

ORDINARY AGENDA

COUNCIL

DATE: Wednesday, 10 June 2009

TIME: 9.15 am

VENUE: Council Chambers
Matamata-Piako District Council
35 Kenrick Street
TE AROHA

MEMBERSHIP – Quorum (6)

Members:

Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Cr S D Gillard JP
Cr C L Greenville JP
Cr M L Gribble
Cr J W Harris
Cr P M Jager
Cr T J M Johnston JP
Cr R J McGrail
Cr G R Stanley
Cr M P Steffert
Cr L M Tisch

Information and recommendations are included in the reports to assist Council in the decision making process and may not constitute Council's decision until considered by Council.

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1 MEETING OPENING**2 PRESENT**

MEMBERS PRESENT

OFFICERS PRESENT

IN ATTENDANCE

3 APOLOGIES

MEMBERS APOLOGIES

4 NOTIFICATION OF URGENT BUSINESS

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 46A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

5 CONFIRMATION OF MINUTES

Minutes, as circulated, of the Ordinary Meeting of the Matamata Piako District Council, held on 13 May 2009

[Minutes May 13 2009 Council.DOC](#)

DRAFT RESOLUTION

That the Minutes of the Ordinary Meeting of Council held on 13 May 2009 be confirmed and signed as true and correct.

Minutes, as circulated, of the Ordinary Meeting of the Matamata Piako District Council, held on 27 May 2009

[Minutes May 27 2009 Council.DOC](#)

DRAFT RESOLUTION

That the Minutes of the Ordinary Meeting of Council held on 27 May 2009 be confirmed and signed as true and correct.

6 OFFICER REPORTS

6.1 MAYORAL DIARY FOR MAY 2009

File No: DEM021606
Attachments: [Mayoral Diary May 2009](#)
Responsible Officer: D McLeod
Chief Executive Officer
Author: G W H Vercoe QSM, ED, JP
Mayor

EXECUTIVE SUMMARY

A copy of the Mayoral Diary for the period 5 May 2009 to 31 May 2009 is attached.

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the information in the Mayoral Diary for the period 5 May 2009 to 31 May 2009 be received.

6.2 COMMUNITY BOARD REPORTS FOR MAY 2009

File No: DEM021201
Responsible Officer: D McLeod
Chief Executive Officer
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

Representatives of the three Community Boards to be in attendance to advise Council of items of interest from their meetings.

Morrinsville Community Board

Matamata Community Board

Te Aroha Community Board

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the Community Board Reports for May 2009 be received.

6.3 LONG TERM COUNCIL COMMUNITY PLAN 2009-2019

File No: SUP 163710
Responsible Officer: D McLeod
Chief Executive Officer
Author: P Rolfe
Community Development Manager

EXECUTIVE SUMMARY

The Draft Long Term Council Community Plan (Our Community Our Future) was publicly advertised calling for submissions. These were received by Council and those who wanted to be heard were heard by Council on 2nd and 3rd June 2009. Council then considered all submissions. Circulated separately is the result of the deliberations.

Council now needs to formally confirm its decisions.

The Draft LTCCP will be amended based on your decisions ready for adoption on 24 June 2009.

The process since the adoption of the draft is now being audited and the hot review team in Wellington will also be undertaking a final audit.

A copy of the full submissions made was circulated separately.

POLICY AND BYLAW ISSUES

This plan develops policy for Council in many areas.

LONG TERM COUNCIL COMMUNITY PLAN**COUNCIL ACTIVITIES*****Community Development***

Community Development has a focus on economic, social, environmental and cultural well being and includes activities such as Democracy, District Plan, the Long Term Council Community Plan and generally increasing community input into Council decision making. Improving representation in Council's decision making and finding other ways to improve the process of democracy in our district is important.

- *Democracy*
 - *To ensure that the community is well informed about Council plans, policies and strategies*
 - *To assess the quality and adequacy of Council consultation and submission processes*

FOUR WELL-BEINGS

All activities within the plan have been developed whilst taking into consideration the social, economic, environmental and cultural well-being of our communities.

COMMUNITY OUTCOMES

Most of the community outcomes are contributed towards through various activities as outlined within the plan.

SIGNIFICANCE POLICY

In making its deliberations Council must consider as to whether or not any changes are significant in terms of its policy.

