilton East at 9.30am on Thursday, 23 February 2012.

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

IN ATTENDANCE: Cr PM Legg

STAFF: Manager, Statutory Processes (ME Poole)

Confirmation of Agenda

(Agenda Item 1)

Cr Friar moved/Cr Livingston seconded

HAS12/03 **RESOLVED**

THAT the agenda of the Hearings Appointment Subcommittee of 23 February 2012 as circulated be confirmed as the business for the meeting.

The motion was put and carried (HAS12/03)

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 – March/April 2012

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

It was noted that, subject to timing/availability and any relevant case specific constraints, consideration should be given to appointing one or more accredited Councillors to resource consent hearing panels.

Cr Friar moved/Cr Southgate seconded

HAS12/04 **RESOLVED that the report "Proposed Resource Consent Hearing – March 2012 (Doc 2123325 dated 27 January 2012) be received.**

The motion was put and carried (HAS12/04)

Cr Livingston moved/Cr Friar seconded

HAS12/05 **RESOLVED**

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:

Glen Mor Limited (Application 123621) – discharge [to air] from a meat chicken farm near Te Aroha with the sole Independent Hearing Commissioner B Graham.

The motion was put and carried (HAS12/05)

Cr Livingston moved/Cr Southgate seconded

HAS12/06 **RESOLVED**

That a Hearing Committee be established in terms of the Resource Management Act 1991 and s28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to hear and decide the following application for resource consent, together with all the ancillary powers under the Act:

Genesis Energy Limited (Applications 123641-123648) for the ongoing operation of the Huntly Power Station with the Hearing Committee to comprise Commissioners R van Voorthuysen (proposed as the jointly appointed Chairperson) and T Broad (as the WRC appointee), and that the appointment of Commissioner T Wilson (as the WRA appointee) be noted.

The motion was put and carried (HAS12/06)

Meeting closed 9.40am
Doc: 2137755

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Return to report of Council meeting 29 March 2012
Report of the Hearings Appointment Subcommittee 23 February 2012

Cr Livingston moved/Cr Friar seconded.

WRC12/68 **THAT the decisions contained in Section A of the report of the Hearings Appointment Subcommittee held 23 February 2012 be noted.**

The motion was put and carried (WRC12/68)

Minutes - Hearings Appointment Subcommittee – 13 March 2012

File: 03 02 40 (Agenda Item #4.1.1) Docs#2148945

Chairman Buckley presented the following report to Council of the Hearings Appointment Subcommittee dated 13 March 2012.

HEARINGS APPOINTMENT SUBCOMMITTEE

Report of the Hearings Appointment Subcommittee of the Waikato Regional Council held in the Councillors Lounge, Waikato Regional Council office, 401 Grey Street, Hamilton East at 9.35am on 13 March 2012.

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

STAFF: Consented Sites (B Sinclair), Manager, Statutory Processes (ME Poole), Committee Administrator (M Ahipene)

Confirmation of Agenda

(Agenda Item 1)

Cr Livingston moved/Cr Friar seconded

HAS12/07 THAT the agenda of the Hearings Appointment Subcommittee of 13 March 2012 as circulated be confirmed as the business for the meeting.

The motion was put and carried (HAS12/07)

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: 2142379

It was noted that Council, via the River and Catchment Services and Biosecurity Groups, is a submitter to the Balle Bros Growers Limited application. The appointment of accredited Councillors to the proposed hearing panel was therefore considered inappropriate (conflict of interest).

Cr Livingston moved/Cr Friar seconded

HAS12/08 RESOLVED

- 1. That the report "Proposed Resource Consent Hearing – March 2012 (Doc 2142379 dated 2 March 2012) be received.**
- 2. That a Hearing Committee be established in terms of the Resource Management Act 1991 and s28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to hear and decide the following application for resource consent together with all the ancillary powers under the Act:**

Balle Bros Growers Ltd (Applications 122253-122255 & 122257), for water take/use from Lake Waikare and the Waikato River with the Hearing Committee to comprise Commissioners P Mitchell

(proposed as the jointly appointed Chairperson) and M Parsonson (as the WRC appointee), and that the appointment of N Manukau (as the WRA appointee) be noted.

The motion was put and carried (HAS12/08)

Meeting closed 9.45am.

Doc: 2148945

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Return to report of Council meeting 29 March 2012

Report of the Hearings Appointment Subcommittee 13 March 2012

Cr Livingston moved/Cr Friar seconded.

WRC12/69 THAT the decisions contained in Section A of the report of the Hearings Appointment Subcommittee held 13 March 2012 be noted.

The motion was put and carried (WRC12/69)

Minutes – Regional Transport Committee – 5 March 2012

File: 03 04 11 (Agenda Item #4.2) Docs#2137517

Cr Barker presented the following report to Council of the Regional Transport Committee dated 5 March 2012.

REGIONAL TRANSPORT COMMITTEE

Report of the Regional Transport Committee of the Waikato Regional Council held in the Council Chamber, Waikato Regional Council office, 401 Grey Street, Hamilton East at 10:00am on Monday 5 March 2012

- PRESENT:**
- Waikato Regional Council**
Cr NW Barker (Chair)
 - Hamilton City Council**
Cr D Macpherson
 - Hauraki District Council**
Mayor J Tregidga
 - Matamata District Council**
Mayor H Vercoe
 - Otorohanga District Council**
Cr M Baxter
 - South Waikato District Council**
Mayor N Sinclair
 - Taupo District Council**
Cr B Hickling
 - Thames Coromandel District Council**
Cr P French
 - Waikato District Council**
Mayor A Sanson
 - Waipa District Council**
Cr G Webber
 - Waitomo District Council**
Mayor B Hanna
 - New Zealand Transport Agency**
HW Wilson
 - Access and Mobility**
G Pomeroy
 - Cultural representative**
W Puke
 - Economic Development**
S Tritt
 - Environmental Sustainability**
J Bailey
 - Health representative**
B Garbutt
- STAFF:**
- Group Manager – Policy & Transport (V Payne), Programme Manager Transport Policy (B McMaster), Committee Administrator (D Atkinson)
- APOLOGIES:**
- Councillor PA Southgate (Waikato Regional Council), Mayor J Hardaker (Hamilton City Council), Mayor G Leach (Thames Coromandel District Council), Councillor CS Blackler (Otorohanga District Council), L Tooman (Safety and Personal Security representative)

Accepted

Confirmation of Agenda

(Agenda Item 1)

Chair moved /Mayor Hanna seconded

RTC12/1 **THAT the agenda of the Regional Transport Committee of Monday, 5 March 2012 be confirmed as the business for the meeting.**

The motion was put and carried (RTC12/1).

Disclosures of Interest

There were no disclosures of interest

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

Regional Land Transport Programme 2012/13-14/15 Update

File: 03 04 11, (Agenda Item 3)

As all members of the Regional Land Transport Programme Hearing Committee were also members of this Committee, the Chair advised the item would take the form of a presentation only from the RLTP Project Manager (N King).

Chair moved/Cr French seconded

RTC12/2 **THAT the report “Regional Land Transport Programme 2012/13-14/15 Update” (Doc #2129197 dated 20 February 2012) be received for information.**

The motion was put and carried (RTC12/2).

Road Safety Update

File: 03 04 11, (Agenda Item 4)

The purpose of this item presented by Travel Behaviour Change Coordinator (J Carling) was to update the Committee on road safety issues, trends and current matters. The report provided an update on the current national and regional road tolls, outlined the latest national developments in road safety and overviewed some road safety initiatives being undertaken by road safety partners.

During the presentation, questions and answers the Committee noted or discussed.

- The National road toll for 2011 was 284 compared with 375 in 2010, 384 in 2009 and 366 in 2008. The last time the National Road toll was below 300 was in 1952 when it was 272.
- The 2011 road toll for the Waikato Region (which now includes part of the former Franklin District) is 65 deaths. This forms 22% of the national road toll. Previously the Waikato Region consistently contributed 17-18% of the national total.

Report of Regional Transport Committee 5 March 2012 – page 3

- Regionally the biggest year on year reductions have occurred in Otorohanga, Waitomo and Matamata Piako Districts.
- On 27 February 2012 new Class 1 (car) restricted and full driver licence tests came into effect and changes will also be introduced to the Class 6 (motorcycle) licencing system.
- Legislation to modernise and simplify the road user charges system has been passed. The new legislation will take effect from 1 August 2012.
- The next action plan for the Safer Journeys strategy needs to be agreed during 2012. The Government will be able to choose from a number of cost effective options. There is deemed to be scope for further cost-effective measures in the areas of roads, vehicles, speed and alcohol.
- Hamilton is high in crash statistics incidence and this will be considered during the 2012 review of the Regional Road Safety Strategy.
- A discussion of the current Public Holiday Weekend “no tolerance” speed limit campaign and whether or not the Committee should take a stance on the issue becoming a permanent measure, developed into a wider discussion on speed limits and enforcement practices on State Highways and local roads. It was agreed that the matter of speed limits within the region would be considered at a future meeting when the Safety and Personal Security representative is present. This consideration would also include the current Public Holiday Weekend “no tolerance” speed limit campaign. An offer by HW Wilson (NZ Transport Agency) to provide a general report on speed to assist the Committee in this matter was accepted.

S Tritt moved/Cr French seconded

RTC 12/3

THAT the report “Road Safety Update” (Doc #2129205 dated 5 March 2012) be received for information.

The motion was put and carried (RTC12/3).

NZ Transport Agency (NZTA) Update

File: 03 04 11, (Agenda item 5)

The purpose of this item jointly presented by HW Wilson, A Fitzwater and A McKillop (NZTA) was to advise and update the Committee on NZTA projects. During the presentation, related questions, answers and discussion the Committee noted or considered.

B Garbutt (Health Representative) in meeting at 10.30pm

Overview

- HW Wilson Waikato/Bay of Plenty Regional Director has recently been involved in a Wellington based project about access to the Land Transport System.
- Transport is largely business as usual with the GPS not likely to change significantly with a key plank being the Roads of National Significance. Expenditure for the transport rebuild of Christchurch will be capped at \$50M per annum from the National Land Transport Fund.

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- Of concern is input prices rising and fuel revenue falling. An excise tax increase is a possibility.

Give Way Rule Change

- Two Give Way rules are changing at 5.00am on 25 March 2012.
- These changes will affect all drivers, riders, pedestrians and cyclists.
- A \$1.2M nationwide campaign promoting the changes will commence on 15 March, ten days prior to the “go live” date and continue until 1 April

Driver Licencing Testing

- A longer and more challenging restricted driving practical test came into effect on 27 February 2012.
- The changes aim to improve the safety of young and novice drivers.

Disappointment was expressed by a number of members regarding the availability of testing facilities for full and restricted licences under changes to the licencing system introduced on 27 February. It was noted that residents of towns such as Matamata, Paeroa and Cambridge will now have to travel away from their own community to be tested. It was further suggested that the increased level of expense involved may actually prove a deterrent to people taking the next step to achieving a full licence. HW Wilson (NZTA representative) indicated the testing facilities had been approved by NZTA after careful analysis to establish a range of sites where appropriate driving and traffic conditions were generally available.

State Highway Update

Progress was reported on the following Waikato Expressway projects:

- Taupiri Link (completed) – cost \$7Million
- Ngaruawahia section earthworks are progressing well with completion expected late 2013
- Te Rapa section (Avalon Drive) (Horotiu Interchange)

It was also noted an information day had been held at Tamahere and the Expressway now has a Facebook Page.

Other State Highway Projects reported on were:

- Tatuani Roundabout (completed)
- Atiamuri Bridge Replacement (commenced January 2012)
- Kopu Bridge (official opening 10 September 2011)

The Committee noted:

- The Atiamuri Bridge replacement includes provision of facilities for the use of pedestrians and cyclists.
- Mayor Vercoe advised the Tatuani Roundabout project had originally included an adjacent discharge facility for stock truck effluent. This had not yet been built and should be proceeded with as soon as possible. HW Wilson (NZTA) undertook to investigate this matter and return.
- Discussions are presently being held between NZTA, NZ Historic Places Trust, Thames Coromandel District Council and Hauraki District Council as to the future of the old Kopu Bridge and responsibility for ongoing maintenance costs.

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- Cr DG Macpherson raised the matter of alignment of completion dates for the Huntly Bypass and the Hamilton Bypass. Hamilton City Council believes the Hamilton Bypass should be completed prior to the Huntly bypass. NZTA has stated they will be completed at the same time. This is not reflected in progress guides and similar. HW Wilson undertook to return to the Committee on this matter.
- Mayor Vercoe expressed appreciation to NZTA that agreement had been reached to site the Expressway interchange for traffic coming from the east in the Ruakura area in the vicinity of Waverly Road.

Development of next 2012/2015 National Land Transport Programme (NLTP)

A McKillop advised the 2012/2015 National Land Transport Programme is due to be released in September 2012. It will focus on;

- Delivering committed projects.
- Working closely with approved organisations to ensure the NLTP fits within GPS funding. There is tension in some areas related to local road maintenance.
- NZTA will be providing early signals of funding allocations.

W Puke moved/ Cr Webber seconded

RTC12/4

THAT the reports “NZ Transport Agency Update” and “Waikato Transport Committee NZTA Quarterly Report” (Docs #2129205 and 2138000 dated 5 March 2012) be received for information.

The motion was put and carried (RTC 12/4).

NZ Transport Agency Transport Planning Review

File: 03 04 11, (Agenda item 6)

The purpose of this item presented by Programme Manager Transport Policy (B McMaster) was to inform the Committee of the current review of transport planning being undertaken by NZTA. During the presentation the Committee noted:-

- The review is being undertaken to “improve the effectiveness and efficiency of integrated planning to enable investment in the right solutions”.
- NZTA internal planning practices as well as transport sector issues will be addressed.
- A draft interim findings report was released in January 2012.

Key Issues are:

- Lack of agreed integrated long term national strategic direction and desired outcomes that drive both national and regional planning.
- Lack of alignment between key NZ planning statutes (LTMA, RMA LGA). Reforms are imminent.
- Some tools for implementing development are ineffective and need to be complemented with new tools.
- Roles of organisations in transport planning.

Where to from here

- February – Development of the interim findings report, consultation/engagement with key stakeholders, linking up with other NZTA business improvement projects and wider government reforms.
- March – Workshop with stakeholders to develop a suite of solutions.

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- April – Review/confirm proposals and develop business case.
- May/June – Final reporting and sign off actions.

Mayor Hanna moved/S Tritt seconded

RTC12/5

THAT the report “NZ Transport Agency Transport Planning Review” (Doc #2129839 dated 20 February 2012) be received for information.

The motion was put and carried (RTC 12/5).

Joint Officials Group (JOG) Rail Update

File:03 04 11, (Agenda Item 7)

The purpose of this item presented by T Hodder (KiwiRail) was to provide the Committee with an update on Joint Officials Group (JOG) rail projects. During the presentation, questions, answers, and discussion the committee noted or considered:

- Waikato JOG Rail projects totalling \$13M have been approved for the following projects and benefits.

<u>Project</u>	<u>Benefit</u>
Crossing Loops	Increased network capacity/improved timekeeping
Level crossings/trespass/ALCAM	Safety
Cambridge line upgrade	Increased locomotive payload
Speed restriction removal	Improved timekeeping/fuel reduction
Kinleith and Te Rapa freight terminals	Modal shift

The following new crossing loops have been provided or are in progress

- Ruakura and Motumaoho completed
- Eureka - trackwork completed. Signals work (including barrier arms on Waverly Road) underway for completion in July 2012.
- Tamihana – revised trackwork to provide two kilometre loop and better path for ECMT trains. Civil works commenced for planned completion in September 2012.
- Apata (Omokoroa) revised scope one kilometre loop in association with new bridge and slight track realignment (KiwiRail funded). Completion planned for October 2012.

The Committee was advised that the Tokoroa container transfer siding (\$700,000), Kinleith public siding (\$50,000) and Te Kuiti siding upgrade (\$600,000) projects will now not proceed and the funding shifted to the Tamihana passing loop. In addition the Kinleith public siding will be upgraded at a cost of approx \$235,000.

In response to a question T Hodder advised that there were no plans to do any works on the ECMT in Hamilton for the purpose of reducing traffic congestion at the Grey Street and Peachgrove Road level crossings. There is also no proposal to alter timetables to achieve the same purpose.

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T Hodder undertook to investigate barrier arm maintenance in Collins Road Hamilton in the context of a recent incident at the Collins Road level crossing.

P French moved/S Tritt seconded

RTC12/6 **THAT the report “Joint Officials Group (JOG) Rail Update” (Doc #2129843 dated 20 February 2012) be received for information.**
The motion was put and carried (RTC 12/6).

Public Transport Report

File: 03 04 11, (Agenda Item 8)

The purpose of this item was to update the Committee on public transport matters of interest by way of a summary report on matters considered at the previous Public Transport Committee meeting. The Committee noted:

- The service level agreement between Hamilton City Council and Waikato Regional Council provides the opportunity to achieve assurance on all issues
- Mayor Tregidga indicated he was of the opinion the Hauraki/Thames Coromandel Transport Coordinator project may need longer than the twelve months trial period. It had already highlighted issues there was no awareness of. The focus of the trial is on getting hospital appointments attended which has the potential to generate significant savings. The intention must be for the project to be a forerunner for other areas.

Mayor Vercoe out of meeting at 11.47am

G Pomeroy moved/Cr B Hickling seconded

RTC12/7 **THAT the report “Public Transport Report” (Doc #2130509 dated 10 February 2012) be received for information.**

The motion was put and carried (RTC12/7)

Programme Manager’s Transport Projects Update

File: 03 04 11, 21 20 70 (Agenda Item 9)

The purpose of this item presented by Programme Manager Transport Policy (B McMaster) was to provide the Committee with an update on the progress of key projects and emerging priorities.

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

- There is currently a lot happening in transport at Government level (LTMA).
- Concern was expressed that proposals to reduce the timeframes in strategic documents may result in less being achieved rather than more. The RLTS has a 30 year timescale and much of the content of that document may not fall within the scope of an alternative 10 year document. Without adequate lead in time and preparation it may not be possible to adequately prioritize resources.

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- The point was also made that the basis for future planning may need greater size to underpin development i.e. the Upper North Island Strategic Alliance. A view was also expressed that the development of the Upper North Island Strategic Alliance needed to be undertaken with openness and transparency. The committee expressed a desire that a letter be prepared and sent to appropriate agencies in Wellington outlining concerns around the possible gap left in 30 year regional strategic transport planning should the requirement for regional land transport strategies be removed in future legislation changes. NZTA offered to assist.
- Disappointment was expressed that, despite high level meetings, AFFCO was continuing to refuse river bank access at its Horotiu property for the Te Awa Cycle Trail.

Mayor Tregidga moved/HW Wilson seconded

RTC12/8 **THAT the report “Project Managers Transport Projects Report” (Doc 2129213 dated 20 February 2012) be received for information**
The motion was put and carried (RTC 12/8)

Open Forum

File: 03 04 11, (Agenda item 10)

Members were invited to indicate their preferences as to the form and content of future RTC meetings and activities. The following views were noted:

- General support for greater focus on united group advocacy to Government which has fallen away since approval was obtained for the Waikato Expressway.
- Support for strengthening collaboration with other agencies/partners (including DHBs, Waikato Tainui) on issues of mutual strategic interest
- Appointed special purpose representatives are focussed on having their special interest recognised where it is currently invisible and achieving greater all round outcomes (economic/social/health).
- General support for further RONS but tempered with concerns about lack of funds for other projects (including safety). Hamilton City not supportive of new RONS because of lack of funding for other activities.
- Support for projects being approved with cycling and pedestrian facilities as an integral part of project.
- Need to work outside the square in the area of rural transport(road network and accessibility/public transport options).
- Suggestion of keeping abreast of emerging and likely technological developments in transport through appropriate speakers.
- Suggestion of focussing on one or two things and doing them really well, following a strategy led approach.
- Suggestion of 9.00am start time for meetings.

Chair moved/ Mayor Tregidga seconded

RTC12/9 **THAT the report “Open Forum” (Doc 2135679 dated 20 February 2012) be received for information.**

The motion was put and carried (RTC 12/9)

Meeting closed at 12.35pm

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Return to report of Council meeting 29 March 2012
Report of the Regional Transport Committee 5 March 2012

Cr Barker highlighted the following points:

- Cr Barker recommended the Expressway Facebook page to Councillors.
- Atiamuri Bridge replacement is progressing well.
- Discussions have been held with South Waikato organisations regarding a rail passing lane (dynamic passing loop) for Tokoroa but agreement was not reached and subsequently the JOG money has been allocated to the Tamihana passing loop.

Cr Barker moved/Cr Stark seconded.

WRC12/70 **THAT the decisions contained in Section A of the report of the Regional Transport Committee held 5 March 2012 be noted.**

The motion was put and carried (WRC12/70)

Minutes – Regional Public Transport Committee – 5 March 2012

File: 03 04 21 (Agenda Item #4.3) Docs#2155082

Cr Southgate presented the following report to Council of the Regional Public Transport Committee dated 5 March 2012.

REGIONAL PUBLIC TRANSPORT COMMITTEE

Report of the Regional Public Transport Committee of the Waikato Regional Council held in the Council Chamber Waikato Regional Council office, 401 Grey Street, Hamilton East at 1.05pm on Monday 5 March 2012

PRESENT:

- Waikato Regional Council**
 - Cr RM Rimmington (Chair)
- Hamilton City sub region**
 - Cr DL Bell, Cr DG Macpherson
- East Waikato sub region**
 - Cr J Barnes
- North Waikato sub region**
 - Cr N Smith
- South Waikato/Taupo/Rotorua sub region**
 - Cr B Hickling
- Waipa/Waitomo/Otorohanga sub region**
 - L Hoverd
- New Zealand Transport Agency representative**
 - A McKillop
- Regional Transport Committee Access and Mobility representative**
 - G Pomeroy

IN ATTENDANCE: Cr NW Barker, Cr J Hennebry, Cr LA Livingston, Cr T Stark.

