

Minutes of the Regulation Monitoring & Operations Committee Meeting held in Council Meeting Room One, Environment Bay of Plenty, 5 Quay Street, Whakatane on Tuesday, 7 September 2010 commencing at 9.30 a.m.

Present:

Chairman: M Whitaker

Deputy Chairman: K Summerhays

Councillors: T Marr, I Noble, N Oppatt

Ex Officio: Chairman J Cronin

In Attendance: K Tarboton (Group Manager Rivers & Drainage), L Thompson (Senior Communications Advisor), S Cubbon (Committee Administration)

Attendance in part: D Lineham and J McIntosh (Ballance Farm Environment Awards), M Macleod (Acting Chief Executive), E Grogan (Group Manager Water Management), W Murray (Group Manager Land Management), B Campbell (Community Relations Manager), G Corbett (Manager Land Resources (Rotorua)), B Crabbe (Operations Manager Rivers & Drainage), H Creagh (Manager Consents), B Gardner (Pollution Prevention Manager), K Gosling (Education Team Leader), A Grenfell (Communications Advisor), S Hohepa (EEF Officer), K Maki (Sustainable Development Manager), G O'Rourke (Principal Engineering Surveyor), S Pickles (Pollution Prevention Team Leader), S Stokes (Manager Land Resources (Eastern)), N Zaman (Senior Planner)

Apologies: Council Chairman J Cronin (for lateness), Councillor J Mansell

Absent: Councillor T Eru

1 Reports

1.1 Ballance Farm Environment Awards

Simon Stokes, Manager Land Resources (Eastern) provided a brief summary of the Ballance Farm Environment Award programme. He introduced Doug Lineham and John Mackintosh, trustees from the Bay of Plenty Farm Environment Awards Trust, who were in attendance to report on the Trust's work over the past year. The presenters reminded the Committee of the objectives and history of the Awards which were intended to promote sustainable land management on New Zealand farms. They noted the role of the Awards in recognising and celebrating good role models, and emphasised the importance of farming to the region. The significant financial

contribution made from the Regional Council to the Bay of Plenty Trust was acknowledged.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Ballance Farm Environment Awards.**

**Whitaker/Summerhays
CARRIED**

1.2 Environmental Enhancement Fund Decisions 2010/2011 Annual Funding Round

The report was presented by Communications Manager, Bronwyn Campbell and contained the Enhancement Fund Sub-committee funding allocation decisions for the Environmental Enhancement Fund 2010/2011 funding round. 28 applications had been received and assessed, and members of the Committee noted there had been a lack of applications from the Tauranga area.

Attendance

Council Chairman John Cronin joined the meeting at 10.25 a.m.

Decisions made by the EEF Sub-committee were discussed by members who saw the need to explore efficiencies and give consideration to increasing funding for coordination.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Environmental Enhancement Fund Decisions 2010/2011 Annual Funding Round.**
- 2 Confirms that the significance of the decisions has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decisions it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

**Whitaker/Marr
CARRIED**

Adjournment

The meeting was adjourned at 10.30 a.m. for morning tea and reconvened at 10.50 a.m.

1.3 **Update on Lake Rotoma Action Plan**

Senior Planner, Nick Zaman provided a PowerPoint presentation outlining key actions undertaken since the Rotoma Action Plan was approved by Council on 22 April 2010. Moves towards improved land management, fencing and the provision of wetlands were discussed. Describing Lake Rotoma as the cleanest, nicest lake for recreation members saw the importance of doing everything to protect it, and wished to know when the community might expect Council to put a cap on stocking rates in the catchment. The Committee also received an update on progress made by Rotorua District Council with the sewerage reticulation scheme, the cost of which would be \$14.5 million.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, 'Update on Lake Rotoma Action Plan'.**
- 2 Requests that the Policy and Planning Committee look with urgency at the development of rules and/or other methods to place a cap on nutrients in the Rotoma catchment.**

**Oppatt/Noble
CARRIED**

1.4 **Ohiwa Harbour Strategy Implementation Progress**

An update was provided by Simon Stokes on progress in implementing actions contained within the Ohiwa Harbour Strategy. He also took the opportunity of informing members of matters that came out of the Ohiwa Harbour Implementation Strategy meeting held on 1 September 2010.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Ohiwa Harbour Strategy Implementation Progress.**

**Summerhays/Whitaker
CARRIED**

Attendance

Council Chairman John Cronin left the meeting at 12.15 p.m.