COMMUNICATION AND CONSULTATION ISSUES

Council's deliberations are as a result of a consultation process and communication of its decisions will be made individually as well as be available to the public. Any changes will be written into the plan.

OFFICER RECOMMENDATION

That:

- 1. Pursuant to Section 76 of the Local Government Act 2002 Council confirms its decisions in relation to each submission made to the Long Term Council Community Plan as per the document Draft 2009-2019 Summary of Submissions Decisions June 2009.**
- 2. All decisions are in compliance with the policies outlined in Section 102 of the Local Government Act 2002.**

6.4 DOCUMENTS EXECUTED UNDER COUNCIL SEAL - MAY 2009

File No: REG140801
Attachments: [Documents Executed Under Council Seal May 2009.doc](#)
Responsible Officer: D Bellamy
Environmental Services Manager
Author: M Hawthorne
Legal Advisor

EXECUTIVE SUMMARY

The Schedule of Documents executed under Council Seal is attached.

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the Schedule of Documents executed under Council Seal be approved.

6.5 STUDHOLME STREET PUBLIC TOILET UPDRADE

File No: 05301/307.00
Responsible Officer: G Ridley
Infrastructure Manager
Author: L Drake
Parks Officer

EXECUTIVE SUMMARY

A sum of \$400,000 has been made available in the 2008/2009 Annual Plan to upgrade toilets in Morrinsville. A previous report to Council, on 13 May 2009 obtained approval for new facilities at Morrinsville Recreation Ground and an upgrade of the public toilet facilities at Thomas Park.

This report seeks Council to approval to progress the upgrade of the Studholme Street public toilets as outline in the report to Council on 13 May 2009, referring to the Morrinsville Toilet Upgrades. Also included is the installation of addition unisex toilet facility within the carpark area to compliment the existing facility.

BACKGROUND

On 13 May 2009, the Council report seeked approval for the provision of new public toilet facilities at Morrinsville Recreation Ground, and the upgrade of the public toilet facilities at Studholme Street carpark and Thomas Park.

The following resolution was made:

1. That the report Morrinsville Toilet Upgrade be received.
2. That the two new prefabricated unisex units be installed at Morrinsville Recreation Ground carpark and associated site works be undertaken. That \$129,000 be funded from the Reserve Development account for this work.
3. That the upgrade of the Thomas Park toilet facility proceed as detailed in this report.
4. That Leicester Drake meet with the Morrinsville ward Councillors and the Morrinsville Community Board Members on site (at Studholme Street) and report back to Council with their recommendation.

A meeting was held with Morrinsville elected members and the Mayor on Thursday 21 May 2009 at the Studholme street facility and the opportunity was also taken to visit the Morrinsville Recreation Ground and Thomas Park sites.

This report seeks to obtain approval of the recommendations discussed at this meeting.

ISSUES

The Studholme Street facility is located in the Council owned carpark within the central business area of Morrinsville. It is the main public toilet within the Central business area, open 24 hrs a day.

This facility in the ladies area has 3 toilet pans and in the men's area two toilet pans and a urinal.

The previous report suggested that the following works be undertaken at the site.

1. Re-levelling followed by resurfacing of floors. To enable easier cleaning.
2. Replacement of urinal unit with urinettes to enable easier cleaning and provide for operational savings.
3. Landscaping of the site to soften its appearance.

The estimated cost for this work was \$52,000.

It was suggested at the site meeting, with elected members, that the provision of a further 2 pans at the facility would ensure that the facility continues to meet the needs of the community into the future.

As the current facility is of concrete block construction alteration is difficult and expensive. A building consent would be required, triggering the requirement to bring the facility up all required disability access requirements. Furthermore due to the location of the facility, only one end has the ability to be added to. With the result being, that the internal configuration of the facility would need to be altered.

Two additional pans could be provided by two prefabricated unisex units that would comply with all current requirements relating to disabled access. This would allow Council the option of locking the main toilet block after sunset and leave the unisex toilets available to be used as 24 hour available toilets.

This would reduce the chance of after hours vandalism occurring in the main toilet block.

Any development on the site will require at least two car parks to be sacrificed.

Lighting around the facility would be addressed as part of any redevelopment of this area.

Some discussion occurred concerning the current facilities inability to provide for passing through buses.