STAFF: Group Manager Policy and Transport (V Payne), Programme Manager Land Transport Operations (E Swaris), Committee Administrator (D Thurlow).

APOLOGIES: Cr Southgate (Council business).

Accepted

Confirmation of Agenda

(Agenda Item 2)

Cr Bell moved/Cr Macpherson seconded

RPTC12/1 **THAT the agenda of the Regional Public Transport Committee of Monday 5 March 2012 be confirmed as the business for the meeting with an update from staff on rating of passenger transport in Hamilton City.**

The motion was put and carried (RPTC12/1)

Disclosures of Interest

There were no disclosures of interest.

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

File: 03 04 21 (Agenda Item 3)

Programme Manager Land Transport Operations (E Swaris) provided the Regional Public Transport Committee with an update on the latest patronage figures for the Waikato Regional Council contracted passenger transport services.

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

- Staff advised that the data for January 2012 will be circulated after the meeting on 5 March 2012.
- Feedback from operators indicated that the patronage numbers on Christmas day were similar to last year.
- Concern was expressed, on behalf of Hamilton City Council, in relation to the December 2011 figures that indicated the total regional increase was a direct result of the rural services. It was acknowledged that this is positive however in terms of the figures for Hamilton City; the increase is not enough to keep pace with population growth. The Regional Public Transport Plan that the regional council adopted last year shows targeted increases year on year, therefore it is essential that this Committee determine how it is going to meet these targets.
- The level of service increase for advertising in Waikato Regional Council's 2012 Long Term Plan was increased from \$170,000 to \$400,000.
- Staff advised that the strategic network review will commence this financial year and that accessibility mapping will be used to inform the process of the review.
- The reduced patronage for Paeroa in December 2011 relates to the decrease in school children using the service due to school holidays.
- Staff advised that they are still discussing changes to the Leamington service, however proposed changes have not been finalised.

Cr Hickling moved/Cr Barnes seconded

RPTC12/2

That the report "Patronage Update" (Doc #2073297 dated 8 February 2012) be received for information.

The motion was put and carried (RPTC12/2)

Programme Manager's Update

File: 03 04 21 (Agenda Item 4)

Programme Manager Land Transport Operations (E Swaris) provided the Regional Public Transport Committee with a summary of key activities undertaken by the Land Transport Operations Programme Team.

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

Report of the Regional Public Transport Committee 5 March 2012 – page 3

- In the short to medium term, there is a target of 36% Farebox recovery, beyond that there is an expectation to achieve 40%. The targets within the Waikato Regional Public Transport Plan 2011-2021 are what the New Zealand Transport Agency have agreed.
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- Staff explained in response to a members question with regard to PTOM that the intention of the new legislation is not to enable cherry picking by commercial operators but rather combine services into groups/packages, taking the good with the bad, to enable the overall commerciality for that service to be improved. This enables innovation to be brought into the market by the private sector.
- Waikato Regional Council through the PT Plan are responsible for determining the Public transport network and potential service packages for bus operators.
- Changes to fare concessions /and concessionary fare levels will be considered as part of the Strategic Network review process.
- Staff extended “thanks” to Andrew McKillop (NZTA) for his assistance in moving the Strategic Network Review project forward from 2012/2013 into the current financial year.
- Andrew Wilson from the New Zealand Transport Agency was introduced. His role is to manage the day to day activities of public transport in the Waikato.
- Members requested figures on the effect of the fare changes from 2 hour transfer to the 1 hour transfer. Staff advised that the Committee’s next meeting would be a good time to review how revenue and patronage has gone, and how farebox recovery is doing, as it was too early to judge impacts at this stage.

Communications Manager (K Bennett) outlined the marketing campaign for passenger transport.

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

- A HCC member advised that the Orbiter buses had a key message on the back that showed the circular route and named the key attractions on that route.
- The approval of the branding and design of the Orbiter bus route may have been jointly approved by the Waikato Regional Council and Hamilton City Council in the past, and therefore HCC member expressed concern that they were not consulted.
-

It was noted that this agreement only applied when the Orbiter was a trial bus service. HCC do not have “grandfather rights” as such, as the service is now funded by Waikato Regional Council and NZTA without any HCC funding. It was also noted that the use of the bus rears, and the “I’m Driven” marketing campaign had been discussed at an officer level between HCC and WRC staff prior to introduction in December 2011.

Report of the Regional Public Transport Committee 5 March 2012 – page 3

- Members advised that the graphic design on the buses looks great.
- The City Explorer is promoted through hotel/motel compendiums, direct mail outs and radio advertisements.
- Newspaper advertisements have been run in both the Hamilton and Taupo newspapers and media releases have been put out to the local community papers with regard to recent network changes .
- Staff undertook to provide Councillor Bell with a copy of the media release.
- A question was raised about the ability for patrons to take dogs on buses. Staff advised that guide dogs are the only dogs allowed on buses due to Health and Safety reasons.
- The Chartwell/Claudlands timetable makes no reference to accessible buses. Staff advised that this is because the service is a mixture of low floor and non-low floor accessible buses.. It is anticipated that at the next round of tendering that the fleet will be 100% accessible on the whole network.
- Members requested that at the next timetable reprint if it was possible to use a wheelchair symbol to denote which services in the timetable were accessible. Staff explained that this would reduce flexibility in service operation.

A HCC member asked if staff should examine evening services (Night Rider) not being a separate service as such, but rather an extension to the day service. Staff acknowledged that this is one area that will be looked at through the network review process.

- Staff were requested by a HCC member to provide an update at the next meeting on bike racks on buses.

Cr Rimmington moved/Cr Macpherson seconded

RPTC12/3 That the report “Programme manager’s Update” (Doc #2136282 dated 22 February 2012) be received for information.

The motion was put and carried (RPTC12/3)

Operative Waikato Public Transport Plan 2011-21

File: 03 04 21, (Agenda Item 5)

Programme Manager Transport Policy (B McMaster) presented the Operative Waikato Regional Public Transport Plan 2011-2021 to the Committee.

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

- It was noted that Matamata has not been included as an area for any proposed new service. Staff advised that the Strategic Network Plan is the place to capture and prioritise the needs of the communities.

Cr Smith moved/Cr Rimmington seconded

RPTC12/4 **THAT the report “Operative Waikato Regional Public Transport Plan” (Doc #2129855 dated 8 February 2012) be received for information.**

The motion was put and carried (RPTC12/4)

Waikato Regional Council – Draft Long Term Plan 2012-22 Public Transport Proposals

File: 03 04 21, (Agenda Item 6)

Programme Manager Transport Policy (B McMaster) provided the Regional Public Transport Committee with information on public transport proposals in the Waikato Regional Council Draft Long Term Plan 2012-22.

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

- In terms of uncertainty around what funding for infrastructure Hamilton City Council is able to provide, a Hamilton City Councillor advised that Hamilton City Council has funding of \$800,000 within its Draft 2012 Long Term Plan for sustainable transport initiatives.
- Discussion ensued about the ability to meet the 7% passenger growth target within the operative Waikato Regional Public Transport Plan 2011-2021.
- The Group Manager Policy and Transport advised that the 7% target sits within the Regional Land Transport Strategy and was heavily debated during the hearing process. As part of the debate there were a number of riders on that target, one being funding. In respect to interventions to achieve outcomes, page 12 of the Waikato Region Public Transport Plan 2011-21 outlines priority interventions to achieve passenger transport. Concern was expressed that the list of priorities does not add up, however it was noted that the list of interventions is not based on priorities but rather hierarchies. The Chairperson advised that the Plan cannot be relitigated as the Plan was adopted unanimously by the Committee at its last meeting.
- A HCC Member expressed concern that Council is not looking at new services for the Rototuna area. It was noted that this was consulted on as part of the 2011/2012 Annual Plan process, a total of six (6) submissions were received, two in favour, two against and two neutral, therefore there was not a high level of demand for such services.
- The North Waikato member questioned whether this Committee is of real value to regional public transport. Memorandum of Understandings are in place with District Councils and provide another avenue for District Council's to feed into public transport. Therefore it is timely for staff to review the structure for this Committee.
- The question was raised whether the Regional Public Transport Committee should be incorporated with the Regional Transport Committee?

Report of the Regional Public Transport Committee 5 March 2012 – page 5

- All members of the Regional Public Transport Committee were given the opportunity to express their opinions on whether staff should review the most appropriate structure for this Committee. The majority of members expressed that they supported this Committee being combined with the Regional Transport Committee. One member opposed on the basis that Hamilton is a young city and it is important not to lose sight of some of the opportunities available in Hamilton. The member also questioned whether public transport could be diminished if dealt with at the Regional Transport Committee level.

Cr Rimmington moved/Cr Smith seconded

RPTC12/5 That the report “Waikato Regional Council – Draft Long Term Plan 2012-22 Public Transport Proposals (Doc #2129856 dated 22 February 2012) be received for information.

The motion was put and carried (RPTC 12/5).

- It was noted that the Chairperson for this Committee is away on Council business therefore it would be a good idea if, between now and the next meeting, staff could review the structure of this Committee and bring back a report to the next meeting.
- It was further noted that there are some groups within the community that this Committee cannot afford to disenfranchise.

Cr Smith moved/Cr Macpherson seconded

RPTC12/5.1 That staff be requested to review the most appropriate structure for the Regional Public Transport Committee to provide effective and efficient governance of passenger transport in the Waikato Region.

The motion was put and carried (RPTC 12/5.1).

Update on rating of Passenger Transport in Hamilton City (Late item)

Group Manager Policy and Transport (V Payne) provided an update on Waikato Regional Council's position in the 2012 Long Term Plan on rating of Hamilton City residents for public transport. The Group Manager advised:

- The Waikato Regional Council has not been rating all of Hamilton City for public transport.
- A submission was received by Hamilton City Council a year ago requesting that Waikato Regional Council rated all residents in Hamilton City.
- In response to Hamilton City Council's submission, Waikato Regional Council has considered this proposal through its Long Term Plan process.
- Waikato Regional Council now proposes to rate all properties within Hamilton City for public transport.
- All properties will receive a 20% uniform charge (indirect benefit).
- Properties within 800m of a residential area will receive at 80% capital value based charge (direct benefit).
- These charges will not increase the amount of money for public transport.

Report of the Regional Public Transport Committee 5 March 2012 – page 6

- If the amount of money increased for public transport it would act against the farebox recovery ratio requirements.
- Evidence has been presented to this Committee on numerous occasions that Waikato Regional Council is meeting its target of providing bus services to all residents within 400m of the bus network.

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

- It was noted that Hamilton City Council wanted Waikato Regional Council to look at both patronage and farebox recovery. There is the ability to submit on this matter through the Long Term Plan process.
- If Hamilton was to grow, how does the service grow without money? Staff advised that the Strategic Network Review will determine if and where new services are to go.
- The view was expressed that the reason for Hamilton City Council's submission was because it wanted bus services into areas where there are people who currently don't get the service.

Meeting closed at 3.14pm

Docs #2155082

* * * * *

Return to report of Council meeting 29 March 2012

Report of the Regional Public Transport Committee 5 March 2012

Cr Southgate highlighted the following points:

- Increasing patronage trend is tracking well.
- A meeting with Hamilton City Council had discussed levels of infrastructure for future developments and the rating split proposed in the LTP.
- The Raglan bus has additional school students using the service and recently had to leave students at the bus stop. Discussions are being arranged with the Ministries of Education and Transport and a public meeting is being arranged.

Arising from discussion it was further noted that:

- Strong statements from the HCC representatives at the meeting in regard to the provision of bus services were not reflected in the minutes.
- Traffic delays on Wairere Drive were noted. Dedicated bus lanes have been suggested as a means of improving public transport services.
- Discussions have been held with the Ministry of Transport and MPs at the 'de facto' school bus services being operated by local government.
- Deliberations on the Regional Land Transport Plan will be taking place the following day and the community concerns noted in the submissions will be considered.

- Bay of Plenty Regional Council is considering removing their child fare discount.
- A media comment had incorrectly stated that passenger numbers had not been increasing over the past three years. The Group Manager Policy and Transport will forward the relevant statistics and graphs to the Waikato Times correspondent. Cr Hennebry requested that copies be forwarded to her also .

Cr Southgate moved/Cr Barker seconded.

WRC12/71

THAT the decisions contained in Section A of the report of the Regional Public Transport Committee held 5 March 2012 be noted.

The motion was put and carried (WRC12/71)

Minutes – Waikato Civil Defence Emergency Management Group Joint Committee – 12 March 2012

File: 03 04 18 (Agenda Item #4.4) Docs#2143715

Cr Friar presented the following report to Council of the Waikato Civil Emergency Management Group Joint Committee dated 12 March 2012.

WAIKATO CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE

Minutes of the meeting of the Waikato Civil Defence Emergency Management Group Joint Committee, held in the Council Chambers, Waikato Regional Council, 401 Grey Street, Hamilton East at 1.00 pm on Monday 12 March 2012.

MEMBERS:

Waikato Regional Council

Cr S Friar

Hamilton City Council

Cr PM Mahood

Hauraki District Council

Mayor JP Tregidga

Matamata Piako District Council

Mayor H Vercoe (Chairman)

Otorohanga District Council

Cr Sue Blackler

Taupo District Council

Cr M Downard

Thames Coromandel District Council

Cr P French

Waikato District Council

Cr N Smith

Waipa District Council

Cr D Finn

Waitomo District Council

Mayor B Hanna

IN ATTENDANCE:

Ministry of Civil Defence and Emergency Management

S Vowles, David Coetzee, National Controller

Waikato Regional Council

Cr J Hennebry

STAFF

CEG Chair

L Cavers

Waikato Regional Council

Group Manager River and Catchment Services, DS Fowlds,
Manager, GEMO (A Munro), Team Leader GEMO (L Hazelwood),
Committee Administrator (D Snape)

APOLOGIES

Cr Gubb (South Waikato District Council)

Accepted

(Unconfirmed) report of the WCDEMG Joint Committee 12 March 2012 – page 2

Confirmation of Agenda

(Agenda Item 1)

Cr P French moved/ Cr D Finn seconded

- CD12/01 **THAT the agenda of the Waikato Civil Defence and Emergency Management Group of 12 March 2012, with the addition of late items : 'shake out' exercise, and March conference. be confirmed as the business for the meeting.**

The motion was put and carried (CD12/01)

Minutes of Previous Meeting – 28 November 2011

File: 03 04 18 (Agenda Item 2) Docs# 2090390

Mayor B Hanna moved/ Cr J Tregidga seconded.

- CD12/02 **THAT the Minutes of the Waikato Civil Defence Emergency Management Group Joint Committee meeting of 28 November 2011 be received and approved as a true and correct record, noting that L Cavers is present in the capacity of CEG Chair.**

The motion was put and carried (CD12/02)

Joint Committee Strategic report

File: 03 04 19 (Agenda Item 4) Docs# 2142116

L Cavers and L Hazelwood made a joint presentation of the report contained in the agenda together with a power point presentation (doc#2141772) aimed at providing a reporting structure built around the strategic implementation of the 2GP.

Arising from discussion it was noted that:

- In terms of the employment relationship, WRC is the employer and as such has the ultimate responsibility for the performance of the GEMO.
- CEG cannot be the employer, but has statutory responsibilities to carry out the directions of the Joint Committee.
- The Service Level Agreement clarifies that the WRC employs the Group Controller, who is appointed by the Joint Committee.
- The Service Level Agreement is to be shown to the Joint Committee Chair for overview and brought back to the June meeting of the Joint Committee.
- The CEG minutes are to be included in the Joint Committee agendas.
- The Group Controller/Manager dual role calls for two different sets of skills, which may or may not be held by one person.
- The chair of the Joint Committee should be involved in the appointment of the Group controller position.
- It is anticipated that a recommendation on the Group controller appointment will be brought to the June Joint Committee meeting.

(Unconfirmed) report of the WCDEMG Joint Committee 12 March 2012 – page 3

David Coetzee, National Controller, Ministry of CDEM, was welcomed to the meeting and commented that the Joint Committee was 'on the right track' and in line with other councils. In terms of the appointment, it was normal practice for the Regional council to make the appointment, but not necessarily to select the candidate. The challenge is to identify the right person for the job, who would come 'at a cost' because of the skill sets required.

Cr S Friar moved/ Cr P Downard seconded.

CD12/03

THAT :

1. **The report 'Joint Committee Strategic report' (doc# 2142116 dated 2 March 2012) be received, and**
2. **That the Waikato Civil Defence Emergency Management Group Joint Committee approves the report format as presented in the 'Joint Committee Strategic report' (doc# 2142116 dated 2 March 2012).**

The motion was put and carried (CD12/03)

2011/12 Work Programme and Financial Position update

File: 03 04 19 (Agenda Item 5) Docs# 2142488

A Munro, GEMO manager, presented the report contained in the agenda and a power point presentation ((doc#2141772) listing the key achievements and the overall financial position.

Arising from discussion it was noted that:

- The projection for the end of the year is that the Group will be under budget slightly (approx \$5,000).
- It was anticipated that budgets would continue to keep in line next year.
- EMIS is understood to be the major statement for next year's resilience fund applications. The Waikato group has done well in terms of its applications and funding received.
- David Coetzee advised that nationally there is a budget of \$850,000 and to date applications total \$1.1 million. The Ministry will be looking for alignments with the national strategy and value for the wider sector.

Mayor B Hanna moved/ Cr D Finn seconded

CD12/04

THAT the report '2011/12 work Programme and Financial Position Update' (doc#2142488 dated 12 March 2012) be received for information.

The motion was put and carried (CD12/04)

Ministry of CDEM Update

File: 03 04 18 (Agenda Item 6)

The representative from the Ministry of Civil Defence, S Vowles, advised that:

- EMIS is a priority issue at present.

(Unconfirmed) report of the WCDEMG Joint Committee 12 March 2012 – page 4

- A review on the Christchurch response is due out by the end of June.
- Monitoring and evaluation on Bay of Plenty has just been completed and a report will be provided to the Minister by June/July.
- Declaration forms are to be issued to all territorial authorities once they are received from the Ministry.

The chair commented on the value of the professional knowledge and advice provided by Ms Vowles to the Joint Committee.

Mayor J Tregidga moved/ Mayor J Hardaker seconded

CD12/05 **THAT the verbal report from the Ministry of Civil Defence be received.**

The motion was put and carried (CD12/05)

Amendment to Civil Defence Emergency Management Act

File: 03 04 18 (Agenda Item 7)

L Cavers outlined the letter received from the Ministry of Civil Defence and Emergency Management dated 28 February 2012, regarding:

- changes to the Declarations of a state of local emergency and the steps needed to be taken by each local authority member.
- The CDEM Amendment Act section 12 amendment preventing CDEM groups from being automatically discharged following triennial elections.

Cr S Blackler moved/ Cr S Friar seconded

CD12/06 **THAT the letter from the Ministry of Civil Defence and Emergency Management dated 28 February 2012 titled 'Amendment to Civil Defence Emergency Management Act' be received for information.**

The motion was put and carried (CD12/06)

Items for next meeting

File: 03 04 18 (Agenda Item)

Items noted were:

- CEG meeting minutes
- Integrated Training Strategy
- Work programme update and financial position report
- Service Level Agreement
- Group Controller appointment
- Controller DNA

(Unconfirmed) report of the WCDEMG Joint Committee 12 March 2012 – page 5

Mayor J Tregidga moved/ Cr D Finn seconded

CD12/07 **THAT:**

- 1. A Group Manager/Group Controller be appointed for the Waikato region and that**
- 2. the Chair of the Waikato Civil Defence Emergency Management Group Joint Committee has input into the selection of the Group Controller position.**

The motion was put and carried (CD12/07)

'Shake out' education exercise

Additional Agenda item

P Blewman advised that this is a public education exercise planned for 9.26 on 26 September 2012 involving one million NZers. Detailed information will be on a 'shake-out' website on 26 March 2012, and a CD will be available. The public will be directed to their local authority websites. CEG will be checking for standardisation of the website information and opportunities to promote Grab and Go kits.

March Conference

Additional Agenda item

Individual Councils may be sending delegates. It was noted that the programme is very similar to a conference just held.

Meeting closed 2.30 pm

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Return to report of Council meeting 29 March 2012

Report of the Waikato Civil Defence Emergency Management Group Joint Committee 12 March 2012

Cr Friar highlighted the following points:

- Shake-out day is at 9.26 on the 26 September 2012 and information is now live on the CDEMG website.

Cr Friar moved/Cr Barker seconded.

WRC12/72

THAT the unconfirmed report of the Waikato Civil Defence Emergency Management Group Joint Committee held 12 March 2012 be received and the decisions noted.

The motion was put and carried (WRC12/72)

It was noted that the CDEMG Joint Committee has made considerable progress since the Ministry of Civil Defence report and Langley Cavers in particular was commended.

Minutes – Regional Pest Management Committee – 13 March 2012

File: 03 04 07 (Agenda Item#4.5) Docs#2145846

Cr Burdett presented the following report to Council of the Regional Pest Management Committee dated 13 March 2012.

REGIONAL PEST MANAGEMENT COMMITTEE

Report of the Regional Pest Management Committee of the Waikato Regional Council held in the Council Chamber, Waikato Regional Council office, 401 Grey Street, Hamilton East at 10.00am on Tuesday 13 March 2012.