1.5 **Quarterly Consents Update Report**

The report was presented and questions answered by Consents Manager, Helen Creagh who advised there had been 205 applications received during the period 19 April to 13 August 2010. The trend was for applications continuing to increase, this being aided by the existing lake structures consenting project and renewal applications, however Ms Creagh was confident decisions would continue to keep pace with incoming applications. Consents currently under appeal were listed in the report and members were advised of the status of each.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Quarterly Consents Update Report.**

**Cronin/Summerhays
CARRIED**

1.6 **Review of progress with Feral Goat Management in the Eastern Bay of Plenty**

The Committee received the report from Greg Corbett, Manager for Land Resources (Rotorua) dealing with the results of a review of the eastern Bay of Plenty feral goat management programme. The review was completed by Wildland Consultants Limited and concluded that significant gains and advances had been made since 2005 in the removal or reduction of feral goat infestations. A number of recommendations to improve the effectiveness of the programme were offered by the review.

Mr Corbett's credited the coordinated approach from management agencies for successes to date, and acknowledged the significant commitment to the programme from DOC. Members noted that streamlining of the use of GPS and telemetry to track goats for local eliminations had further reduced costs.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Review of progress with Feral Goat Management in the Eastern Bay of Plenty.**
- 2 Notes that substantial progress has been made in managing goats within the eastern Bay of Plenty since 2005.**
- 3 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

**Whitaker/Marr
CARRIED**

Attendance

Councillor Oppatt left the meeting at 12.35 p.m.

Adjournment

The meeting was adjourned for lunch at 12.35 and reconvened at 1.20 p.m.

1.7 August 2010 Flood Event

The report was introduced by Ken Tarboton, Group Manager Rivers & Drainage and provided detailed information of the flood event that occurred 14th - 16th August 2010. There had been up to 349 mm of rain in some eastern catchments, with river flows ranging from five year return period floods in most rivers to a 30 year flood in the Whakatane River. Following significant rainfalls in August and a wet July, catchment soils were already saturated but professional management of the flood event resulted in no stock losses, no flooded houses and the timely removal of flood waters.

A PowerPoint presentation and video footage of the flood at its height were shown and both Mr Tarboton and Operations Manager, Bruce Crabbe, provided commentary. The partial breach of stopbanks on the Te Rahu Canal and the repair actions undertaken were captured on film. Members expressed disappointment that the fuse at the Whakatane River mouth had not been better managed and requested that a report being on the Whakatane Harbour Access Improvement Project undertaken by Whakatane District Council be presented to Council.

The Committee were advised by Mr Tarboton that comprehensive inspections were being undertaken and it appeared that some flood protection schemes had suffered significant and expensive damage that would require follow up.

Members commended staff for their extraordinary efforts in managing the flood event.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 **Receives the report, August 2010 Flood Event.**

**Whitaker/Summerhays
CARRIED**

1.8 Schedule of Complaints and Enforcement Activities: 1 April 2010 to 30 June 2010

Pollution Prevention Team Leader, Steve Pickles provided a summary of complaints and enforcement undertaken for the three month period of 1 April to 30 June 2010. He advised 352 complaints had been received, 30 abatement notices and six infringement notices issued. Two prosecutions had been concluded and several other cases were about to be heard.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 **Receives the report, Schedule of Complaints and Enforcement Activities: 1 April 2010 to 30 June 2010.**

**Whitaker/Marr
CARRIED**

1.9 **Earthworks Compliance Monitoring Report: 2009/2010 season**

The report updating the Committee on large scale earthworks compliance in the Bay of Plenty region for the 2009/2010 season was presented by Pollution Prevention Manager, Bruce Gardner. He noted that staff continued to identify and address all non-compliant issues quickly, and were pleased to see a continued improvement and co-operation with consultancy firms and contractors to undertake correct procedures relating to environmental issues contained within consent conditions.