Investigations however have found that the installation of a Bus stop in this area would be unlikely due to traffic movements caused by the entrance and exit of the Council car park, coupled with the car park on the west side of the road. Studholme Street is also a major arterial road and with the combination of the above issues a Bus Stop in this area would create a safety hazard.

Should the need for this service increase in the future, staff will look into alternatives to accommodate these users.

STATUTORY ISSUES

Any building erected on the site must comply with the operative District Plan and the requirements of the Building Act 2002.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

DELEGATED AUTHORITY

There are no issues relating to Delegated Authority.

LONG TERM COUNCIL COMMUNITY PLAN**COUNCIL ACTIVITIES*****Community Facilities***

Community Facilities are Council activities focused on recreational and cultural opportunities in the district. Previously, much of the work we have done in this area has been around the provision of services and assets, such as the libraries, swimming pools, parks and reserves and other public amenities. In the future, Council will be looking to see how it can enhance the provision of these services to the community through the forming of partnerships with other regional and national organisations focused on social and cultural wellbeing.

- *Public Amenities*
 - *Identify opportunities for improvement and subsequent implications of those improvements*

COMMUNITY OUTCOMES

- Belonging to our Community
- Community Safety and Support: Looking after People
- Our Social Infrastructure

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

COMMUNICATION AND CONSULTATION ISSUES

The previous report had highlighted the need for a Communications Plan to be developed for this project to ensure that users are aware of any potential disruption caused by the upgrade of the facility. With correct project planning disruption could be minimised as prefabricated facilities could be installed and commissioned on site prior to any upgrade of the existing facility.

Further consultation needs to be undertaken before plans are finalised with the owners of surrounding retailers.

FINANCIAL IMPLICATIONS

The two new prefabricated units detailed in this report, coupled with, with the total cost for the upgrades approved in the Council Report of 13 May 2009 will cost a total of \$509,000.

This would be funded from the \$400,000 2008/2009 Annual Plan budget and \$120,000 funding was to be provided from the Reserve Development Account.

OPTIONS

There are several options to provide two additional toilet pans at the facility;

Option One – Build on to current facility

This would require a specific design and would require the entire building to be reconfigured and to fully comply with the requirements of the Building Act 2002, relating to disabled access for public buildings inevitably changing since the building was constructed.

Option Two – Install two prefabricated Unisex Units. These can be located either directly against the existing building, or close nearby.

All required services already exist on site and would require minimal work to have them extended to the new units.

Lighting would also be upgraded within the area to improve safety at the site. Landscaping would also be undertaken around the new units to soften their appearance.

The estimated cost to purchase and commission two units and upgrade lighting would be \$163,000.

The daily closure of the existing facility at nights would cost approximately \$3120 annually. However this cost would be offset in lower levels of vandalism in the main toilet block.

Additional cleaning costs would be incurred by the two extra units. It would be anticipated that this would cost approximately \$10,000 annually.

OFFICER RECOMMENDATION

That:

- 1. The report Studholme Street Public Toilet Upgrade be received.**
- 2. Approval is given for expenditure of \$52,000 for the upgrade of the existing facilities at Studholme Street.**
- 3. Two new prefabricated unisex units be installed at Studholme Street facility, as per option two. The estimated project cost being \$163,000. The exact location to be determined after Council staff have investigated the most suitable location, taking into account current services and safety of users.**
- 4. The two prefabricated unisex units be funded from the \$400,000 2008/2009 Annual Plan Morrinsville Toilet budget.**
- 5. Operational funding of \$13,500, being opening/closing and cleaning costs be met by current budgets and reviewed for 2010/11.**

6.6 PRESENTATION FROM MORRINSVILLE ART GALLERY TRUST

File No: 05301/301.00
Responsible Officer: D McLeod
Chief Executive Officer
Author: J Payze
Committee Secretary

EXECUTIVE SUMMARY

11.00 am.

Mr Trevor Lock is to make a presentation to Council on behalf of the Morrinsville Art Gallery Trust.

POLICY AND BYLAW ISSUES

There are no other Policy or Bylaw issues in relation to this matter.

OFFICER RECOMMENDATION

That the Morrinsville Art Gallery Trust information be received.