MEMBERS: Cr LB Burdett (Chair)
Cr SP Friar (ex-officio)
Cr ST Kneebone
Cr LA Livingston (Deputy Chair)
Cr RM Rimmington
Cr PR Buckley (ex-officio)

IN ATTENDANCE: Cr J Hennebry and Cr PA Southgate

STAFF: Group Manager Biosecurity-Heritage (J Simmons), Biosecurity Operations Manager (PG Russell), Programme Manager -Natural Heritage (K Collins), and Committee Secretary (D Thurlow).

Confirmation of Agenda

Agenda Item 1

Cr Kneebone moved/Cr Friar seconded

RPC12/1.0 THAT the agenda of the Regional Pest Management Committee of Tuesday 13 March 2012 be confirmed as the business for the meeting.

The motion was put and carried (RPC12/1.0)

Disclosures of Interest

Agenda Item 2

There were no disclosures of interest.

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

Recommendations from Catchment Liaison Subcommittees

Agenda Item 3

The Committee considered the recommendations from the Coromandel Liaison Subcommittee meeting held on 15 February 2012.

The Chairperson tabled a report from the Colville Community Board in respect to a Coromandel possum control proposal.

Cr Burdett moved/Cr Kneebone seconded

RPC12/2.0 That the recommendations from the Coromandel Liaison Subcommittee meeting held on 15 February 2012 (Doc # 2130807) be received and the decisions made at that meeting noted.

The motion was put and carried (RPC12/2.0)

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

Regional Pest Management Strategy Operational Update

Agenda Item 4 (Doc # 2136568)

Biosecurity Officers (W Mead and D Hodges) provided an operational update of the key aspects of the pest animal and plant activities contained within the Regional Pest Management Strategy Operational Plan for the third quarter of the financial year.

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

- Green thistle beetles eat the leaves on thistle plants completely defoliating the plant.
- Chinese privet is a small plant that flowers before Christmas.
- Woolly Nightshade and Privet are spread by birds.
- District councils are no different to any other landowner, therefore when plant pests require action from district councils they are put on a programme to undertake a certain amount of work each year. Road verges have proved to be difficult for district councils as adjoining landowners were previously responsible for the road verge under the Noxious Plants Act. When the Biosecurity Act was enacted in 1993, it overturned this, and road verges became the responsibility of the occupier, in most cases which is the district council.
- Infestations of Woolly Nightshade and Privet are on the rise.
- A number of people are concerned with the spread of Japanese walnut particularly along riparian areas. Staff advised that a group called 'Waihi Walkways' has been undertaking control work on Japanese walnut in their area. It is locally endemic and is not likely to meet cost benefit criteria to be included on the list of pest plants as part of the Regional Pest Management Strategy Review.
- Yellow bristle grass will be included on the pest plant list as part of the Regional Pest Management Strategy.
- White bryony was brought into New Zealand because it has some medicinal properties.

Report of the Regional Pest Management Committee 13 March 2012 – page 3

- Councillor Southgate noted there are some great plant pest publications however they have a limited use if they are not in the public's hands. It was suggested that there could be some integration with the Enviro Schools by teaching children how to identify weeds. The Committee agreed that this was a good idea.
- It was noted that there are increased risks of spreading weeds from one area to another given that farming is now very transportable. Staff indicated that it would like to see every farmer in the region have a plant pest pack.
- Unfortunately the public generally only contact the Council when pest plants start to have an impact.

At this point, Members discussed the tabled item from the Coromandel - Colville Community Board noting:

- To be a viable commercial fur operation approximately 25 possums are required to make a kilogram, therefore to achieve a 12% RTC would be difficult to make a living from.
- Members queried whether in fact they were being asked to consider possum farming in conservation areas.

Staff outlined the process and timelines they are working to noting:

- For this current financial year Council was due to undertake control work in the Manaia area.
- Staff attended two meetings of the Coromandel -Colville Community Board where the Board has expressed its frustration at Council's approach to possum control.
- It was agreed that funding for this financial year be deferred until next year, but agreed to seek quotes for control for the area.
- Staff will be bringing a report back to the Regional Pest Management Committee in June 2012.

In response, the Committee made the following comments:

- Members indicated that they are not opposed to the community deciding how it wants to approach possum control; however the method used has to be able to meet Council's targets both budget and performance.
- In respect to the Coromandel Liaison Subcommittee's recommendation that the \$135,000 in Year 3 for possum control to be reinstated in the 2012 Long Term Plan the Regional Pest Management Committee advised that this matter should be raised in the Subcommittee's submission to the Long Term Plan.

Cr Burdett moved/Cr Buckley seconded

RPC12/3.0

THAT the recommendation from the Coromandel Liaison Subcommittee (CLSC12/8.3) lay on the table until staff bring back a report to the Regional Pest Management Committee in June 2012.

The motion was put and carried (RPC12/3.0)

The Biosecurity Officers continued to present their report.

Report of the Regional Pest Management Committee 13 March 2012 – page 4

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

- The Mangatawhiri and Mangatangi areas are being managed by the Auckland Council until the respective RPMS's are reviewed.
- Funding from the Department of Conservation for possum control is uncertain at this stage due to its budget constraints. Staff advised that in order to achieve the required outcomes funding from the Department of Conservation is critical.

Cr Burdett moved/Cr Rimmington seconded

RPC12/3.1 THAT the report 'Regional Pest Management Strategy Operational Update' (Doc # 2136568) dated 22 February 2012, be received for information.

The motion was put and carried (RPC12/3.1)

Whareorino Collaborative Pest Management

Agenda Item 5 (Doc # 2140922)

Biosecurity Officer (B Bailey) provided an update on progress of the collaboration to date and a concept for long term restoration of the whole area.

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

- Goat harvesting has been a way for farmers to supplement their income.
- There is continuing land owner pressure from farmers to cease goat harvesting as the benefits of biodiversity are observed.

Cr Burdett moved/Cr Kneebone seconded

RPC12/4.0 THAT the report 'Whareorino Collaborative Pest Management' (Docs. 2140922) dated 1 March 2012 be received for information.

The motion was put and carried (RPC12/4.0)

Halo Project – Five Year Review

Agenda Item 6 (Doc # 2137855)

Programme Manager -Natural Heritage (K Collins), Biosecurity Officer (D Byers) and Biodiversity Restoration Officer (T Balvert) briefed the Committee on the status of the Hamilton Halo project and discussed options for its future.

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

- The Facebook statistics relate to the Halo Facebook page.
- The Bat Open Day went well with over 300 people in attendance.
- The annual operational cost of rat control for the Halo project is \$200,000.

Report of the Regional Pest Management Committee 13 March 2012 – page 5

- Hamilton City Council does not provide funding for the project; it assists in other ways.
- The Long tailed bat is indigenous and under threat. Staff advised that there are plans to ensure that this species does not become extinct through Project Echo.
- The Halo Project has attributed to tui sightings all around the region.
- Members requested that staff update Council's website with a current report.
- The Committee is proud to be involved in the Halo Project.
- The Project has resulted in lots of tui sightings but also wider biodiversity benefits at large.
- It was suggested that given the success of Halo that the Project could be extended across the region.
- Staff advised that T Balvert is responsible for the public face of Halo and D Byers role is to monitor the outcomes of biodiversity.
- Staff advised that there is the potential to take the Halo Project out to other areas within the region.
- If the Project is extended Council will need to look at funding options.

Cr Burdett moved/Cr Buckley seconded

RPC12/5.0 THAT the report 'Halo Project – Five Year Review' (Docs # 2137855) dated 23 February 2012 be received for information.

The motion was put and carried (RPC12/5.0).

Commented [j1]: Mover, seconder?

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

Draft Regional Pest Management Plan Discussion Document

Agenda Item 7 (Doc # 2137851 & 2113953)

Programme Manager Natural Heritage (K Collins) provided an update on the Regional Pest Management Strategy review process, particularly the process for reporting to committees and for the Committee to provide comment on the draft Discussion Document.

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

- The Committee endorsed the process for the Draft Regional Pest Management Strategy to be released for consultation in March 2013 in conjunction with the Draft Annual Plan.
- Staff noted that under the current definition of 'destroy' it is difficult to quantify a 99% reduction in plant density.
- The individual gorse plant can be destroyed by painting the stump.
- Thistles can be destroyed if you keep mowing them. This process does take time.

The Committee went through the following list of pest plants;

Privet

Report of the Regional Pest Management Committee 13 March 2012 – page 6

Discussion ensued by the Committee about whether health based privet should be removed from the Strategy entirely, while retaining the requirement to control privet on roadsides. In removing the health based privet rule, people might be encouraged to find the real cause of what aggravates their health problems. From the discussion the Committee noted:

- The Waikato Regional Council's rule for privet is unique when compared to Auckland, Bay of Plenty and the Hawkes Bay.
- Staff advised that this is a Discussion Document that is out for public comment.
- It was noted that during the last review of the Regional Pest Management Strategy the Medical Officer of Health indicated that there is no correlation between privet and allergies.
- If the health based rule is removed from the Strategy it will be up to submitters to provide sufficient evidence to have it put back in.
- Privet is a pest plant and is an issue for a number of people.
- The majority of the Committee were of the opinion that the potential changes suggested by staff be included in the Discussion Document for public comment including a third note requiring allergy tests.

Cr Friar moved/Cr Livingston seconded

RPC12/6.0

THAT the Waikato Regional Council Regional Pest Management Strategy Review Issues Discussion Document accept the potential changes for Privet outlined in Doc # 2113953 and include the following point:

- 1. That an allergy test is required, not just a note from the Doctor.**

**The motion was put and carried (RPC12/6.0).
Councillor Rimmington voted against the motion.**

Tutsan

The Committee was happy with the proposed changes in the Discussion Document.

Pampas

The Committee was happy with the proposed changes in the Discussion Document.

Nodding Thistles

The Committee noted:

- It is important to maintain the gains scenario as a lot of production can be lost if thistles get away.
- The Committee was happy with the proposed changes in the Discussion Document.

Ragwort

The Committee was happy with the proposed changes in the Discussion Document.

Yellow Bristle Grass

Report of the Regional Pest Management Committee 13 March 2012 – page 7

The Committee was happy with the proposed changes in the Discussion Document.

Feral Pigs and Deer

The Committee was happy with the proposed changes in the Discussion Document.

Possums

The Committee was happy with the proposed changes in the Discussion Document.

Canada Goose

The Committee was happy with the proposed changes in the Discussion Document.

Wasps

The Committee was happy with the proposed changes in the Discussion Document.

Ants

The Committee was happy with the proposed changes in the Discussion Document.

Red Eared Turtles

The Committee noted:

- Nothing predates turtles in NZ.
- The Committee was happy with the proposed changes in the Discussion Document.

Significant Natural Areas

The Committee was happy with the proposed changes in the Discussion Document.

Hamilton Halo

The Committee was happy with the proposed changes in the Discussion Document.

Marine Biosecurity

The Committee was happy with the proposed changes in the Discussion Document.

Councillor Buckley left the meeting at 12.30pm.

Councillors queried the definition of “majority” on page 23 of the Discussion Document.

Report of the Regional Pest Management Committee 13 March 2012 – page 8

Staff advised that when the Biosecurity Act amendments go through it will provide Council's with the ability to add or subtract specific pests or species from the Strategy.

Cr Friar moved/Cr Livingston seconded

RPC12/6.1

1. **THAT the report "Draft Regional Pest Management Plan Discussion Document"** (Doc #2137851 dated 23 February 2012) be received.
2. **THAT the Regional Pest Management Committee recommends to Council approval of the Waikato Regional Council Regional Pest Management Strategy Review Issues Discussion Document dated April 2012** (Doc # 2113953).

The motion was put and carried (RPC12/6.1).

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

Update of Kiwifruit PSA

Agenda Item 8 (Doc # 2138239)

Biosecurity Officer (J McInnes) updated the Committee on *Pseudomonas syringae* pv. Actinidiae (PSA), a bacterial disease which has severely impacted kiwifruit orchards in the Bay of Plenty and has the potential to spread into kiwifruit orchards within the Waikato region.

Cr Kneebone moved/Cr Livingston seconded

RPC12/7.0

THAT the report 'Update on Kiwifruit PSA' (Doc #2138239) dated 23 February 2012 be received for information.

The motion was put and carried (RPC12/7.0).

Koi Carp Trap Update

Agenda Item 9 (Doc # 2142572)

Biosecurity Officer (D Byers) updated the Committee on the progress of constructing an automated koi carp trap and removal system.

Cr Livingston moved/Cr Friar seconded

RPC12/8.0

THAT the report 'Koi Carp Trap Update' (Doc # 2142572) dated 2 March 2012 be received for information.

The motion was put and carried (RPC12/8.0).

Meeting closed at 12.55pm

* * * * *

Return to report of Council meeting 29 March 2012

Report of the Regional Pest Management Committee 13 March 2012

Cr Burdett highlighted the following points:

- A proposal from a possum control group from the Coromandel was deferred to the next meeting.
- Staff were commended in respect of the Whareorino Collaborative pest management initiative in collaboration with the Department of Conservation.

Arising from discussion it was commented that:

- Working alongside local communities with a shared common goal is commendable.
- Staff were commended for preparing the Draft Regional Pest Management Plan discussion document for consideration by communities prior to releasing the Draft.

Cr Burdett continued highlighting points from the Regional Pest Management Committee report:

- The Halo Project is a great success.
- A meeting has been held with members of the Waikato SPCA in respect of the Halo Project and in particular the problems caused by the wild cat population. The SPCA is keen to get involved in any collaboration.
- The Draft Regional Pest Management Plan Discussion document was intended to be attached to the minutes and will be distributed to councillors.
- An allergy test for privet is proposed, as opposed to the current requirement for a doctor's letter.
- Koi carp eradication is still progressing.

Arising from discussion it was further noted that:

- Measures for gorse plants and thistles as contained in the minutes were individual comments made in respect of organic farming and pest control initiatives and should not be considered as Council's general practice.
- A comment in the media in respect of Kiwifruit PSA and the Regional council staff involved was incorrect and inappropriate.
- The group Kiwi Vine Health (KVH) has requested the Regional Council to include measures in its Regional Pest Management Strategy to assist in managing the Kiwifruit PSA issues. Kiwifruit PSA is currently a MAF response issue but is evolving into a management issue.

Cr Burdett moved/Cr Friar seconded.

WRC12/73

THAT the decisions contained in Section A of the report of the Regional Pest Management Committee held 13 March 2012 be noted and the recommendations contained in Section B be adopted.

The motion was put and carried (WRC12/73)

Minutes – Finance and Audit Committee – 14 March 2012

File: 03 04 03 (Agenda Item #4.6) Docs#2142043

Cr Legg presented the following report to Council of the Finance and Audit Committee dated 14 March 2012.

FINANCE AND AUDIT COMMITTEE

Report of the Finance and Audit Committee meeting of the Waikato Regional Council held in the Council Chambers, Environment Waikato (Waikato Regional Council) office, 401 Grey Street, Hamilton East at 10.00am on Wednesday 14 March 2012.

MEMBERS:	PM Legg (Chair), RM Rimmington, AI Armstrong, NW Barker, LB Burdett, SP Friar, J Hennebry, ST Kneebone, LA Livingston, PA Southgate, TM Stark
STAFF	Group Manager Finance (M Garrett), Programme Manager Finance (J Becker), Committee Administrator (DG Atkinson).
APOLOGIES	Cr PR Buckley (on other Council business) and LA Livingston (lateness)

Confirmation of Agenda

(Agenda Item 1)

The Chair noted that consideration of item 5 would be deferred until 11.30 am to allow R Garrett of Mercer to be present.

Cr Rimmington Moved/Cr Kneebone Seconded

FA12/1 **THAT subject to item 5 (Investment Monitoring Report December 2011 Quarter) being delayed until 11.30am the agenda of the Finance and Audit Committee of 14 March 2012 be confirmed as the business for the meeting.**

The motion was put and carried (FA12/1)

Disclosures of Interest

(Agenda Item 2)

There were no disclosures of interest.

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

Rates Information as at 31 January 2012

File: 08 15 08 (Agenda Item 3)

The purpose of the report presented by Group Manager Finance (M Garrett) was to provide a summary on rates activity to date for the 2011/12 financial year.

Mr Garrett presented a comparison of rate arrears with the prior year noting that the statistics were comparable.

Cr Kneebone Moved/Cr Burdett Seconded

FA12/2 **THAT the report "Rates Information as at 31 January 2012" (Doc #2138256 dated 28 February 2012) be received for information.**

The motion was put and carried (FA12/2)

Report of the Finance and Audit Committee 14 March 2012 – page 2

Investment Fund Performance and Cash Management Report to 31 January 2012

File:08 11 51 (Agenda Item 4)

The purpose of this item presented by Group Manager Finance (M Garrett) was to provide Council with an update on the performance of Council's investment fund for the period ended 31 January 2012. The Committee noted:

- Restated Investment fund balance \$74,149,000
- New graphs included in the report for the first time defining terms of deposits, maturity dates, and value of deposits held.
- A staff response that the Tui Mine project reporting process is through the Catchment Services Committee.

Cr Barker Moved/Cr Kneebone Seconded

FA12/3

THAT the report "Investment Fund Performance and Cash Management Report to 31 January 2012" (Doc #2134481 dated 17 February 2012) be received.

The motion was put and carried (FA12/3)

2011/12 Second Quarter Non-Financial Performance Results

File:01 14 11A (Agenda Item 6)

The purpose of this item presented by Group Manager Finance (M Garrett) was to review the non-financial performance results for the second quarter of the 2010/11 financial year. The Committee noted or discussed:

- Currently the 2009 LTP is still being reported. However, from July 2012 an improved reporting framework will be in place.
- In discussing non achievement of targets and the improved framework to be implemented in July, the Committee raised the merits of aspirational targets versus resource based targets and accountability back to the community. Group Manager Finance (M Garrett) noted that the LTP measurement framework focused on output measures that were achievable based on the agreed level of service and resources made available.

Cr Rimmington Moved/Cr Kneebone Seconded

FA12/4

THAT the report "2011/12 Second Quarter Non-financial Performance Results" (Doc #2116892 dated 1 March 2012) be received.

The motion was put and carried (FA12/4)

Local Authority Shared Services (LASS) – Statement of Intent (SOI)

51 04 09B (Agenda Item 7)

During presentation of this item by Group Manager Finance (M Garrett) the Committee noted the following two services are currently operating under the LASS umbrella;

- Shared Valuation Database Service (SVDS)
- Waikato Regional Transport Model (WRTM)

The Committee further noted what is signalled by the SOI is a shift from facilitator to initiator of shared services.

Cr Friar Moved/Cr Kneebone Seconded

FA12/5 THAT the report “Local Authority Shared Services Draft Statement of Intent 2012-13” (Doc #2141904 dated 1 March 2012) be received.

The motion was put and carried (FA12/5)

Cr Friar Moved/Cr Kneebone Seconded

FA12/5.1 That the Local Authority Shared Services Draft Statement of Intent for 2012-13 be approved

The motion was put and carried (FA12/5.1)

Local Authority Shared Services (LASS) – Six Monthly Report to Shareholders to 31 December 2011

File: 51 04 09B (Agenda Item 8)

This item was presented by Group Manager Finance (M Garrett). The Committee noted the Local Government Act 2002 requires Council Controlled Organisations to report to the shareholders twice yearly and the report covered the period 1 July 2011 to 31 December 2011.

Cr Kneebone Moved/Cr Burdett Seconded

FA12/6 THAT the report “Local Authority Shared Services - Six Monthly Report to Shareholders to 31 December 2011” (Doc #2141883 dated 1 March 2012) be received for information.

The motion was put and carried (FA12/6)

IRIS Project Report Update

File: 51 00 32 (Agenda Item 9)

The purpose of this item presented by Group Manager Corporate (J Stewart) was to provide the Committee with a project update. The Committee noted there were two parts to the project:

- Regional Council Collaborative Development Group (RCCDG) and
- Waikato Regional Council Implementation Project

Report of the Finance and Audit Committee 14 March 2012 – page 4

The Committee expressed satisfaction that both parts of the project were meeting timelines and had received favourable reviews from the AuditNZ quality assurance auditor.

Cr Burdett Moved/Cr Barker Seconded

- FA12/7** **THAT the report “RCCDG IRIS Project Report Update” (Doc #2133309 dated 14 March 2012) be received for information.**
The motion was put and carried (FA12/7)

Environmental Initiatives Fund (EIF) Funding Reports

File: 01 17 97 (Agenda Item 10)

The purpose of this item introduced by Natural Heritage Programme Manager (K Collins) was to present four reports from two recipients (Whaingaroa Environment Centre and Kerry Borkin) of funding from the Environmental Initiatives Fund.

Cr Rimmington Moved/Cr Southgate Seconded

- FA12/8** **THAT the report “Environmental Initiatives Fund Funding Reports” (Doc #2119249 dated 20 January 2012) be received.**
The motion was put and carried (FA12/8)

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

Contract Approval Delegation

File:08 01 11 (Agenda Item 11)

The purpose of item presented by Group Manager Finance (M Garrett) was to present the current delegations in place for approval of contracts with recommendations for change. The report had been prepared in response to the November 2011 Finance and Audit Committee meeting asking staff to report back on the delegation of contract approvals. The question was raised in the context of Council's significance policy and whether certain contracts should be approved by full Council.

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

- The recommendations within the report are effectively introducing a further tier in the governance and authorisation process for large contract payments by requiring Finance and Audit Committee approval.
- In response to a question staff advised the splitting of contract payments to bring them within delegation limits is a breach of policy

Cr Friar Moved/Cr Kneebone Seconded

- FA12/9
1. **THAT the report “Contract Approval Delegation” (Doc #2140894 dated 29 February 2012) be received; and**
 2. **Recommended That:**
 - i) **The Contracts Subcommittee delegation be limited to multi-year contracts where the average annual spend is less than \$2.5m pa, or where the contract value exceeds the long term plan budget provision by less than \$500,000 pa or \$2.5m in total;**
 - ii) **A quarterly report on contracts awarded by the Tenders Board be submitted to the Finance and Audit Committee for information only.**

The motion was put and carried (FA12/9)

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

Cr L Livingston in meeting at 11.31 am

Investment Monitoring Report December 2011 Quarter

File:08 11 55M (Agenda Item 5)

The purpose of this item presented by R Garrett of Mercer in conjunction with D Briggs and C Stent of Harbour Asset Management was to provide an update on the quarterly investment monitoring report. The focus of the presentation by Harbour Asset Management was to provide the Committee with an overview of the Trans –Tasman equity fund performance.