Mr Gardner responded to questions from members regarding individual infringements.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Earthworks Compliance Monitoring Report: 2009/2010 season.**

**Summerhays/Marr
CARRIED**

1.10 **Report on Wastewater Treatment Plants in the region**

Steve Pickles summarised the performance of 12 waste water treatment plants in the Western Bay of Plenty, Kawerau, Whakatane and Opotiki districts from July 2007 to June 2010. There had been some ongoing issues with receiving compliance results, some exceedences for microbial counts, and the maintenance and operation of some sites, however no enforcement action had been taken and Mr Pickles considered overall compliance to be good.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Report on Wastewater Treatment Plants in the region.**

**Whitaker/Summerhays
CARRIED**

1.11 **Appointment and Powers of Navigation and Safety Enforcement Officers and Honorary Enforcement Officers.**

(Corrected report and appendix were provided to members)

Group Manager Water Management, Eddie Grogan presented the report requesting that the Committee seek a resolution from Council to appoint enforcement officers and honorary enforcement officers to carry out duties under the provisions of the Local Government Act 1974 (Part 39A) and the Bay of Plenty Regional Council Navigation Safety Bylaw 2010.

The names of all Enforcement Officers and Honorary Enforcement Officers were appended to the report and members considered it heartening to see how many people wanted to assist with Harbour Warden duties.

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Appointment and Powers of Navigation and Safety Enforcement Officers and Honorary Enforcement Officers.**
- 2 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

That the Regulation Monitoring & Operations Committee recommend that the Regional Council:

- 1 Appoints under section 650B of the Local Government Act 1974 the persons listed in Appendix 1 of this report as enforcement officers and honorary enforcement officers with the specified powers.**
- 2 Provides the Harbour Master, Deputy Harbour Master and enforcement officers with warrants pursuant to section 174 of the Local Government Act 1974.**

**Summerhays/Whitaker
CARRIED**

1.12 Group Managers' Report

Key operational issues and achievements for the Regulation Monitoring and Operations Committee highlighted in the report provided an opportunity for members to have further input into significant operational matters. Ken Tarboton gave further detail regarding the activation of the flood room over the weekend of 13-15 August and the investigations of flood damage. Eddie Grogan updated members about the Sea Lettuce programme and the work being undertaken to better understand the factors that triggered blooms in Tauranga Harbour.

Attendance

Councillor Oppatt rejoined the meeting at 2.40 p.m.

Bruce Gardner discussed the initiatives that had been implemented to gain Hicane Spray compliance with best spray practice. He advised most Hicane spraying was finished for the season, however the exercise had been very successful and the industry had taken a responsible attitude.

Members discussed benchmarking of land in the Rotorua catchment and expressed the wish that this be progressed.

Moved: Councillor Oppatt

Seconded: Councillor Summerhays

THAT officers be instructed to progress benchmarking of the highest nutrient intensive farms in the Rotorua catchment as a matter of urgency.

The motion was **PUT** and **CARRIED**

Resolved

That the Regulation Monitoring & Operations Committee under its delegated authority:

- 1 Receives the report, Group Managers' Report.**
- 2 Instructs officers to progress benchmarking of the highest nutrient loss (most intensive) in the Rotorua catchment as a matter of urgency.**

**Oppatt/Summerhays
CARRIED**

2 Announcement from the Chair

The Deputy Chair of the Regulation Monitoring and Operations Committee, Councillor Summerhays noted that this was the final meeting of the triennium and thanked Councillor Whitaker for his leadership as Chair of the Committee.

Committee Chairman Malcolm Whitaker acknowledged the input of members over the previous three years and requested that a letter be sent to all staff involved to say thank you for their hard work for the Committee.

The meeting closed at 3.30 p.m.