During the presentation Council noted:

- Over the previous quarter ending 31 December 2011, the fund returned 2% in line with its benchmark.
- The return over the last 12 months is a modest 3.8%, dragged down by losses in equity markets.
- The rate of return for the internal loan has been substantially lower than Fixed Interest market returns over the last 12 months.
- Longer term returns for the Fund are quite pleasing.
- Although comprising less than 20% of the portfolio, global equities contributed more than half the returns for the quarter.

Cr Kneebone Moved/Cr Burdett Seconded

- FA12/10
- THAT the report “Investment Monitoring Report December 2011 Quarter” (Doc #2141982 dated 1 March 2012) be received.**
- The motion was put and carried (FA12/10)**

Meeting adjourned at 12.27pm

Meeting resumed at 1.15pm

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

The Home of Cycling Charitable Trust (HOC) Update

File: 21 20 11C (Agenda Item 12)

The purpose of this item introduced by Group Manager Finance (M Garrett) and presented by G Balme, (HOC Chief Executive) was to provide an update on progress towards meeting the conditions that need to be met to secure the \$6M Waikato Regional Council funding and seek Council confirmation that the changes to the Trust Deed (pages 150 and 151) satisfy the requirements of the Funding Deed. The Committee noted:

- Changes to the Trust Deed have been made to accommodate the requirements of Waikato Regional Council and the Charities Commission. The changes have been reviewed by Tomkins Wake who have confirmed (Doc #2142596) the revised Trust Deed incorporates the changes required by WRC to meet the conditions of the Funding Deed.
- At this stage, staff have not reviewed the supporting material provided by the Trust. This will be done and reported to the May Finance and Audit Committee meeting.

In addition to the matters relating to the Trust Deed G Balme also provided an update in the following areas of the project:

- Design
- Construction Contract
- Funding
- Timing

Cr Friar Moved/Cr Kneebone Seconded

FA12/11

1. **THAT the report “The Home of Cycling Charitable Trust Update” (Doc #2142454 dated 2 March 2012) be received; and**
2. **Recommended That:**
The Council confirm the changes made to the Deed of the Trust for the Home of Cycling Charitable Trust are acceptable and satisfy the requirements for the Funding Deed between Waikato Regional Council and the Trust.

The motion was put and carried by seven votes to four
(FA12/11)

Councillors Armstrong Hennebry Rimmington and Stark recorded their votes against the resolution

The Chair advised agenda items 18 (Mercer Quarterly Report) 19 (Investment Fund – Appointment of NZ Bond (Fixed Interest) Manager would be brought forward to assist the presenter’s travel arrangements and the other two Public Excluded items. (Agenda item 16 Non-Rates Debtors) and (Agenda item 17 Non-Rates Debtors – Write Offs) would be considered immediately subsequent to that.

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

FA12/12

Resolutions to Exclude the Public

Cr Rimmington Moved/Cr Friar Seconded

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
16	Non-Rates Debtors	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
17	Non-Rates Debtors – Write Offs	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
18	Mercer quarterly report – manager research	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
19	Investment Fund – Appointment of NZ Bond Manager	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
16,17, 18, 19	Prejudice commercial position	S7 (b) (ii)
16, 17	Protection of privacy of natural persons	S 7 (a)

The motion was put and carried (FA12/12)

Return to Open Meeting at 2.55pm

Cr Friar Moved/Cr Barker Seconded

FA12/18

THAT the Finance and Audit Committee of 14 March 2012 report in Open Meeting the following business conducted in the Public Excluded part of the meeting.

Agenda Item 17 (Non – Rates Debtors Write Offs)

The Committee approved the writing off of non-rates debt totalling \$2089.81

Agenda Item 19 (Investment Fund – Appointment of NZ Bond (Fixed Interest) Manager)

The Committee recommended to Council that AMP Capital Investors be appointed as Councils New Zealand Bond (Fixed Interest) Fund Manager

The motion was put and carried (FA12/18)

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

2012-22 Draft Long Term Plan Update

File:01 12 12A (Agenda Item 13)

The purpose of this item presented by Group Manager Finance (M Garrett) was to summarise the changes that have been made to the 2012-22 Draft Long Term Plan (LTP) and 2012-22 Draft LTP Summary (Your Waikato) following the Council meeting of 23 February 2012, subsequent Council feedback and Audit feedback. It was noted any further changes agreed at the current meeting would be included in the two documents which are scheduled for adoption at the Council meeting of 21 March 2012. The following matters were discussed/noted by Council.

- The wording in the Protecting Lake Taupo story had been amended to note the application to the Freshwater Clean Up fund had been unsuccessful.
- There was discussion as to the whether the phrase of "Land and Water" should be changed to "Soil and Water". An informal show of hands supported no change by seven to four.
- In the area of Passenger Transport there needs to be consistency between the documents and clear definition that the biggest constraint on services is the cap on funding by NZTA.
- It was agreed that there should be clarity on page 12 of Your Waikato that the Regional contribution to Whangamata mangrove management applies to all harbours.
- In the "Protecting Lake Taupo" commentary on page 14, in the first paragraph there are two issues. One is the outcome of the review and the other is the reduction target. These need to be separated.
- There needs to be a consistency in the commentary on new office accommodation (page 14).

Cr Livingston Moved/Cr Friar Seconded

FA12/19

1. **THAT the report "2012-22 Draft Long Term Plan Update" (Doc #2145403 dated 7 March 2012) be received; and**
2. **The Committee approves the changes noted in the report, subject to any further changes required by the Office of the Auditor General, Audit NZ and other minor grammatical, formatting and wording changes.**
3. **The changes agreed at this meeting to Your Waikato and the Draft LTP be approved and implemented.**

The motion was put and carried (FA12/19)

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

January 2012 Financial Performance and Financial Forecast

File: 08 00 00 (Agenda Item 14)

This item presented by Programme Manager Finance (J Becker) provided an overview of financial performance to January 2012 and summarised the outcome of the second financial forecast. The Committee was requested to recommend budget changes as detailed in the report totalling \$778,000.

Cr Barker Moved/Cr Burdett Seconded

FA12/20

1. **THAT the report “January 2012 Financial Performance and Financial Forecast” (Doc #2140862 dated 6 March 2012) be received; and**
2. **Recommended That Council approve forecast budget amendments totalling \$778,000 as set out in the report.**

The motion was put and carried (FA12/20)

Meeting closed at 3.35

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Return to report of Council meeting 29 March 2012

Report of the Finance and Audit Committee 14 March 2012

Cr Legg highlighted the following points:

- The Investment Fund is up to \$74 million again.
- IRIS is on track.
- Changes were made to the Deed of Trust for the Home of Cycling Charitable Trust.

Arising from discussion it was noted that:

- A review of the supporting material provided by the Trust is underway and no issues have been identified at this stage. A full report will be presented at the May Finance and Audit Committee meeting.
- The minutes of the discussion with the Home of Cycling Chief Executive, G Balme, were considered by some councillors to be scant.
- Other opinions were that the minutes were adequate and no cause for concern.

A point of order was raised by Cr Hennebry that comments by Cr Friar on the progress made by the Home of Cycling Trust were repetitious. This was disallowed by the Chairman.

Cr Legg moved/Cr Friar seconded.

WRC12/74

THAT the decisions contained in Section A of the report of the Finance and Audit Committee held 14 March 2012 be noted and the recommendations contained in Section B (except for Item 12 ‘The Home of Cycling Charitable Trust (HOC) update’ (FA12/11) be adopted.

The motion was put and carried (WRC12/74)

The Section B item The Home of Cycling Charitable Trust (HOC) update (FA12/11) was considered separately.

Cr Legg Moved/Cr Friar Seconded

WRC12/74.1 **THAT the report “The Home of Cycling Charitable Trust Update” (Doc #2142454 dated 2 March 2012) be received; and**

RESOLVED That:

The Council confirm the changes made to the Deed of the Trust for the Home of Cycling Charitable Trust are acceptable and satisfy the requirements for the Funding Deed between Waikato Regional Council and the Trust.

**The motion was put and carried by seven votes to three
(WRC12/74.1)**

Councillors Armstrong Hennebry and Stark recorded their votes against the resolution

Minutes – Policy and Strategy Committee – 29 March 2012

File: 03 04 15 (Agenda Item #4.7) Docs# 2159165

Cr Southgate presented the following report to Council of the Policy and Strategy Committee dated 29 March 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 12.50pm on Thursday, 29 March 2012.

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

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

APOLOGIES: Cr RM Rimmington (leave of absence)

Accepted

Confirmation of Agenda

(Agenda Item 1)

Cr Burdett moved/Cr Buckley seconded

PC12/12 **THAT with the addition of the tabled Land and Water Quality minutes of 29 March 2012, the agenda of the Policy and Strategy Committee of 29 March 2012 as circulated be confirmed as the business for the meeting.**

The motion was put and carried (PC12/12)

Disclosures of Interest

(Agenda Item 2)

There were no disclosures of interest noted.

SECTION B: (FOR RECOMMENDATION TO COUNCIL)

Land and Water Quality Subcommittee

File: (Agenda Item) Doc:

The Committee considered the recommendations arising from the Land and Water Quality Subcommittee meetings held on:

- 23 February 2012, and
- 29 March 2012 (tabled),

and decided that two minor alterations to one of the recommendations (L&W12/3.0) were necessary in recognition that Waikato and Waipa river iwi technical staff had not yet had detailed input into the draft stakeholder management plan for the Waikato Regional Plan Change for Waikato River Catchment.

Report of the Policy and Strategy Committee 29 March 2012 – page 2

Cr Buckley moved/Cr Barker seconded

PC12/13

RESOLVED

THAT the reports of the Land and Water Quality Subcommittee meeting held on 23 February 2012 (Doc: 2137484) and 29 March 2012 (Doc: 2155578) be received.

RECOMMENDED

THAT the following recommendations be adopted:

Draft Stakeholder Engagement Plan for the Waikato Regional Plan Change – Waikato River Catchment

1. That the draft stakeholder engagement plan for the Waikato Regional Plan Change for Waikato River Catchment, contained in this report, is used as the basis for stakeholder engagement activities connected with the plan change; and
2. That the Council endorse the development of a process between WRC and Ngati Tuwharetoa, Raukawa, Te Arawa River Iwi Trust, Maniapoto and Waikato-Tainui that is in accordance with legislation, any relevant Joint Management Agreements in development, and if necessary, adds further detail to how co-management will be carried out throughout the policy development process for a plan change for the Waikato River Catchment.

The motion was put and carried (PC12/13)

Cr Barker moved/Cr Livingston seconded

PC12/13.1

RESOLVED

THAT the reports of the Land and Water Quality Subcommittee meeting held on 23 February 2012 (Doc: 2137484) and 29 March 2012 (Doc: 2155578) be received.

RECOMMENDED

THAT the following recommendations be adopted:

Iwi Feedback on the potential for a Plan Change to the Waikato Regional Plan for the Waikato River Catchment

1. THAT the positive outcome of recent discussions between Waikato Regional Council and Waikato and Waipa River iwi have confirmed that, in principle, a regional plan change is necessary to improve the water quality of the Waikato and Waipa Rivers; and
2. THAT Council undertake a process, in partnership with Waikato and Waipa River Iwi, to understand and develop co-governance and co-management arrangements to underpin the regional plan change for the Waikato River catchment.

Catchments to be actioned in stages two and three of water quality plan changes

1. THAT the Waihou-Piako and Coromandel catchment areas be actioned in stage two and the West Coast catchment area be actioned in stage three of the staged plan change approach to water quality on the basis of the legislative direction and alignment with other work; and
2. THAT the order and composition of stages two and three be reviewed if the Subcommittee considers there is sufficient further information available in future to justify directing staff to undertake further analysis.

The motion was put and carried (PC12/13.1)

Meeting closed 1pm.

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Return to report of Council meeting 29 March 2012
Report of the Policy and Strategy Committee 29 March 2012

Cr Southgate noted that the Committee had met primarily to endorse the recommendations from the Land and Water Quality Subcommittee of the same day.

Cr Southgate moved/Cr Burdett seconded.

WRC12/75 **THAT the decisions contained in Section A of the report of the Policy and Strategy Committee held 29 March 2012 be noted and the recommendations contained in Section B be adopted.**

The motion was put and carried (WRC12/75)

External Committee reports

- Cr Stark had attended a meeting of the Rotokauri Management Committee which had mostly been concerned with operational matters.
- Cr Hennebry had attended two routine meetings of the Animal Ethics Committee at Ruakura. The information considered at the meetings is confidential because of commercial sensitivity and so cannot be reported on in an open forum. Arising from discussion it was agreed that councillors would be interested to visit the facility. Cr Hennebry will facilitate.
- Cr Armstrong had enjoyed an evening at the Farm Environment Awards, and noted the amount of young participants.
- Cr Southgate stated she would report back on the Future Proof meetings at the next Council meeting.
- Cr Buckley had attended a meeting of the Hauraki Gulf forum where a public forum had been held. A request had been made for support of a proposal to put Defence force land back to public use, but this had been refused. A Waikato Regional council report had been presented updating work on the Spatial Plan.

Hearing Committee Reports in terms of the Resource Management Act 1991

File: 03 20 00

River and Catchment Services Lower Piako and Maukoro Canal Flood protection scheme

File: 61 45 69A (Agenda Item #5.1) Docs#2138281

Cr Kneebone moved/Cr Livingston seconded.

WRC12/76 **THAT the Commissioner's decision report in respect of the resource consent applications by River and Catchment Services to undertake silt removal and erosion control structures as part of implementing and operating the lower Piako and Maukoro Protection scheme be noted.**

IN THE MATTER: of the Resource Management Act 1991

A N D

IN THE MATTER: of a set of applications lodged by River and Catchment Services to undertake silt removal and erosion control structures as part of implementing and operating the lower Piako and Maukoro Canal Flood Protection Scheme

COMMISSIONERS' DECISION

Introduction

- [1] The River and Catchment Services (RCS) Group of the Waikato Regional Council, is applying for a number of consents to authorise activities relating to the maintenance of waterways and stopbanks within the Piako Flood Protection Scheme on the Hauraki Plains. The Applicant is applying for consents to remove silt material in the Lower Piako River Catchment and along the Maukoro Canal, and depositing the material on adjacent land. Consent is also sought to place erosion control structures on the banks of the Piako River, to protect and maintain the integrity of stopbanks within the Lower Piako Catchment.
- [2] The RCS group has the responsibility within Council for managing rivers and catchments within the Waikato Region including providing for and maintaining flood control and erosion protection works.
- [3] The Piako Scheme is a scheme first established many years ago in the 1960's for the purpose of providing flood protection to the low-lying townships and farms of the Hauraki Plains. The Scheme itself consists of 59 floodgates, 32 pump stations and 166 kilometres of stopbanks, helping to protect 250,000ha of productive farmland.
- [4] The Piako Scheme operates in conjunction with the adjoining Waibou Valley Scheme, with both Schemes providing comprehensive flood protection for most of the Hauraki Plains. Both Schemes provide significant social and economic benefits to the area primarily from the conversion of low-lying marginal farmland to prime farmland. Much of the Hauraki Plains is at or around sea level and is exposed to flood events and storm surges from the Firth of Thames.

Decision report River and Catchment Services Lower Piako and Maukoro Canal Flood protection scheme – pg 2

- [5] The economic benefits from both Schemes are significant, with one study in 2009 putting a dollar value on the value of benefits to the Waikato region and to the nation as a whole at \$1.8b per annum.

Scheme Works

- [6] The work for which consent is being sought involves removing estuarine clay material and silt deposits from waterways within the Lower Piako Catchment area using a long reach excavator, and depositing the material on the adjacent berm behind a temporary bund designed to prevent sediment from re-entering the waterway.
- [7] The work programme also involves undertaking berm and stopbank protection work through willow lopping and layering, using rock riprap, gabions and groynes, or piling with brushwood revetment placed between the poles.
- [8] The overall purpose of the works is to provide for the ongoing maintenance and repair of the Lower Piako River and Maukoro Canal flood protection works, not to enlarge the Piako Flood Protection Scheme. We should mention here that maintenance work of this kind has been undertaken by RCS and its predecessor the Hauraki Catchment Board for a number of years under existing use rights or as permitted activities without the need for statutory approval. However consent is now required under the Waikato Regional Plan for placing erosion control structures in waterways within the Scheme, for removing material from the waterways, and for depositing that material onto adjacent land.

Existing Environment

- [9] The need for resource consents for activities that were previously permitted raises the issue as to what constitutes the existing environment against which the effects of the activities requiring consent are to be assessed.
- [10] As we see it, the environment that exists today which has been formed in part by the Scheme works, including past maintenance work, is the receiving environment. The adverse effects from the maintenance works to be considered are those that are not already impacting on the environment as it already exists today.¹
- [11] In this case, the adverse effects we are to assess are both the short term effects arising from the temporary nature of the maintenance works such as sediment discharges, and the long

¹*Rodney District Council v Eyres Echo Park Ltd*(2007) NZLR

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term potential effects such as the lowering of water levels in sensitive wetland areas. This brings us to a brief description of what is the natural and receiving environment within which the works are to be undertaken.

- [12] The maintenance works are to be undertaken in the lower part of the Piako River Catchment and Maukoro Canal, known as the delta subzone, which extends from the mouth of the Piako River at the Firth of Thames near Pipiroa to the confluence of the Piako and Waitoa Rivers. This is a former delta swamp, which has been drained and developed into rural productive farmland. Managing drainage levels in the area is dependent on maintaining the scheme works.
- [13] The watercourses within the Scheme area have been described as having average water quality but with high suspended sediment loadings. They support a wide range of fish species, some of which reside within the proposed consent area, while others pass through the lower reaches during their migratory phase.
- [14] The Lower Piako Catchment area contains a number of areas of high ecological value having international and national significance. They are the Koputahi Wetland which is a wetland of international importance, the ABCD Flax Block and the Torehape Peak Dome. In addition to those sensitive areas, a number of watercourses within the scheme have been identified as significant natural areas (SNAs) under a modelled assessment process undertaken by Council to reflect the ecological values those watercourses represent for watercourses of that type.
- [15] In summary, the environment in which the works are to take place consists of a highly modified rural environment but with some areas of high ecological value. As Mr Lake the Applicant's ecologist observed, the current environment is a product of all the activities occurring within the catchment including historic maintenance works.

The Hearing of the Application

- [16] The application was lodged back in November 2007, limited notified in 2010, and allocated a hearing in December 2011. Two submissions were received, one from the Department of Conservation and the other from Fish & Game New Zealand.
- [17] We, Paul Cooney and Nigel Mark-Brown, were appointed by the Regional Council as Hearing Commissioners under s34A of the RMA to hear and determine the application. We

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held a hearing in Hamilton on 12-14 December 2011, including the undertaking of a site visit to familiarise ourselves with the general Scheme area.

- [18] At the hearing, we heard background evidence and a description of the works from Amon Martin, the Scheme Manager; from Robert Hick, Chairman of the Waihou and Piako Liaison Sub-committee, who explained the benefits of the Scheme to the farming community; from Michael Lake, Ecologist for the Applicant; and from James Bevan, Planning Consultant, who addressed the planning considerations and put forward conditions for mitigating the effects of the works. All of these witnesses gave evidence for the Applicant.
- [19] For Council, we heard from two ecologists, Dr Bruno David and Dr Kevin Collier, both of whom explained the natural significance of the watercourses within the Scheme and the potential effects the works may have on aquatic communities and habitats. We also received submissions from Grant Blackie, Land and Soil Manager for Council, and evidence from Graeme Cooper, Resource Officer, who outlined the reasons for conditions proposed by Council to maintain the existing environment and to protect sensitive wetland areas.
- [20] For the submitters, we heard from John Gumbley an Ecologist from DOC, who emphasised the importance of protecting sites within the Scheme area having national and international ecological significance, and explained the reasons why DOC generally supported the conditions of consent proposed by Council. For Fish & Game, David Klee, Game Bird Manager with the Auckland/Waikato Division of Fish & Game, described the potential effects the works may have on game birds and their habitats.
- [21] On completion of the evidence, we asked for and received a fresh set of conditions from the Applicant with the reasons explaining why the Applicant was seeking different conditions from those conditions proposed by Council and the submitters. We found that document most helpful in defining the respective positions of the parties at the close of the hearing.
- [22] We should mention here that Council and the submitters properly conceded that the Application should be granted, so by the end of the hearing the key issue for our consideration was what were the appropriate conditions to be imposed on the consents in order to maintain the natural values of affected watercourses and wetlands, while recognising the important economic and social benefits of maintaining the Scheme.
- [23] In general terms, the Applicant opposed many of the conditions proposed by Council and the submitters to address their environmental concerns on the grounds they would unfairly

impose on the Applicant time limitations for undertaking the works, went beyond what was reasonably required to mitigate the effects of the works, and imposed on the Applicant unnecessary but significant costs.

- [24] The Council and the submitters in response maintained the conditions were necessary to sustain aquatic biodiversity within the Scheme waterways and to protect the sensitive wetland areas.

Evaluation

- [25] The competing arguments over what are the appropriate conditions primarily centred on addressing the following matters of concern arising from the proposed works:

- Fish mortality;
- Effects on black mudfish;
- Effects on inanga spawning;
- Effects on native fish migration;
- Effects on the Koputai and Torehape wetlands;
- Effects on avifauna breeding and habitat;
- Maintenance of water quality;
- The time limitations for undertaking the works.

In determining this application, we intend to focus on whether those areas of concern we have identified can be adequately avoided, remedied or mitigated through what we consider to be the appropriate conditions.

Planning Context

- [26] However before doing so, it is necessary for us to consider the planning context in which we are to evaluate this application.
- [27] The predominant planning documents applying to the application are the Operative Regional Policy Statement and the Waikato Regional Plan. The relevant policies in the Policy Statement recognise the use and development of natural and physical resources and the modification of flow regimes so long as adverse effects on the environment including biodiversity and water quality are avoided, remedied or mitigated.

- [28] Those policies in the Regional Policy Statement are given effect to by the policies and methods in the Waikato Regional Plan. The relevant provisions of that Plan expressly allow for the extraction of bed material and the disturbance of river beds associated with the maintenance of river control schemes managed by Council, subject to meeting performance standards including not permanently affecting the passage of fish upstream and downstream. Some degree of interference is therefore contemplated.²
- [29] Notwithstanding the Regional Plan allows in general terms silt extraction to maintain the operational efficiency of an existing flood control scheme, the overall status of this application is for discretionary activities. This is because under Rule 5.2.5.6, the discharge of material onto land adjacent to stopbanks in floodplain areas is a discretionary activity. Also under Rule 3.2.4.6, the suspended solids being discharged as a result of the silt extraction works are likely to exceed 80g per cubic metre in the classified waters of the Piako River (Fishery class) and therefore that activity becomes a discretionary activity.
- [30] It can be seen from the relevant planning provisions that granting consent for this application would not be inconsistent with either the Regional Policy Statement or the Regional Plan or the other planning documents referred to us in the evidence of Mr Bevan and Mr Cooper, so long as the effects can be managed through appropriate conditions of consent.
- [31] We now wish to deal with the potential effects mentioned earlier that may arise from the proposed works.

Fish Mortality

- [32] The concern here is that the de-silting works could potentially cause fish mortality as a result of mechanical excavation and deposition of silt material in and along the Scheme waterways. The magnitude of fish losses from this operation in the past is unknown but it is accepted by the Applicant that there will inevitably be some losses. They will be limited due to the annual length of de silting works being a relatively small proportion of the total river and channel length
- [33] The Council, supported by DOC, proposes a condition requiring an assessment survey to be undertaken by the Applicant during excavation operations within the first two years of the consent commencing in order to formulate a Fish Stranding Mitigation Protocol to minimise fish mortality and fish strandings.

² See Rule 4.3.6.1 and Rule 4.3.6.2

- [34] The Applicant does not dispute the need for a survey to gain information on fish species and numbers affected during de-silting operations, but would prefer this to be done as part of its monitoring plan for the proposed works rather than through the specific conditions sought by Council. According to the Applicant, once the scale of the mortality rates are known, the methods to minimise losses would then be addressed in the Waterway Management and Wetland Enhancement Plan to be approved by Council as a condition of consent.
- [35] On this issue, we agree with the Applicant's approach as it would allow a degree of flexibility as to how it formulates an appropriate management response depending on the scale of the problem. Also allowing the Applicant to propose methods for determining and recording fish mortality is consistent with similar conditions in the Waihou Valley Scheme maintenance consent.
- [36] During the hearing, there was much debate about trialling the installation of alcoves along the banks of waterways to provide safe havens for native fish during excavation works. Both Council and DOC sought the trialling of the alcoves as a condition of consent, but the condition was strongly opposed by the Applicant whose witnesses questioned the effectiveness of the alcoves due to sedimentation and the risk of causing bank erosion, and the need for such an experiment given the scale of the fish mortality rate was still unknown.
- [37] We believe this is a matter that should be left for consideration as a mitigation measure in the Waterway Management and Wetland Plan if supported by further research and cost-benefit analysis. In other words, the installation of the alcoves should be considered as an optional mitigation measure for reducing fish losses depending on their practicality, cost and the scale of the fish mortality problem.
- [38] We think it is unreasonable to expect the Applicant at some considerable cost to install the alcoves on a trial basis when their effectiveness has been called into question and the scale of the mortality rate is unknown. More research is needed before this mitigation method should be considered.

Black Mudfish

- [39] Both Council and DOC alerted us to the potential risk to black mudfish from the de-silting operations. Black mudfish are a threatened species, which according to the ecologists Mr Gumbley and Mr Lake, are likely to be found in wetland areas.

- [40] The Applicant has recently commissioned a survey to determine where significant populations of black mudfish may be found. Sixteen sample sites were selected including a number in watercourses adjacent to the Kopustai wetland. We were told no mudfish were found at any of these sites.
- [41] Council proposed a condition requiring the Applicant to provide a black mudfish tracking and translocation protocol to apply to any works within 200m of the Kopuatai wetland.
- [42] There are in our view obvious practical difficulties and trapping and transferring black mudfish. Instead, we prefer that any potential risk to black mudfish from excavation operations be addressed in the Waterway Management and Wetland Plan by incorporating in the Plan the condition proposed by DOC that appropriate options for mitigating adverse effects on freshwater species, including mudfish, be developed in consultation with DOC, including habitat establishment or enhancement, or any other agreed mitigation.

Effects on Inanga Spawning and Native Fish Migration

- [43] One of the primary concerns of DOC and Council is the potential harm the proposed works may have on the inanga spawning season and habitat, as well as impeding native fish migration. The cause for their concerns is due to the increased sediment that occurs in the watercourses from the excavation operations, and from vegetation clearance when undertaking the work.
- [44] There was common agreement amongst all the ecologists that measures needed to be taken to protect as far as possible inanga spawning sites, and to minimise any effects on fish migration including inanga during the migration season.
- [45] Mr Gumbley told us that inanga are ranked as "at risk – in decline" in the DOC threat classification system and that one of the primary reasons for this ranking is habitat degradation and lack of spawning habitat protection. He said that recent surveys by the Applicant found inanga to be abundant in some watercourses where works are proposed to be undertaken.
- [46] However the problem according to Mr Lake is the difficulty in identifying inanga spawning sites to enable the Applicant to take work avoidance measures, as they are well hidden and spawning activities are short-lived.

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- [47] In order to address this problem, the Applicant proposes a condition requiring the consent holder within three years of granting consent to undertake an assessment of potential inanga spawning sites so that mitigation measures can be implemented including riparian planting.
- [48] In our view, there is clearly a need for such an assessment and we note this initiative is supported by DOC and Council. Accordingly we find the Applicant's proposed condition to be appropriate.
- [49] On the issue of fish migration, the importance of allowing passage through waterways during the migration season was explained by Dr Collier. The SNA classification of the waterways within the Lower Piako Catchment recognises the connection between the Firth of Thames, an internationally recognised ecological area, and the Kopuatai wetlands, which provides high quality habitat for native fish.
- [50] Again, the ecologists are in agreement that an effective method for limiting interference with fish migration would be to avoid undertaking maintenance work during the migration season, which is August to December inclusive, and during the inanga spawning period which is March to May inclusive.
- [51] However, the Applicant says that to limit the proposed works over such a wide period during the year is unreasonable given the works are limited to a small area of the total indigenous fishery habitat estimated to be no more than 4.5% of the total habitat, and taking into account the Applicant proposes to undertake a planting programme along the riparian margins of affected waterways to improve fish habitat.
- [52] Whilst the exclusion of works during the entire migration and inanga spawning seasons may be the ideal solution, it will in our view seriously restrict the Applicant's ability to undertake the works in an effective and timely manner. A balance needs to be achieved between minimising the effects of the works on the aquatic communities and allowing the Applicant to proceed with the work efficiently.
- [53] The limited scale of the works and the off-set planting enhancement proposed by the Applicant persuade us that the fish migration and inanga spawning seasons should be shortened as proposed by the Applicant in terms of defining the periods when the work should not be undertaken. In our view, the off-set planting will compensate for what we consider to be the potential low level impact the works are likely to have on the aquatic community.

- [54] For this reason we also agree with the Applicant's proposed enhancement planting programme as being appropriate, except we consider there should be an obligation on the consent holder to maintain at least 65% of the original plantings, taking into account losses through natural events.

Effects on the Kopuatai and Torehape Wetlands

- [55] As mentioned earlier, the Kopuatai and Torehape peat domes and wetlands have international and national ecological significance, so it becomes important the channel works do not lead to changes in wetland hydrology.
- [56] On this issue, Council proposes by way of a condition that the consent holder undertake the gathering of baseline hydrological data of wetlands within the Kopuatai and Torehape wetlands as part of the monitoring plan to determine the effects the de-silting operations may be having on those areas.
- [57] A condition of this kind is in our view more appropriate as a condition of consent authorising the approval of the Scheme itself, which is not the situation here. The Scheme with its network of watercourses already exists with designed invert levels. So long as those levels are observed, then it is doubtful the invert levels can be changed under this application. Even if we are wrong in that view, we think such a condition is unreasonable given the Applicant proposes to maintain existing invert levels for any works within 200m of the Kopuatai and Torehape peat domes and the ABCD Flax Block.
- [58] We also note the Applicant offered during the hearing not to undertake works south of the Ngarua Canal except as shown in Map I, Appendix 3, attached to the conditions of consent annexed to this decision. This concession was made by the Applicant to recognise DOC's concerns over the need to protect the Kopuatai wetland. Also relevant in this respect is a condition that excavated material is not to be deposited on wetland vegetation that forms part of the Kopuatai peat dome or the Torehape peat dome.
- [59] No evidence was presented to us during the hearing to establish past maintenance work has adversely affected wetland areas. We also need to take into account if the maintenance work is not undertaken there is a risk the peat domes could be harmed from flood events. If there is evidence that the maintenance work approved under this consent is adversely affecting the peat domes or wetlands, then ways to address that issue can be considered under the statutory review condition.

[60] Overall, we are satisfied the conditions of consent provide the appropriate level of protection for the Kopuatai and Torehape peat domes and wetlands.

Effects on Avifauna Breeding and Habitat

[61] Mr Klee for Fish & Game sought a condition excluding work being undertaken in waterways used by recreational game bird hunters during the hunting season extending from the first week before 1 May to the end of June.

[62] On this issue we agree with Mr Bevan that such a condition is unwarranted and would unreasonably restrict maintenance operations having regard to the limited scale of the works in proportion to the extensive area of wetlands and waterways that provide bird hunting opportunities.

[63] Other matters raised by Mr Klee in his evidence have been considered under the other headings.

Maintenance of Water Quality

[64] In order to control sediment release from work operations, the Applicant proposes to comply with the standard in Rule 4.2.21 of the Regional Plan except where the sediment levels already exceed that standard, in which case the Applicant is seeking allowance to exceed the elevated levels by 10% within 200m downstream of the work.

[65] We consider this condition is appropriate given the high levels of sedimentation that currently exist in many of the watercourses.

Time Limitations for Undertaking the Works

[66] This issue has already been addressed earlier in this decision.

General

[67] Before completing our analysis of the key issues, we should emphasize the importance of the Waterway Management and Wetland Enhancement Plan to manage the environmental effects of the works. For this reason, we believe the Plan should be prepared within three years rather than the five years sought by the Applicant.

Term

[68] There was little debate during the hearing on the term of the consent. The Applicant is seeking a term of 35 years whereas Council is seeking a 20 year term. We consider a term of 25 years would be appropriate after taking into account the level of sensitivity of the receiving environment, and balancing that factor with the Applicant's need to have certainty to undertake forward planning for the works.

Part II Analysis

[69] The Act's purpose is concerned with enabling people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, while ensuring the natural receiving environment in which the works are to take place is safeguarded and sustained.

[70] In this case, the promotion of the Act's purpose involves achieving a balance between allowing the Scheme to be maintained for the social and economic benefit of its beneficiaries, as well as for their health and safety, while ensuring the existing natural environment is not compromised.

[71] We are satisfied the conditions of consent annexed to this decision will ensure the Act's purpose is met. Those conditions require compliance with sedimentation levels, close monitoring of the receiving environment through a monitoring plan, undertaking the works in accordance with Council's *Best Practice Guidelines; Vegetation Management and In-stream Works*; the preparation and application of a *Waterway Management and Wetland Enhancement Plan* that is to provide for a waterway enhancement planting programme, the limitation of works during the inanga spawning and fish migration seasons, and a statutory review provision. All of these conditions and others will assist to achieve the Act's objective.

Determination

Accordingly, we grant consent to the application, subject to the conditions annexed hereto.



.....
N Mark Brown
Commissioner



.....
P H Cooney
Commissioner

Date: 23 February 2012

Annexure
CONDITIONS OF CONSENT

CONDITIONS OF CONSENT

The granting of resource consent numbers 117594, 117595, 117596, 117597 and 117598 is subject to the following conditions that shall apply to each individual consent.

CONDITIONS

Definitions and Abbreviations

"Consent Holder" – River and Catchment Services Group of the Waikato Regional Council

"Council" – Resource Use Group of the Waikato Regional Council

"Significant Natural Area" or "SNA" - means areas of significant indigenous vegetation and significant habitats of indigenous fauna as defined in (Section 6(c) of RMA).

"Ecological Significance" – indigenous vegetation or habitat for indigenous fauna is deemed to have "ecological significance" where the indigenous vegetation or habitat for indigenous fauna meets one or more of the criteria 3-11 in Appendix 3 of the operative Waikato Regional Policy Statement (October 2000).

"Maintenance Works" – means the restoration and maintenance of existing structures and stream cross-sections to approved channel capacity as defined in the Council Long-Term Plan and/or the Waihou/Piako Zone Plan.

Note: Appendix 1 to the conditions provides examples of potential Maintenance Works.

"Unprogrammed Works" – means "maintenance works" meeting the terms above, but not reflected within the Annual Works Programme but required as a result of an unforeseen event (e.g. a tree fall) following circulation of the Annual Works Programme on 31st August.

"Emergency Works" – means works undertaken in accordance with Section 330 of the Resource Management Act 1991 in response to a sudden event causing or likely to cause loss of life, injury, or serious damage to property. Emergency works are not subject to the provisions of these consents.

General

1. The activities authorised by this consent shall be undertaken in general accordance with all of the information supplied in support of the application for this resource consent and the documents below namely;
 - a) *"Piako River and Maukoro Canal River Maintenance Works – Assessment of Environmental Effects for Resource Consent"*, Maunsell Ltd, 30 January 2007, WRC document no. 1664619;
 - b) *"Environment Waikato's Best Practice Guidelines for Vegetation Management and In-stream works"*, Technical Report No. 2007/41 and subsequent updates reviewed and approved in accordance with condition 42; and
 - c) *"Applications or Resource Consent; Silt Removal and Erosion on the Lower Piako River; Response to Request for Further Information Under Section 92 of the RMA 1991"*, WRC document no 2092731.

Where there is any ambiguity or inconsistency within these documents then the strictest requirement shall apply unless otherwise required by a specific consent condition or written approval from the Council.

2. A copy of this resource consent shall be available onsite at all times that physical works authorised by this consent are being undertaken, and shall be produced without unreasonable delay upon request from a servant or agent of the Council.

Design and Operation

3. Activities authorised by this resource consent shall be carried out under the supervision of an appropriately experienced and qualified person.
 4. The Consent Holder shall be responsible for the structural integrity and ongoing maintenance of the works and structures authorised by this resource consent and for any erosion control works that become necessary to preserve the integrity and stability of river beds and banks and/or to control erosion as a result of the exercise of this resource consent.
 5. The works authorised by this resource consent shall not cause increased adverse effects as a result of an increase in water levels on neighbouring properties, or reduce the cross sectional area of the subject watercourse (compared to adjacent unaffected upstream channel capacity) that results in any of these effects.
- 5A. Where temporary removal/translocation of Maimais/Hunting platforms is required as part of the proposed works under this consent, the Consent Holder shall consult the registered owner as recorded by the New Zealand Fish and Game Council (Fish & Game), and place the Maimai/Hunting platform back in its original location or the closest possible adjacent area on completion of the works. The Maimai/Hunting platform shall be put back in place at least 1 month prior to the dabbling duck season. All costs incurred shall be at the expense of the Consent Holder. If no registration tag exists the Consent Holder shall notify Fish & Game.

6. The Consent Holder shall be responsible for all contracted operations relating to the exercise of this resource consent, and shall ensure all contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
- 6A. The Consent Holder shall be limited to undertaking no more than an annual average of 5km of silt extraction in the Piako system in any 3-year period, and more than 8km in any one year.
- 6B. The Consent Holder shall be limited to undertaking no more than a single silt extraction in the Maukoro Canal upstream of SH2 and a single silt extraction in the Maukoro Canal downstream of SH2 in any 4 year period.
7. The Consent Holder shall appoint a representative(s) prior to the exercise of this resource consent that shall be the primary contact in regard to matters relating to this resource consent. The Consent Holder shall inform the Council of the representative's name and how they can be contacted within 2 weeks of this resource consent being granted. Should that person(s) change during the term of this resource consent, the Consent Holder shall immediately inform the Council and shall also give written notice of the new representative's name and how they can be contacted.

Annual Works Programme

8. The Proposed Annual Works Programme for each 12 month period to 31 October shall be circulated to the following parties (unless otherwise agreed in writing with a party(ies)) by 31 August each year:
 - a) Council;
 - b) Department of Conservation (Waikato Conservancy);
 - c) Auckland/Waikato Fish and Game Council;
 - d) Ngati Hako.

The Proposed Annual Works Programme circulated shall address, but not be limited to the matters set out in condition 11a).

9. The parties identified in condition 8 above shall be provided with a minimum of 20 working days to respond to the Consent Holder with any comments with respect to the Proposed Annual Works Programme. The purpose of this consultation is to:
 - a) Identify proposed works and how they will be managed in accordance with the conditions of consent;
 - b) Allowing these parties to consider whether the proposed works will impact on specific sites and/or species of significance; and
 - c) Identify solutions to address any concerns these parties may have.

Comments received by the Consent Holder from parties listed in condition 8 regarding the Proposed Annual Works Programme shall be copied to the Council.

The Consent Holder shall consider modifying the proposed works in relation to any concerns raised by the parties identified in condition 8. The Consent Holder shall circulate any proposed changes to works in response to issues raised and allow the parties 10 working days to respond to any planned changes to the Proposed Annual Works Programme.

10. The Consent Holder shall conduct site meetings each year that works are proposed and invite, with a minimum of 10 working days notice, the parties listed in condition 8, the

Council, the site representative(s) appointed under condition 7 of this consent, the contractor, and any other party representing the Consent Holder prior to lodging each Proposed Annual Works Programme with the Council.

Note: In the case that any of the invited parties, other than the site representative does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met.

11. A Proposed Annual Works Programme shall be provided to the Council prior to 31 October each year over the term of this consent. No works shall be commenced until the Proposed Annual Works Programme is approved by the Council acting in a technical certification capacity. The Proposed Annual Works Programme shall address, but not be limited to, the following:

- a) Details of scheduled works authorised by this resource consent that are to be carried out for the proceeding 12 months including:
 - i) a description of the nature of the works and receiving environment;
 - ii) scale of the works;
 - iii) location and timing of the works;
 - iv) identification of any known archaeological sites; waahi tapu; significant natural features/areas; significant ecological areas and species listed in the NZ Threat Classification System list 2008 and subsequent updates which may be potentially affected by the proposed works;
 - v) comments from parties consulted and how issues raised by those parties have been addressed;
 - vi) an outline of any measures proposed to avoid, remedy or mitigate effects on aquatic and terrestrial life and riparian habitat, including the relevant requirements of the approved Monitoring Plan and Waterway Management and Wetland Enhancement Plan (conditions 35 and 39);
 - vii) Works supervisors' names and how they can be contacted.

12. For unscheduled works that are not identified in the proposed annual works programme but are required to be carried out as a matter of urgency and meet the definition of Unprogrammed Works, a change to the annual works programme describing those additional works as above in condition 11 a) shall be provided in writing to the Council; and, to the Waikato Conservancy of the Department of Conservation when the works are to occur in areas deemed to be of ecological significance, or contain species in the NZ Threat Classification System list 2008 and subsequent updates, prior to those works being carried out.

Note: Works that meet the definition of Emergency Works are not subject to the requirements of this resource consent.

Erosion and Sediment Control

13. The Consent Holder shall be responsible for the provision and maintenance of any erosion control works that may be necessary as a result of the exercise of this resource consent.

14. The Consent Holder shall ensure that sediment losses to natural water arising from the exercise of this consent are minimised during the term of this consent. To this end the works authorised by this resource consent shall be undertaken in a manner that is consistent with the document "Best Practise Guidelines; Vegetation Management & Instream Works" - Environment Waikato Technical Report 2007/41, and ensures that;

a) Upstream of SH2 the works do not cause the suspended solids concentration in the affected watercourse to exceed:

- i) 80 grams per cubic metre in water ways which have been classified in the Waikato Regional Plan Water Management Class Maps as "Significant Indigenous Fisheries and Fish Habitat"; and
- ii) 100 grams per cubic metre in water ways which have been classified in the Waikato Regional Plan Water Management Class Maps as "Waikato Region Surface Water";

for more than 12 hours in any 24 hours at a point upstream or downstream of but not exceeding 100 metres from the works after reasonable mixing has occurred.

b) If the upstream suspended solids concentration unaffected by the works exceeds the relevant standard then the works shall cause no more than 10% increase in suspended solids concentrations at a point 200 metres downstream of the works.

15. All disturbed vegetation, soil, or debris shall be deposited or placed in a location where it will not enter, or allow sediment laden runoff to enter, any watercourse or cause diversion, damming, or erosion of any watercourse, or impede fish passage or destroy any aquatic habitat.

16. All waterway bed material stockpiled temporarily on a berm shall be deposited no closer than 5 metres to the waterway.

Hazardous Substances Spillages

17. All machinery shall be operated in a manner, which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Spillage prevention and response activities shall be undertaken in accordance with the *Oil Spill Contingency Guidelines – River and Catchment Services Operations*. Environment Waikato Technical Report No. 2006/24.

Dust Emissions

18. All activities undertaken on site shall be conducted and managed in a manner that ensures that all dust emissions are kept to a practicable minimum. To this end there shall be no discharge of dust as a result of the activities authorised by this consent that causes an objectionable or offensive effect beyond the boundary of the property on which works are authorised by this consent.

Rehabilitation

19. The Consent Holder shall ensure those areas of the site where works have been completed are appropriately stabilised to minimise sediment disturbed as part of the works from entering any waterway after completion of any works. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural) that will prevent erosion of exposed soil. The Consent Holder shall maintain the site until stabilisation has occurred to such an extent that it prevents erosion and prevents sediment from entering any waterway and to the satisfaction of the Council.

20. The Consent Holder shall rectify any damage to private or public infrastructure caused by the exercise of this consent at the Consent Holder's cost within 48 hours of the works being completed (or longer by agreement with the owner/controlling authority).

Archaeological Sites and Sites of Cultural Significance

21. In the event that any archaeological remains are discovered, the works shall cease immediately in the vicinity of the discovery and Ngati Hako, the New Zealand Historic Places Trust (NZHPT) and the Council shall be notified as soon as practicable and within 48 hours. Works may recommence once any necessary consents from NZHPT have been obtained and with the written approval of the Council having considered:

- a) the interests and values of Ngati Hako,
- b) the consent holder's interests,
- c) NZHPT advice, and
- d) any archaeological or scientific evidence.

Traffic Safety

22. All vehicles leaving work sites must not track loose material onto the carriageway of the public roads which may cause a traffic hazard to road users. Any material that may deposit on the road must be immediately swept or washed clear of the carriageway.

Access

23. The Consent Holder shall, in respect of the works authorised by this resource consent, maintain any existing public or private access at any location where works authorised by this consent are carried out except where persons are required to be excluded for safety purposes, and no alternative practical access can be provided.

24. The Consent Holder shall reinstate public or private access to a level consistent with the standard prior to the works being undertaken and to the satisfaction of the Council.

Signage

25. Where there is public access, the Consent Holder shall erect notices upstream and downstream of each section of the works not less than 2 working days prior to the commencement of the works. These notices shall provide appropriate notice of:

- a) the activities proposed and related hazards;
- b) any relevant safety advice;
- c) the period over which these activities will be occurring.

Complaints Register

26. The Consent Holder shall maintain and keep a complaints register for complaints regarding all aspects of operations at sites related to the exercise of this consent, received by the Consent Holder. The register shall record:

- a) the date, time and duration of the event/incident that has resulted in a complaint;
- b) the name, address and contact phone number of the complainant (if provided);
- c) the location of the complainant when the event/incident (if possible, specify nature of incident e.g. dust nuisance) was detected;
- d) the possible cause of the event/incident;

- e) the weather conditions and wind direction at the site when the event/incident allegedly occurred;
- f) any corrective action undertaken by the consent holder in response to the complaint;
- g) any other relevant information.

The register shall be available to the Council at all reasonable times. Complaints received by the Consent Holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Council within 5 days of the complaint being received.

Ecological Values and Assessments

Inanga

27. The Consent Holder shall not undertake works in potential inanga spawning habitat in the Piako River and associated canals, or, in the Maukoro Canal, upstream of State Highway 2 during April to May inclusive, as identified in Appendix 2.

27A. The Consent Holder shall within 3 years of granting this consent undertake an assessment of potential inanga spawning habitat. The purpose of this assessment is to identify specific spawning sites and appropriate measures to avoid, remedy or mitigate any adverse effects on the identified sites, including riparian planting.

Indigenous Fish Migration

28. The Consent Holder shall not undertake works within the Piako River including Tee Canal, Awaiti Canal, Central Canal, Kaihere (Ngarua Canal), Kerepehi Loop, Northern Canal and Maukoro Canal from August to October inclusive unless authorised in writing by the Council. The Consent Holder shall within 3 years of granting this consent implement condition 37 b) to offset the effects on indigenous fish of desilting undertaken during November and December if works are conducted within the wetted channel.

Wetlands

28A. Material excavated from waterway beds shall not be deposited on wetland vegetation that forms part of the Kopuatai Peat Dome or Torehape Peat Dome.

Threatened Birds

29. The Consent Holder shall consult the Department of Conservation prior to carrying out works in riparian margins to identify breeding habitats of threatened bird species identified in the *NZ Threat Classification System* list 2008 and subsequent updates. The Consent Holder shall not undertake works in identified breeding habitat from September to February (inclusive).

Pest Plants

30. The Consent Holder will not plant, layer or introduce any plant listed in the Waikato Region Pest Management Strategy within any area subject to this consent.

31. The Consent Holder shall ensure that all machinery used in the exercising of this consent is cleaned prior to being transported to any individual site of works to ensure that that all seed and/or plant matter has been removed.

32. All machinery that has been operated in a waterway shall be cleaned in accordance with Ministry of Agriculture and Forestry and Biosecurity New Zealand cleaning methods for

machinery prior to being transported to another waterway (see <http://www.biosecurity.govt.nz/pests/didymo/cleaning-specific#machinery>). The above clearing methods shall be implemented except that machinery may be rinsed using clean water taken from a waterway that is didymo free.

Monitoring Plan

33. The Consent Holder shall within 2-years of the commencement of this consent provide the Council with a Monitoring Plan for review and approval acting in a technical certification capacity. The Monitoring Plan shall outline objectives and methods to enable a determination of the level of effects resulting from works authorised by this consent, and described in further detail in the Annual Works Programme on water levels within wetlands, aquatic and terrestrial life, and water quality and shall as a minimum include the following:

- a) Extraction of silt to no lower than the design invert levels of canals managed by the Consent Holder within 200m of the Kopuatai and Torehape peat domes, and ABCD Flax Block..
- b) The methods used to determine and record fish mortality as a result of the works
- c) water quality sampling methodology and parameters during on site operational activities.
- d) sampling and/or measurement locations for each waterway.
- e) frequency and time period of monitoring.
- f) risk assessment protocols.
- g) reporting procedures; and
- h) contingency measures.

Note: Monitoring is not required, as part of this consent, to monitor the effects of the Lower Piako Flood Control Scheme as established in the 1960's. The monitoring required is specific to the activities subject to this consent required to maintain the Scheme.

34. The Consent Holder shall forward a revised Monitoring Plan to the Council for review and approval acting in a technical certification capacity by 31 October 2016 and by 31 October every fifth year thereafter for the term of this consent.

35. The Consent Holder shall implement the approved Monitoring Plan referred to in condition 33 and subsequent approved revised Monitoring Plans referred to in condition 34 .

Waterway Management and Wetland Enhancement Plan

36. The Consent Holder shall within 3 years of the commencement of this resource consent, develop in consultation with Auckland/Waikato Fish and Game Council, Department of Conservation and Ngati Hako a Waterway Management and Wetland Enhancement Plan for the Lower Piako/Maukoro catchment. The Waterway Management and Wetland Enhancement Plan shall provide for offset mitigation measures so that adverse effects of the proposed works on indigenous fauna and flora habitat are no more than minor. The Plan shall be lodged with the Council for review and approval acting in a technical certification capacity by 31 October 2015.

37. The Waterway Management and Wetland Enhancement Plan shall as a minimum include:

- a) a detailed description of how waterways within the Lower Piako Catchment and Maukoro Canal (refer Map 1, Appendix 3) will be managed over the duration of the consent with the objective of minimising sediment loss and adverse effects on native

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fauna, habitat and water quality, and enhancing ecological values of Significant Natural Areas (Map 2 Appendix 4). Measures to exclude stock from riparian margins and the following shall be included:

(i) identification of land owned, leased or managed by the Council in the Lower Piako and Maukoro Canal catchments, including riparian margins upstream of where State Highway 2 crosses the Piako River and the Maukoro Canal (Piako River, at map reference NZTM 1814601 E 5871284 N; and, Maukoro Canal at map reference NZTM 1821588 E 5871592 N) that will be planted and/or fenced each year, and an explanation of the types of indigenous plants that will be planted;

(ii) identification of potential trial sites where artificial fish habitat, or other fish habitat enhancement techniques, could be provided within waterway banks outside the areas to be excavated including construction methodology and materials.

(iii) results of trials of artificial fish habitat carried out to date, including comments on effectiveness and cost and the viability of establishing ongoing artificial fish habitat techniques

b) mitigation measures implemented following the initial desilting of a reach shall consist of the following:

(i) where the waterway is situated upstream of State Highway 2, a minimum of a 50 metre long 3 metre wide section of the riparian margin adjacent to the waterway channel is to be planted, or, 300 square metres of other land or wetland not previously planted or enhanced and situated on land owned, leased or managed by the Council or DoC land with prior agreement from DoC or Private Land with an appropriate Environmental Protection Agreement (EPA) is to be planted for every 400 square metres of waterway bed disturbed by the works; and,

(ii) the area of any artificial fish habitat provided shall be subtracted from the area of other land or wetland required instead of riparian planting as provided for by condition 37 b) (i).

(iii) at least 50% of the total mitigation planting required shall comprise riparian planting.

(iv) Riparian planting shall be completed as soon as practicable and within 3 years of completion of bed disturbance works; other mitigation options shall be completed in accordance with the timeframes specified in approved protocols. This information shall be used to inform the annual works programme required by condition 11 of this resource consent.

(v) Maintenance of mitigation planting

Maintenance of mitigation planting shall be carried out to ensure at least 65% of the area initially planted contains healthy plants for the duration of the consent.

38. The Consent Holder shall in consultation with Auckland/Waikato Fish and Game Council, Department of Conservation and Ngati Hako revise the Waterway Management and Wetland Enhancement Plan. Revised Plans shall be submitted to the Council for approval acting in a technical certification capacity by 31 October every fifth year after submission of the initial Plan by October 2015, thereafter for the term of this consent.

39. The Consent Holder shall implement the approved Waterway Management and Wetland Enhancement Plan referred to in condition 37 and subsequent approved revised Waterway Management and Wetland Enhancement Plans referred to in condition 38 .

Review of Best Practise Guidelines

40. Based on, and incorporating the findings of the monitoring undertaken in accordance with condition 35, the Consent Holder shall carry out a review of the relevant aspects of the document "Best Practice Guidelines for Vegetation Management and In Stream Works", Environment Waikato Technical Report No 2007/41. The review shall be carried out with the goal of updating and improving the effectiveness of best practise in avoiding and/or mitigating the effects of the works authorised by this resource consent on aquatic and terrestrial life and riparian habitat. These reviews shall be carried out in 2016, 2021 and 2026. The Consent Holder shall forward the reviewed and updated best practises to the Council by the 30 September of 2016, 2021 and 2026 for approval, acting in a technical certification capacity. Works authorised by this resource consent shall then be undertaken in accordance with the updated best practices.

Annual Report

41. The consent holder shall provide to the Council a written report by 30th June each year that this resource consent is current. As a minimum this report shall include the following:

- a) A summary of works carried out under the Annual Works Programme required by condition 11;
- b) A summary of the results of monitoring undertaken, mitigation and enhancement measures implemented as required by conditions 33 and 37 ;
- c) Any reasons for non-compliance or difficulties in achieving compliance with the conditions of this resource consent;
- d) Any remedial steps required to ensure compliance with the conditions of this resource consent for future works.

Review

42. During 2016 and every fifth year thereafter for the term of this consent the Council may, following service of notice on the Consent Holder, commence a review of this consent under section 128(1) of the Resource Management Act 1991, for the following purposes:

- a) 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 conditions; or
- b) To review the adequacy of and the necessity for monitoring undertaken by the Consent Holder and specifically to review the method and frequency of record collection for the purposes of determining the most appropriate method and frequency; or
- c) If necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the environment.
- d) For the purpose of ensuring that the conditions of this consent are not inconsistent with the requirements of legislation pertaining to Treaty of Waitangi settlement claims, subject to the proviso that any review shall be for a resource management purpose.
- e) To review the effectiveness of the annual works programme consultation process.

Administration

43. The consent holder shall pay to the 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.

APPENDIX 1

MAINTENANCE WORKS DEFINITION INCLUDING LIST OF WORKS THAT MAY BE UNDERTAKEN

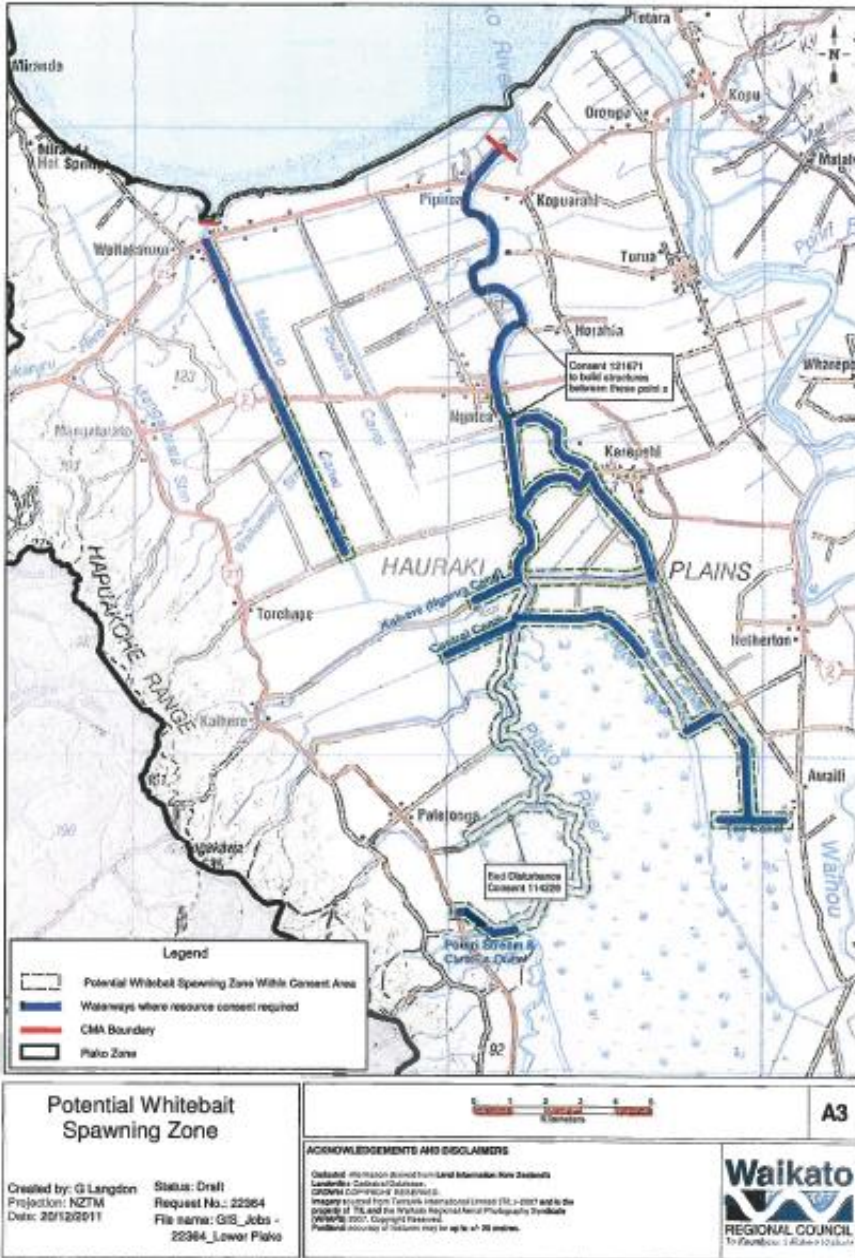
Definition of Maintenance Works

'Maintenance Works' – means the restoration and maintenance of existing structures and stream cross-sections to approved channel capacity as defined in the Council Long-Term Plan and/or the Waihou/Piako Zone Plan, limited to:

1. Vegetation removal where:
 - i) Vegetation is creating channel blockage or obstruction which is restricting flow/and or causing erosion.
 - ii) Invasive noxious weeds are present and need to be removed.
 - iii) Large vegetation has fallen into a channel.
 - iv) A tree appears likely to fall over if left.
2. Silt removal involving:
 - i) The routine removal of estuarine clay material and silt deposits from the bed of the waterways, with the deposition of this excavated material into temporary bunds either adjacent to, on top of, or behind the stopbanks.
3. Piling, revetments, groynes where:
 - i) Berm erosion is moderate
4. Riprap where:
 - i) Berm erosion is moderate to severe.
 - ii) Other methods have been unsuccessful.
5. Flood debris removal.

APPENDIX 2

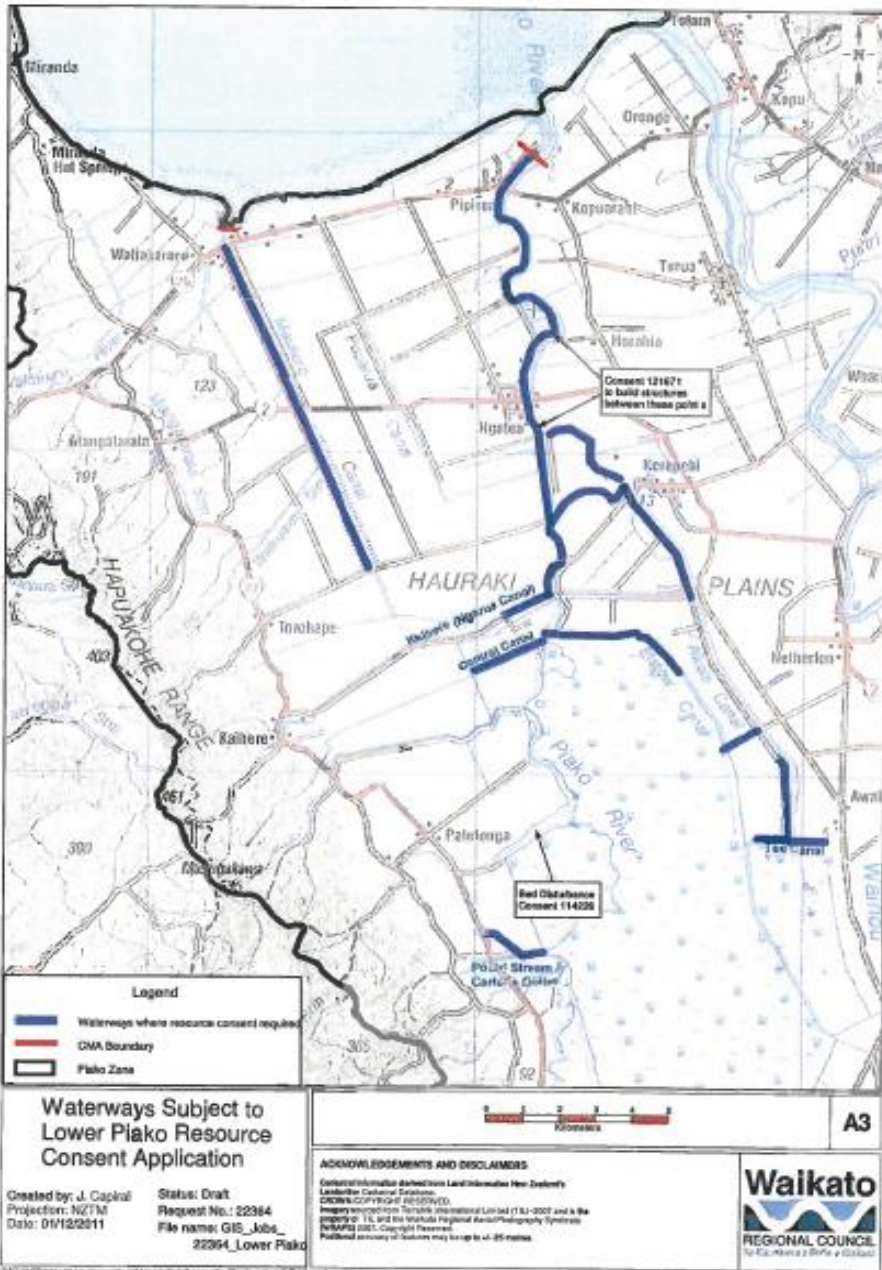
POTENTIAL INANGA SPAWNING HABITAT



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APPENDIX 3

MAP 1: WORKS AREAS – WATERWAY WHERE RESOURCE CONSENT IS REQUIRED



APPENDIX 4

**MAP 2: SIGNIFICANT NATURAL AREAS IN PROXIMITY TO
WORKS PROPOSED IN 2012-15 WORKS PROGRAMME**

Advice notes

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
3. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
4. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
5. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
6. 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.
7. Note that pursuant to s333 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.
8. 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.
9. Where specified construction of erosion control structures is proposed on the bed of the Piako River from the northern end of the Kerepehi Loop to a point 3,290 metres this activity shall be undertaken in accordance with resource consent 121671.
10. Where specified channel dredging is proposed in the bed of the Waikaka (Patetonga) Canal between the Maukoro Canal and the Piako River this activity shall be undertaken in accordance with resource consent 114226.
11. Where specified construction of rip-rap and groynes is proposed on the bed of the Piako River in the vicinity of Pipiroa and Ngatea, this activity shall be undertaken in accordance with resource consent 117057.

* * * * *

The motion was put and carried (WRC12/76)

Solid Energy New Zealand Ltd

File:61 52 71A (Agenda Item #5.2) Docs#2137171

Cr Kneebone moved/Cr Livingston seconded.

WRC12/77

THAT the Commissioner's decision report in respect of the resource consent applications by Solid Energy NZ Ltd to take groundwater from the Tauranga group aquifer and discharge water adjacent to Balemi Road, Ohinewai, be noted.

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF applications by Solid Energy New Zealand Limited to take groundwater from the Tauranga Group aquifer for up to 2 weeks adjacent to Balemi Road, Ohinewai and discharge water pumped from the Tauranga Group aquifer for up to 2 weeks to a farm drain adjacent to Balemi Road, Ohinewai.

**DECISION REPORT OF THE WAIKATO REGIONAL COUNCIL HEARING COMMITTEE
PURSUANT TO SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991.**

Commissioner:

Graeme Ridley (Independent)

21st February 2012

THE APPLICATION

1. Solid Energy New Zealand Limited (SENZ) lodged resource consent applications to undertake groundwater pump testing and discharge water (the "proposal") with the Waikato Regional Council (WRC) as follows:

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Solid Energy Ohinewai Pump Take and Discharge Consent Decision

Application No	Purpose
122076	Take groundwater from the Tauranga Group aquifer for up to 2 weeks adjacent to Balemi Road, Ohinewai
122077	Discharge water pumped from the Tauranga Group aquifer for up to 2 weeks to a farm drain adjacent to Balemi Road, Ohinewai

2. The purpose of the pumping test is clearly outlined within the WRC Officers s42A report and is based around SENZ obtaining better understanding of the hydraulic connection between shallow geological units. Discharge from the pumping test will be directed to the local drainage network.
3. The applications were subject to limited notification on 5 September 2011 to Waikato District Council and Mr and Mrs Lumsden with the closing date for receipt of submissions being 3 October 2011. Within the prescribed submission period one submission was received from MJ and EL Lumsden, Lumsden Family Trust and Lumsden Farms Limited. A summary of the submission received and the issues within this submission is outlined within the WRC Officers s42A report and are not repeated within this decision.

THE HEARING

4. In terms of the WRC Hearings Appointment Subcommittee resolution, Independent Commissioner Mr Graeme Ridley was appointed to hear the applications made to WRC. For the purposes of enquiring into the application and the submissions thereto the hearing was held at the Te Kauwhata Bowling Club, Te Kauwhata on Thursday 26th January 2012.
5. The hearing was adjourned on the 26th January 2012 and following the provision of further information from the applicant and the submitter as outlined during the hearing, formally closed on 31st January 2012.
6. A site visit was undertaken by the Commissioner on 26th January during the hearing to ensure a full understanding of the proposal and the associated environments was obtained. The Commissioner was accompanied by Ms Dominique Thurlow, hearing administration, who provided transport and directions associated with the site. Through this process the submitter's property was also visited to ensure full appreciation of the proposal was obtained.
7. No other procedural matters were noted with this proposal and the associated hearing. For clarity purposes however it was confirmed at the commencement of the hearing that SENZ originally applied for 4 consents associated with pumping and discharge at sites referred to as OPB1 and OPB2. The pumping and associated discharge from OPB1 was

Decision report Solid Energy NZ Ltd – page 3

Solid Energy Ohinewai Pump Take and Discharge Consent Decision

granted by WRC on a non notified basis in February 2011. The pumping and associated discharges for OPB2 are the subject of this decision.

8. It will be evident to those that were present at the Hearing that a number of questions were asked of the various witnesses that appeared. This assisted greatly in my understanding of the proposal and its effects. I acknowledge the responses of all participants in answering my questions.

DECISION

9. I have made one key decision associated with the applications that the resource consent applications made to WRC should be granted with conditions.
10. The reasons for this decision are set out more fully below.

APPEARANCES

11. The following parties and witnesses appeared

Applicant

12. The applicant's case was lead by SENZ Legal Counsel Mr Andrew Green. Other witnesses that presented evidence on behalf of the applicant were:

Mr PC Doelman	Mining Engineer SENZ
Mr PD Forrest	Engineering Geologist Consultant
Mr TJ Lester	Resource Management Planner SENZ

Submitters

13. The submitter presented evidence at the Hearing as follows:
- | | |
|---------------|--------------------------------------|
| Mr P Lang | Legal Counsel for Mr and Mrs Lumsden |
| Mr MJ Lumsden | Landowner and Submitter |
| Mr R Tilsley | Civil Engineer Consultant |
| Mr J Dawson | Farm Management Consultant |

Environment Waikato

14. Mr Perry Empson, Resource Officer, WRC presented the WRC Officers s42A report.

APPLICANT'S PROPOSAL

15. SENZ have made resource consent applications to take groundwater for up to 2 weeks and to discharge water for up to 2 weeks from the Tauranga Group aquifer from a bore referred to as OPB 2 in Balemi Road, Ohinewai.
16. The Ohinewai area has been identified by SENZ as a potential source of coal however prior to any exploration activities requires further information about the hydrogeology of the local Tauranga Group aquifer including its transmissivity and storativity properties. I

Decision report Solid Energy NZ Ltd – page 4

Solid Energy Ohinewai Pump Take and Discharge Consent Decision

note that SENZ currently holds a Mineral Exploration Permit (EP40623)¹ in this location however this was not considered within the hearing.

17. OPB2 is located on farm land immediately to the south of Balemi Road. The bore is proposed to be constructed approximately 30m deep with a screen between 17m and 26m and a bentonite seal to isolate the screening from upper formations. The location and test method has been identified by the applicant as appropriate to determine the connection between the Hinuera and Puketoa formations and involves pumping and measuring drawdown in associated existing monitoring bores.
18. A maximum of 6,000 m³ of groundwater is proposed to be pumped at a maximum rate of 5 litres per second. Discharge from the pumping is proposed to be treated prior to discharge into the local drainage network. The proposal will occur over a 2 week period.

EVIDENCE PRESENTED**Applicant****Mr A Green****Legal Counsel**

19. Mr Green outlined the nature of the applications and the rationale for the proposed pump tests and alluded to the evidence to be provided by SENZ witnesses in support of the proposal. Mr Green contended that contrary to the WRC staff recommendations the permitted baseline could be applied for the discharge activity. On questioning Mr Green agreed that the only effect of the permitted baseline is that related to the duration of the pump test.
20. In discussing the Lumsden submission Mr Green referred to the technical evidence provided by Mr Forrest which in his view correctly quantified the potential level of subsidence and any effect on bore water levels. Mr Green referred to case law in discussing the issue of "no effects" and that a precautionary approach should only be taken where there is scientific uncertainty or ignorance about the scope or nature of the relevant environmental harm. Mr Green contended that:
 - a) The location of the bore OPB2 has been carefully chosen to minimise potential risks;
 - b) The risk or probability of permanent subsidence occurring on the Lumsden property is very low;
 - c) Should any slumping occur the impact will be minor in nature; and
 - d) Any effects will be addressed through a comprehensive mitigation package proposed by the SENZ.

Mr Green confirmed that a maximum take rate of 5 litres per second would apply.

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Solid Energy Ohinewai Pump Take and Discharge Consent Decision

PC Doelman Project Manager-Solid Energy Ltd.

21. Mr Doelman provided historical background as to previous coal prospecting and extraction activities and the context in which the proposed activities fitted into current coal resource investigations. Mr Doelman stated that the pump test forms part of a pre feasibility process and is required to better assess the hydrogeology of the subject aquifers.
22. Mr Doelman provided background to a proposed response plan referred to as the Trigger Action Response Plan (TARP) which outlines the expected level of response for any resultant slumping that may result. He produced an amended TARP which was based upon the technical evidence and information supporting the application documentation.

PD Forrest Consulting Engineering Geologist

23. Mr Forrest referred to extensive resource investigations and associated hydro geological investigations undertaken during the 1980's on behalf of State Coal Company. A subsequent gap analysis of this data set was recently undertaken on behalf of SENZ and this had revealed that transmissivity and storativity through a fault between Hinuera and Puketoa Formations was required to be measured by way of the proposed pump test at OPB2.
24. Mr Forest provided a rationale as to the location of OPB2 pump test, which was a synthesis of estimated subsidence, relative risk assessment with respect to built infrastructure and the eastward extent of discontinuity between the subject aquifers.
25. The estimates of the extent any potential subsidence proposed by Mr Forrest was partially based on actual performance data from previous pump tests undertaken at a bore referred to as TW7 in 1986. Mr Forrest commented that direct correlation and extrapolation of the hydrogeological data was considered inappropriate however the application of the calculations for determining drawdown was appropriate due to similarities in geology. Testing with TW7 occurred over a 41 day period with a residual settlement measured after 38 days of the cessation of the test of 50mm. TW7 settlement was attenuated with distance from the pump bore becoming negligible at a 150m distance from the bore location. In his opinion, given the much smaller scale pump test proposed at OPB2, the potential subsidence effects were most likely to be less than what was measured at TW7.
26. Importantly through questioning Mr Forrest confirmed that the proposed pumping at OPB2 was based on the best information available at this time and one of the key objectives of the pumping is to fill information gaps that exist.

TJ Lester Environmental Project Manager

27. Mr Lester gave an overview of the project and provided context in terms of the relevant planning framework. Mr Lester concluded that potential effects on land and soil and water resources of the region can be successfully avoided and mitigated through the
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Solid Energy Ohinewai Pump Take and Discharge Consent Decision

implementation of conditions. He concurred with the WRC s42 Report with respect to both content and conclusions.

Submitter**PM Lang****Legal Counsel**

28. Mr Lang stressed that the submitter had been careful to restrict their submission to issues that they believed had a real likelihood of affecting their property and associated activities with the key concern centering on both short and long term settlement of low lying parts of the Lumsden property. Mr Lang confirmed that the secondary concern related to the impact on water supply could be adequately addressed through the provision of monitoring and management of the pumping regime.
29. Mr Lang confirmed that while there is no statutory requirement to treat avoidance of environmental effects, he contended that avoidance of adverse subsidence effects rather than mitigation was considered to be the best option in this instance. This position was due, in their view, to the likely ongoing nature of any disruption to farm activities that subsidence and any associated land reinstatement may impose. Mr Lang confirmed that relocation of the bore (to the south) would helpfully address such concerns. Mr Lang further outlined his assessment of the uncertainty of the potential for environmental harm and referenced case law in this regard.
30. Mr Lang outlined appropriate conditions if consents were granted however clearly stated that the provision of these in no way provided justification for the granting of consent. These conditions centered on the TARP and the suitability of the TARP trigger levels provided and suggested that these were insufficiently sensitive to avoid excessive subsidence². Mr Lang suggested that any such response plan should include a series of progressive trigger levels that would apply at different stages of any pump testing and would in turn result in further trigger levels and responses.
31. Mr Lang expressed a concern that should remediation be required the detail of how this was to be implemented, given the WRC s42 Report conditions, was sufficiently unclear. Mr Lang outlined the logistics and complexities of undertaking any such activities within an active farming operation.
32. Mr Lang referred to Waikato District Council District Plan provisions to provide context of the proposal and prior to the close of hearing these provisions were provided. These provisions relate to maintenance of soil versatility and productive capacity and no net loss of productive soils.

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Solid Energy Ohinewai Pump Take and Discharge Consent Decision

MJ Lumsden: Principal spokesperson on behalf of Lumsden Family Trust and Lumsden Farms Ltd

33. Mr Lumsden outlined his previous farming experience especially with respect to water drainage and pasture management within the area adjacent to OPB2 and confirmed what is considered to be normal farming practice whereby the farming operation attempts to maintain high water tables to avoid peat dewatering and associated settlement. Mr Lumsden expressed concern related to security of supply of potable water and ongoing effects of land settlement with an estimated 10 to 12 hectares of land assessed as at risk. In Mr Lumsden's view the relocation of the pump test approximately 300 metres to the south would avoid any potential effects that may result.
34. Mr Lumsden also noted a factual error within the application documents that has been replicated within the WRC s42 Report. This confirmed the receiving drain (Waikare West District No 3 Drain) for any discharge water is directed to Lake Waikare and not Lake Rotokawau.

R Tilsley Civil Engineer

35. Mr Tilsley described the mechanism by which settlement can occur in silts when dewatered. Mr Tilsley further provided detail of how peat soils can become hydrophobic once they reach a certain dryness. On this basis Mr Tilsley suggests that the dewatering of land in and around OPB2 will result in a permanent settlement with limited ability to re-wet or re-charge such soils.
36. Mr Tilsley provide evidence related to the 'cone of depression' and suggested it is almost impossible to estimate the radius of influence by calculation with the pump test the only practical methodology to provide such detail.
37. Mr Tilsley concluded that the movement of the proposed pump site to the south would address the issues identified.

C Dawson Farm Consultant

38. Mr Dawson provided evidence on the inherent difficulties of undertaking land remediation where fill is required to be imported. Aside from the volume of fill to be transported to return a land surface to its original invert, the issues of soil structure and soil chemistry would need to be addressed before productivity could be assumed to have been reinstated. When questioned, Mr Dawson confirmed his acceptance that the proposed condition of Mr Lang with respect to the remedial action plan and soil productivity would address concerns raised if implemented accordingly.
39. Mr Dawson noted that given the time taken to reach a productive soil state, the opportunity cost in terms of production loss and ongoing interference with farm activities should be addressed within any mitigation package. He reiterated that an alternative bore location would address any effects identified.
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Solid Energy Ohinowai Pump Take and Discharge Consent Decision

Waikato Regional Council Technical Report

40. Mr Empson provided an assessment of the proposal under the relevant statutory framework and specifically addressed the issues of water supply and land settlement.
41. I have not repeated the full statement of evidence from Mr Empson and this can be referred to as necessary. Mr Empson outlined that he assessed the evidence provided by SENZ of a high calibre and can be relied upon to provide a realistic estimate of subsidence. He noted that the evidence provided by the submitter and witnesses on behalf of the submitter does not challenge the veracity of this technical evidence.
42. The amended conditions suggested by the Mr Lang were acceptable to Mr Empson and he confirmed they provided for greater clarity. Mr Empson did however note that the caveat to this was for specific monitoring and reporting timeframes to be included given the short term of consent applied for.
43. Mr Empson confirmed his acceptance that the logistics of soil remediation can be problematic but stated that the onus would be on a consent holder to comply regardless of the operational specifics that may exist. Mr Empson confirmed his assessment that the consents can be granted at the OPB2 location albeit with amendments to conditions.

Applicant's Right of Reply

44. Mr Green provided a verbal response to the submitter's evidence and as part of this Mr Forrest acknowledged the uncertainty around the potential for ground settlement however outlined the consequences of shifting the pump location further south as suggested by the submission in opposition. He confirmed any such southern movement would impact on both distance, zone of influence and orientation to the adjoining monitoring wells and would compromise the test, such that the sensitivity of the test would be too coarse and the objectives of the test would not be met. He further agreed that any movement to the south also decreases distance from existing infrastructure with associated issues.
45. Mr Forrest confirmed that the pump test results provided for TW7 are factual results, any uncertainty around these results is specific to TW7 only and TW7 was a significantly larger pumping regime than OPB2 as proposed. With similar geology between sites Mr Forrest assessed that any effects associated with OPB2 will be of a lesser magnitude. Mr Green outlined the reliability of TW7 data and referred to the pump test reporting which was provided in full prior to close of hearing.
46. Mr Green closed by providing commentary on proposed conditions and in particular expressed some concern about any further consultation and approval rights of third parties as part of such conditions. Mr Green agreed to a lower take volume cap of 6000m³ per day and commented on the difficulty of providing any further detailed plan associated with potential remediation works at this stage of the consenting process.

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Solid Energy Ohinewai Pump Take and Discharge Consent Decision

EVALUATION OF THE PROPOSAL

Activity Status

47. The applications were lodged on 22 November 2010. The 2003, 2005 and 2009 amendments to the RMA 1991 apply to these applications. The applications were subject to limited notification by WRC on 5 September 2011 with submissions closing on 3 October 2011.
48. I agree with the assessment by SENZ and the WRC reporting officer that these applications are to be considered as discretionary being the most onerous consent category.

EVALUATION OF ENVIRONMENT WAIKATO CONSENTS

Resource Management Act 1991

Statutory Provisions Considered

49. The legislative context in which I am required on behalf of WRC to decide the applications is provided by Section 104 of the Resource Management Act 1991 (RMA). RMA subsection 104(1) states that, when considering the applications and the submissions received, that subject to Part II of the Act, I must have regard to a number of matters. The matters considered relevant in this case are:
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of –*
 - (i) *a regional policy statement or proposed regional policy statement;*
 - (ii) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
50. Section 104B of the Act provides that:
- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*
- (a) *may grant or refuse the application; and*
 - (b) *if it grants the application, may impose conditions under section 108.*
51. Section 108 of the Act provides for conditions that may be placed on consents. That section enables the imposition of conditions considered appropriate and enforceable.
52. Section 105 requires that I must have regard to the sensitivity of the receiving environment and any possible alternative methods of discharge.

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53. Finally, section 107 specifies circumstances when a resource consent shall not be granted and must be taken into account in relation to the proposed discharge of water.

Statutory Framework - Relevant Policies and Plans

54. No national policy statements were said to be relevant, and the area is not in the coastal environment. There are however, relevant provisions in the Waikato Regional Policy Statement (WRPS) and Waikato Regional Plan (WRP). The relevant policies and objectives in these documents were presented in the WRC Officer's s42A Report. Rather than repeat those matters again here, I refer to the WRC Officer's s42A report in relation to the relevant policies and objectives from the WRPS and the WRP.

55. The following resource management issues (including related objectives, policies and implementation methods) in the WRPS are considered to be most relevant to the proposal:

- Section 3.3.7 Accelerated erosion;
- Section 3.4.5 Water quality; and
- Section 3.4.7 Efficient use of water;

56. The WRC Officer's s42A report states the reporting officer is satisfied that the proposal is consistent with the objectives and policies of the WRPS and I adopt the view of the WRC resource officer view in this decision.

57. In respect of the WRP (including related objectives and policies) and Variation No 6 (which applies to water takes) the most relevant to the applications include;

- Section 3 – Water Module;
- Variation 6 - Section 3 Water Allocation; and
- Section 5 – Land and Soil Module

58. In the WRC Officer's s42A report relevant objectives and policies of the WRP and Variation No 6 were listed and assessed.

59. I accept the view that these issues can be appropriately addressed by the applicant and mitigation measures are proposed including resource consent conditions, and thus the proposal is consistent with the objectives and policies of the WRP.

60. The rules in the WRP relevant to the proposed activities are:

Application	Activity	Activity Status
122706	Groundwater take from the Tauranga Group aquifer for up to 2 weeks adjacent to Balemi Road, Ohinewai.	Discretionary Rule 3.3.4.18

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Solid Energy Ohinewai Pump Take and Discharge Consent Decision

122707	Discharge water pumped from the Tauranga Group aquifer for up to 2 weeks to a farm drain adjacent to Balemi Road, Ohinewai.	Controlled Rule 3.5.8.2
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61. I have considered the position of Mr Green and the WRC reporting officer with respect to the permitted baseline test. I agree with the WRC Officer's s42A report, and as detailed in paragraph 19 above, that the potential effects are considered to go beyond the permitted baseline and I confirm therefore that I have not applied such a permitted baseline test.

Evaluation of the Applications and Regional Issues in Contention

62. Based on the application documents, the submission in opposition to the applications, WRC Officer's s42A report, and the evidence presented at the Hearing, the following matters are considered of importance, and where mentioned, in contention, regarding the applications:
- Discharge of Water and Associated Contamination;
 - Groundwater Availability and Impact on Existing Water Supplies; and
 - Groundwater Take and Associated Land Subsidence.

Discharge of Water and Associated Contamination

63. The proposed discharge of water is that which is pumped directly from the bore during the 2 week period of the test programme. As identified within the WRC Officer's s42A report the main contaminants of concern is that related to sediment and iron flocculent precipitation which may enter the immediate and wider receiving environment. The applicant has recently completed the testing from bore OPB1 and this demonstrated that the discharge quality was often improved from that of the receiving environment and had a net effect of reducing turbidity levels downstream.
64. The proposed discharge will be direct to a farm drain which, as observed during the site visit, is currently thick with vegetation and will assist with removal of any sediment and associated contaminants that are attached to the sediment. The applicant and the WRC Officer's s42A report refer to the use of a "Silt Buster" technology which is essentially a filtration device which can also be utilised if necessary at the discharge location to improve water quality. I note that it was confirmed that the "Silt Buster" was not utilised during the OPB1 pump test and water quality, in the absence of such a filter, remained satisfactory. Such a filter is however available if necessary during the pump test.
65. I note that all parties at the hearing, and supported through the application documentation and evidence presented, are in general agreement with the proposed discharge and that

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effects will be less than minor. The WRC Officer's s42A report recommends conditions of consent which includes monitoring of turbidity in both the discharge and the immediate receiving environment. During questioning the WRC Officer's s42A report also clarified that while iron flocculent is a contaminant of concern, turbidity acts as a surrogate for iron and as a result only turbidity testing is proposed for the monitoring programme. Further to this I place significant weight on the fact that under rule 3.5.8.2 the discharge is only a controlled activity as the duration of the activity exceeds the permitted activity criteria (3 days). The proposed discharge is however assessed as for a short period of time only and will be completed within a 2 week period. All other controlled activity criteria as below are fully complied with:

- The discharge shall not cause visually noticeable iron flocculation in the receiving waters.
- Any discharge to water shall comply with the suspended solids standards as set out in Section 3.2.4.5 of the WRP.
- The discharge shall not result in flooding on any downstream property.
- Any erosion occurring as a result of the discharge shall be remedied as soon as practicable.
- The discharge shall not cause a temperature change of more than three degrees Celsius at any point downstream greater than three times the stream width at the point of discharge.
- There shall be no discharge to any Significant Geothermal Feature.

66. Overall I consider that the proposed discharge of water and associated treatment and monitoring programme is robust and proven and supported through conditions. I am satisfied that the effects from the discharge would be less than minor.

Groundwater Availability and Impact on Existing Water Supplies

67. The submitter, represented by Mr Lumsden expressed some concern regarding potential effects on aquifer sustainability with these aquifers utilised by Mr Lumsden for water supply. I note that no specific evidence was provided on this matter from the submitter.
68. The WRC Officer's s42A report provides some commentary and through questioning of witnesses it became apparent that this issue is not one which remains in contention. Mr John Hadfield (Hydrogeologist), on behalf of WRC has identified this as a potential effect however agrees that the likelihood of such an effect is low.
69. Importantly I record that the purpose of this proposal is to assess the aquifer response to pumping and any potential drawdown that results. It is proposed for a short duration only and while providing important background and monitoring data in no way pre determines

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any future proposal in this location. Overall I find that the effects of the proposed take on existing water supply bores would be less than minor.

Groundwater take and Associated Subsidence

70. Settlement of the surrounding land as a result of the pumping activity remains as the key issue in contention associated with this proposal. The nature of this issue is discussed above and revolves around land within the property of the submitter being subject to potential settlement as a result of dewatering the associated peat geology.
71. I have heard evidence from both the applicant and the submitter on this issue and have also had the opportunity to review the results of a previous pumping test which was undertaken for a bore to the east of OPB2, referred to as TW7. This previous pump test was undertaken during the 1980's and I find that while the results cannot be directly transferred to this current proposal the drawdown and settlement effects can be considered in the same context. I reach this conclusion primarily due to the fact that geology is similar and the TW7 pump test was undertaken over a much longer period of time than that proposed for OPB2.
72. Mr Lang confirmed that the effect was a potential low impact risk however expressed concern and cast uncertainty over the predictions and resultant outcomes for ground settlement. Mr Lumsden assessed the potential area of land at risk of approximately 10 to 12 hectares in area while Mr Tilsley confirmed the any dewatering of the peat geology could be significant due to the issues or difficulty in to re-wetting or re-charging such soils.
73. Mr Lang, and supporting witnesses, suggested a relocation of the proposed pump test to the south would provide a simple solution to addressing any potential effects however the applicant resisted such a move and provided technical reasoning why such relocation was not considered feasible for SENZ.
74. While I accept that Mr Lang, did not in any way endorse granting of the proposed take, Mr Lang provided some useful condition wording which could be utilised in the event of the proposed take progressing. This condition was centered on the TARP programme and associated remediation plan. A key component of this TARP is to identify triggers and as a result of these triggers implement a necessary action. I find that the current TARP, provided at the hearing, is open to interpretation and with such a short period of proposed pumping I find, and am in agreement with Mr Lang, that a progressive trigger would need to apply. This would allow for amendments to the pumping and monitoring regime to be implemented should such progressive triggers be reached and would avoid the situation of determination of a trigger being breached at a late stage of the pumping. Such a progressive trigger is considered to provide a much more proactive approach to the TARP.

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75. The Remedial Action Management Plan (RAMP) forms part of this same process and again I find that while the intent of such a plan is appropriate that interpretation issues exist. Mr Dawson confirmed that the proposed condition wording provided by Mr Lang largely addresses the soil productivity aspects of any remediation required. I am in agreement with this finding.
76. Mr Green expressed concern with the proposed condition, in particular that associated with third party endorsement. Mr Green however accepted, on behalf of SENZ, that such a condition could apply.
77. Mr Lang suggested that the application held significant uncertainty with regard to potential environmental harm however I find, with the proposed TARP and RAMP, I in agreement with SENZ in that:
- The location of the bore OPB2 has been carefully chosen to minimise potential risks;
 - The risk or probability of permanent subsidence occurring on the Lumsden property is very low;
 - Should any slumping occur the impact will be minor in nature; and
 - Any effects will be addressed through a comprehensive mitigation package proposed by the SENZ.
78. As noted in paragraph 69 above I again record and emphasise that the purpose of this proposal is to assess the aquifer response to pumping and any potential drawdown, and settlement, that results. It is proposed for a short duration only. Overall I find that the proposed water take and potential settlement effects are appropriately mitigated by the implementation of the TARP and RAMP and the effects of the proposed take on land settlement and productive capacity of surrounding land would be less than minor.

Monitoring

79. Upon the grant of any consent it may be desirable to impose a requirement for the consent holder to undertake environmental monitoring to further quantify the actual effects of their activities on the environment. This enables the adequacy of mitigation measures to be assessed over time.
80. The proposal is for short term consents only and no specific or formal review of the consent conditions are considered necessary over this period. I do however note the importance of the recording of monitoring data as the proposed take and discharge occurs, and in particular refer to maintenance of a record of the water take, pumping hours, pump volumes and discharge water quality. These, in association with the TARP and RAMP, are considered to form part of a comprehensive monitoring and reporting programme to inform WRC and ensure effects remain less than minor.

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81. I consider that these monitoring requirements would ensure that appropriate controls and mitigation measures are implemented and that the adverse environmental effects of the proposed pump take and discharge activities would be less than minor.

Consent Reviews

82. Typically I consider that it is necessary to provide for opportunities for reviews of the conditions of consents under s128 of the RMA and while such reviews are not mandatory they will only occur if WRC initiates them and they do provide an opportunity for conditions to be appraised and amended in light of monitoring information. In this circumstance however, and primarily due to the short duration of consent, I agree with the WRC Officer's s42A report and regard such a review condition as not appropriate and unnecessary.

Consent Durations

83. The applicant is seeking a term of 2 years for the resource consents. I concur however with the WRC Officer's s42A report in that both consents should expire on 31 January 2015. This provides adequate opportunity for the SENZ to implement and monitor the outcomes of the take and discharge as necessary. SENZ provided no commentary on this during the hearing process.

COMMISSIONER'S CONCLUSIONS

84. In coming to my overall broad judgment as to whether the proposed SENZ water take and discharge would promote the sustainable management of natural and physical resources, as defined in section 5 of the RMA, I have considered the evidence presented in full.
85. I record Part II of the RMA in its entirety below for completeness purposes and note that I am satisfied that section 5, 6, 7 and 8 of Part II of the RMA are fully addressed and satisfied through the applicants proposal.

Part II of the RMA – The Purpose and PrinciplesSection 5 - Purpose

5. Purpose--(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

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- (b) *Safeguarding the life – supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6 - Matters of National Importance

6. Matters of national importance--In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development*
- (g) *The protection of recognised customary activities.*

Section 7 - Others Matters

7. Other matters--In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to--

- (a) *Kaitiakitanga:*
 - (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources:*
 - (ba) *The efficiency of the end use of energy:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Repealed*

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(f) Maintenance and enhancement of the quality of the environment

(g) Any finite characteristics of natural and physical resources:

(h) The protection of the habitat of trout and salmon:

(i) The effects of climate change

(j) The benefits to be derived from the use and development of renewable energy.

Section 8 - Treaty of Waitangi

8. Treaty of Waitangi---In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

86. The effort the applicant and submitter made to prepare and present their cases were extremely helpful in identifying the relevant issues, and has assisted in providing an understanding of the processes and issues which are of concern which are noted to be very focused. I wish to thank all attendees and participants to this hearing process and for the provision and level of technical information provided.
87. As discussed within the body of this decision and based on the evidence I heard and the submission received, I am satisfied that the proposed SENZ water take and discharge will not result in such adverse effects that these are unable to be dealt with by way of appropriate conditions.
88. I am satisfied that the application either gives effect to or is consistent with the relevant regional and planning documents when read as a whole.
89. Having considered all relevant requirements, I find that the purpose of the RMA is better served by granting the consents sought with appropriate conditions than by declining the application.

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Solid Energy Chinowai Pump Take and Discharge Consent Decision

DECISION

DECISION OF WAIKATO REGIONAL COUNCIL

90. Having carefully considered all the evidence presented at the Hearing, the relevant statutory instruments and Part II of the Resource Management Act, I find that the applications by Solid Energy New Zealand Limited should be **granted** subject to the attached schedule of resource consent conditions on the following grounds:
- The activity is consistent with the purpose and principles of the RMA;
 - Subject to the imposition of appropriate conditions, the proposed activity will not conflict with the objectives and policies of the WRPS or the WRP;
 - The proposed activities are considered sustainable and efficient; and
 - The proposed activities are unlikely to have any adverse effects on the environment;
91. Accordingly I impose the consent conditions attached as Schedule 1 – Waikato Regional Council Consent Conditions

DATED this 21st day of February 2012



Commissioner Graeme Ridley

Application 122076

Activity authorised:	Groundwater take from the Tauranga Group aquifer for up to 2 weeks to east of Balemi Road, Ohinewai
Location:	Balemi & Tahuna Roads - Ohinewai
Spatial Reference:	NZTM 1791593 E 5849665 N
Consent Duration:	This consent will commence on the date of decision notification, unless otherwise stated in the consent's conditions, and expire on 31 January 2015

1. The ground water take shall be undertaken in accordance with the application for this resource consent and the document titled "Solid Energy New Zealand Limited – Application for Resource Consent: Water Take and Discharge dated November 2010" and in accordance with the implemented plans authorised by condition 5 of this consent, except as identified in the resource consent conditions below.
2. The maximum rate of take shall be 5 litres per second with a maximum total volume of 6000m cubic metres.
3. 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 \pm 5%. Evidence of the water measuring device's calibration to an accuracy of \pm 5% and as built plans of the installed water measuring device shall be provided to the Waikato Regional Council prior to the exercise of this consent.
4. The consent holder shall maintain a record of the daily pumping hours (the actual number and period of hours over which water was taken) and daily water volume which shall be made available to the Waikato Regional Council at all reasonable times. These records shall be forwarded to the Waikato Regional Council within 1 month of the pump test ceasing.
5. The consent holder shall prior to the commencement of the aquifer pump test supply to Waikato Regional Council's Resource Use Group copies of the Ohinewai OPB2 Trigger Action Response Plan (TARP) and a Remedial Action Management Plan (RAMP) for written approval. The consent holder shall consult with the owners of the property to the north of Balemi Road nearest to the pumping site in relation to the provisions of both plans and detail the outcomes of this consultation with the TARP and RAMP.

The TARP shall as a minimum include:

- i) A programme of monitoring for ground settlement within the predicted zone of pump testing by a suitably qualified person. The monitoring programme shall provide for a frequency of monitoring during the test not greater than 2 day intervals; and
- ii) The TARP shall specify a progressive set of trigger rates of ground settlement at which response actions must be taken. Such response actions shall be specified in the TARP.

The RAMP shall provide information of sufficient detail to address:

- i) Confirmation that any settlement is permanent (not due to seasonal variations);
- ii) Duration and location of monitoring;
- iii) Define any settlement area for temporary fencing;

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- iv) Analysis of existing soils and pasture in the likely affected areas to provide information to assist remediation, including information on soil and subsoil structure, fertility and drainage;
- v) Remediation methods including expert advice to be used in sourcing, placing and spreading appropriate topsoil, establishing suitable soil structure, drainage and fertility and pasture grasses to previous soil and pasture standard;
- vi) Reinstatement of any permanent fencing (including methodology and timeframes); and
- vii) Details of compensation for loss of productive land on an area basis as a result of ground settlement and or effects on groundwater abstraction bores.

The exercise of the consent shall be in accordance with the approved TARP and RAMP.

- 6. 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.

Advice notes

- 1. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
- 2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
- 3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
- 4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
- 5. 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.
- 6. 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.
- 7. If the consent holder intends 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 the right to continue exercising this consent after it expires in the event that the application is not processed prior to this consent's expiry.

Application 122077

Activity authorised:	Discharge water pumped from the Tauranga Group aquifer for up to 2 weeks to a farm drain adjacent to Balemi Road, Ohinewai
Location:	Balemi & Tahuna Roads - Ohinewai
Spatial Reference:	NZTM 1791598 E 5849764 N
Consent Duration:	This consent will commence on the date of decision notification, unless otherwise stated in the consent's conditions, and expire on 31 January 2015

1. The discharge shall be undertaken in accordance with the application for this resource consent and the document titled "Solid Energy New Zealand Limited – Application for Resource Consent: Water Take and Discharge dated November 2010", except as identified in the resource consent conditions below.
2. The maximum rate of water discharge from OBP2 shall not exceed 5 litres per second with a maximum total volume of 6000 cubic metres.
3. There shall be no conspicuous oil, grease, scums or foams present after reasonable mixing as a result of the exercise of this consent.
4. The consent holder shall as a minimum, sample and report on the pumped discharge and receiving waters as follows unless otherwise required to do so by the Waikato Regional Council.

Sites	Parameters	Frequency
1. Discharge	pH, Turbidity	Daily*
2. Farm Drain Upstream*		
3. Farm Drain Downstream*		

*Sampling of Farm Drain shall only occur should residual water be present with monitoring to occur upstream and downstream of discharge location.

5. The pH of the discharge shall not be less than 6 or greater than 9 pH units.
6. The consent holder shall maintain a record of the data required to be collected by conditions 4 and 5 above which shall be made available to the Waikato Regional Council at all reasonable times. These records shall be forwarded to the Waikato Regional Council and Waahi Whaanui Trust within 1 month of the pump test ceasing.
7. The consent holder shall notify the Waikato Regional Council as soon as practicable and as a minimum requirement within 24 hours, of the consent holder becoming aware of the limits specified in conditions 4 and 5 of this resource consent being exceeded and/or of any accidental discharge, plant breakdown, or other circumstances which are likely to result in the limits of this resource consent being exceeded. The consent holder shall, within 5 days of the incident occurring, provide a written report to the Waikato Regional Council, identifying the

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exceedance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

8. In order to minimise erosion in the vicinity of the discharge point, appropriate erosion protection and energy dissipating devices shall be provided at the outlet structure. The structure shall be designed by an appropriately qualified and experienced person.
9. 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.

Advice notes

1. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
5. 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.
6. 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.
7. If the consent holder intends 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 the right to continue exercising this consent after it expires in the event that the application is not processed prior to this consent's expiry.

* * * * *

The motion was put and carried (WRC12/77)

Ordinary Business

File: 02 30 00 (Agenda Item #6)

Variation No 6 – Water Allocation - OPERATIVE

File:23 12 02 (Agenda Item #6.1) Docs#2141487

Programme Manager Policy Legal Processes and Support, N Rye, presented the report which was to make operative Variation no 6 – Water Allocation – to the proposed Waikato Regional Plan. It was noted that a media release is planned and an implementation plan is underway.

Cr Legg moved/Cr Kneebone seconded.

WRC12/78

1. **THAT the report “Variation No. 6 – Water Allocation - OPERATIVE” (Doc # 2141487 dated 15 March 2012) be received; and**
2. **THAT in accordance with Clause 16(2) of Schedule 1 of the Resource Management Act 1991, Council confirms the amendments to Variation No. 6 to correct minor errors as set out in Appendix One to this report; and**
3. **THAT pursuant to clause 17 of the First Schedule of the Resource Management Act 1991, Council approve Waikato Regional Plan: Variation No. 6 – Water Allocation and effect its resolution by affixing the seal of the Waikato Regional Council; and**
4. **THAT Council direct staff to make the Variation operative in accordance with clause 20 of the First Schedule of the Resource Management Act 1991; and**
5. **THAT, in accordance with clause 20A of the Schedule 1 of the Resource Management Act 1991, Council amends the Activity Guide in the Operative Waikato Regional Plan to reference the provisions contained in Variation No.6.**

The motion was put and carried (WRC12/78)

The Chief Executive and the Chairman signed off the Variation under the Waikato Regional Council's common seal.

‘Better Local Government’ – summary of reform programme

File:20 00 02 (Agenda Item #6.2) Docs#2153344

The Group Manager Policy and Transport, V Payne, presented the report summarising the reform programme for local government announced on 20 March 2012.

Arising from discussion it was noted that:

- The proposals for determining ward boundaries do not apply to Regional Councils, which have constituencies and for which no change has been proposed.
- The Department of Internal Affairs paper on unitary models referred to in the report is to be circulated to councillors.

- The use of population based figures as a measure to determine constituencies versus communities of interest and the consequence of possible imbalance was noted.
- Regional government is different from territorial authority local government and this needs to be emphasised to central government.
- The average rate increases over 10 years as set out in the summary have been analysed by the Finance team and found to be accurate when all factors were taken into consideration, such as increases in passenger transport, investments in catchment management schemes, and targeted rates.
- The suggestion of rate capping has been raised and it is imperative that central government understands the rating systems used by regional councils.
- A suggestion was put that the RMA needs to be reformed alongside the local government reforms.
- An issue was raised in respect of councils borrowing against assets which in real terms could not be sold.

Cr Barker moved/Cr Burdett seconded.

WRC12/79

1. **THAT the report 'Better Local Government' – summary of reform programme (doc#2153344 dated 20 March 2012) be received, and**
2. **THAT the Chairman and Chief Executive encourage the new Waikato Regional Governance Forum to develop a collective council approach that is in the best interests of the Waikato region in respect of the reform programme for local government.**

The motion was put and carried (WRC12/79)

New Regional Governance Forum and MOU

File:20 00 02 (Agenda Item #6.3) Docs#2153603

Principal Policy Advisor, U Trebilco, presented the report detailing the new regional governance forum of local authorities in the Waikato region and of the Memorandum of Understanding (MOU) for the forum.

Cr Barker moved/Cr Kneebone seconded.

WRC12/80

1. **THAT the report 'New Regional Governance Forum and MOU' (Doc#2153603 dated 20 March 2012) be received, and**
2. **THAT the draft Memorandum of Understanding on Local Government Strategic Collaboration in the Waikato Region (MOU) (attached in the report doc#2153603) be received and approved, and**
3. **THAT the Chairman be authorised to sign the MOU on behalf of the Waikato Regional Council including authority to agree to minor and necessary amendments, e.g. ability to add alternates.**

The motion was put and carried (WRC12/80)

Notice of Motion – Rates Control Team

(Agenda Item #6.4)

Cr Hennebry moved/Cr Stark seconded.

THAT the notice of motion from the Rates Control Team dated 22 March 2012 be received.

Cr Friar moved/Cr Kneebone seconded a procedural motion

WRC12/81 THAT in accordance with Standing Orders 3.12.1 (b) the issues would be more appropriately discussed at a Code of Conduct workshop scheduled to be held on 7 June 2012.

The motion was put and carried 7-3 (WRC12/81)
Crs Hennebry, Armstrong and Stark voted against

The Chief Executive was requested to prepare a report to be presented at the workshop.

Report of Routine Documents Executed Under Seal

(Agenda Item #6.5)

Cr Legg moved/Cr Kneebone seconded.

WRC12/82 THAT the following routine documents executed under the Common Seal for the period 21 February 2012 to 21 March 2012 be reported for information:

Drainage easement in gross of right of way on that area marked 'B' on Lot 1 DP 429431 CT 515208 at SH 27, Morrinsville, between Hartlands Farm Ltd (grantor) and WRC (grantee). (WRC 1766).

Drainage easement in gross of right to drain water over that land at 58 Brinkworth road, Tamahere marked as B & C on Lot 1 DP 437106 CT 537628, D & H on Lot 2 CT537629, E, F and G on Lot 3 CT 537630 between Gray Clayton and Raewyn Margaret Clayton (grantor) and WRC (Grantee) (WRC 1767).

Partial release of drainage easement at 41 Fencourt Road, Cambridge created by Transfer S299063 affecting part allotment 353 parish of Hautapu CTSA11B/567 Lot 2 DP SA12512 between Waikato Hunt Inc and WRC (WRC 1768).

Easement to grant right of way over that land marked 'A' on Section 1 SO406927 (443560), 'C' on Section 1 SO 57333 (417813), 'D', 'E', 'F', 'G' on Section 2 SO 406927 (443560), and 'H'; SA34A/484 Lots 1 and 2 LT Plan 442320 (551677) to allow the Hauraki Rail Trail/Cycle way to be formalised, between HM the Queen through the Minister of Conservation and WRC (grantor) and Eric Pierre Souchon, Amanda Souchon and Bernard Pierre Lamusse (grantee). (WRC 1769).

Public corporate client authority and instruction for an electronic transaction between Tompkins Wake and Waikato Regional Council for the sale of

council land at 12 Waiomu Valley Road, Waiomu. (WRC 1770).

Drainage easement in gross of right to drain water over that land shown on 'I', 'J', 'K', 'L', DP 395404 Lot 2 CT 381099 at 868 SH26, Tauwhare between Colin Neil McFarlane, Cheryl Dorothy McFarlane (grantor) and Waikato Regional Council (Grantee) (WRC 1771).

Drainage easement in gross of right to drain water over that land shown as 'A' on Lot 2 DP 422259 and 'B' on Lot 1 DP 422259 CT485498 at Brinkworth Road, Matangi between Mary Louise Bourke (grantor) and WRC (grantee) (WRC 1772).

The motion was put and carried (WRC12/82)

Resolutions to Exclude the Public

(Agenda Item #7.1)

Cr Burdett moved/Cr Kneebone seconded.

WRC12/83 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 – 23 February 2012	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
8.2	Finance and Audit Committee Minutes – 14 March 2012	Good reason(s) to withhold exist(s) under Section 7	Section 48 (1) (a)
8.3	Joint Management Agreement – WRC and Waikato-Tainui	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
8.2	Protection of privacy of natural persons	S7 (a)
8.1, 8.2	Prejudice commercial position	S7 (b) (ii)
8.1, 8.3	Conduct of negotiations	S7 (i)

8.1	Commercial activities	S7 (h)
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The motion was put and carried (WRC12/83)

Return to Open Meeting 2.50 pm

Meeting closed 2.51 pm

Chairman

Doc #2158397