6.7 HAURAKI GULF FORUM

File No:	RMR 3424H02
Attachments:	Guide to the HGMPA approved.doc
Responsible Officer:	D McLeod Chief Executive Officer
Author:	P Rolfe Community Development Manager

EXECUTIVE SUMMARY

The Hauraki Gulf Forum has made two recommendations to its member agencies: firstly adoption of a “guide” for implementation of the Hauraki Gulf Marine Park Act, and that consideration is given to the creation of a distinct identity for the Hauraki Gulf Marine Park based on shared interests.

The report recommends adoption of the guide for use in the development of Council policies and plans. A copy of the guide is attached.

The report also suggests that revitalising the park through the development of a distinct identity and a coordinated expansion of land in the park is a logical and sound complementary strategy.

It recommends support in principle for Council-administered land bordering the Gulf to be added to the Hauraki Gulf Marine Park and although Council has no land as such within the Park, whilst being a member it may wish to support that a co-ordinated approach be supported.

BACKGROUND

Council is a member of the Hauraki Gulf Forum as approximately 90% of the District is within a catchment of the Hauraki Gulf.

ISSUES

1. THE GUIDE

The Hauraki Gulf Forum has developed a guide that will assist Councils in giving effect to the HGMPA in RMA policies and plans. The guide identifies ways in which regional policy statements, regional plans and district plans can more effectively protect and enhance the Gulf.

Governing the Gulf: Giving Effect to the Hauraki Gulf Marine Park Act through Policies and Plans has been produced after extensive analysis and review.

The project was facilitated by the forum through jointly funding commissioned expertise and technical officer peer review.

The guide clarifies the legal requirements for policies and plans produced under the RMA to give effect to the Act, reviews the application of case law, differentiates the Hauraki Gulf Marine Park Act from the RMA, and defines the ways in which regional

policy statements, regional plans and district plans can provide practical application of the HGMPA.

The guide shows that regional policy statements play a crucial role in establishing a planning hierarchy under the Act, as they are the only statutory planning document that can integrate management of the Gulf's catchments, islands and coastal marine areas. They must also be given effect to in regional and district plans.

The elements required for an integrative regional planning framework are identified as including:

- *An ecological capacity framework*, which identifies, spatially where possible, significant interrelationships and elements which can contribute to the ecological health and productivity of the Gulf's coastal marine area and islands.
- *A climate change response framework*, which identifies the potential impacts of climate change on ecological health and productivity of the Gulf's coastal marine area and islands and preferred responses.
- *Identification of priority issues and outcomes*, to focus management effort on issues which will have a significant impact on interrelationships and the 'capacity' of the Gulf.
- *An environmental monitoring programme* – to measure the effectiveness of the joint management effort in sustaining and enhancing the 'capacity' of the Gulf.
- *Explicit linkages with other environmental management regimes* – so that it is clear how other management areas such as fisheries, conservation, heritage and biosecurity impact on the Gulf's "capacity".

These elements are currently being considered in the development of the Auckland Regional Policy Statement.

The guide similarly identifies essential elements for effective regional coastal plans, regional plans and district plans produced under the Act.

The guide notes district plans primarily manage the impacts of land subdivision and development on the resources of the Gulf. To implement the provisions of the HGMPA, district plans could be expected to address the following matters:

- Manage the negative impacts of activities on the natural character, natural landscapes and amenity of the Gulf's natural environment and encourage coastal developments proposals to include restoration elements.
- Reduce contaminants entering the Gulf's coastal marine area through methods such as controlling earthworks and encouraging the use of "green" stormwater infrastructure.
- Ensure the protection of the Gulf's historical and cultural heritage.
- Make provision for public access to the Gulf's coast and the ability of members of the public to use and enjoy the coastal marine area.
- Address the likely consequences of sea-level rise to ensure the ongoing viability of natural coastal systems.

- Make provision for land-based elements of economic and recreational activities which require access to the Gulf's coastal marine area.

The guide also notes the HGMPA places high priority on recognising the relationship of tangata whenua with the Hauraki Gulf and on the need to protect, and where appropriate, enhance the resources of the Gulf which are of importance to tangata whenua, and sets out ways this can be achieved.

The guide is not intended to define what the minimum requirement might be for Councils to meet their legal obligations under the act. Rather it describes how Councils can proactively implement the purpose and aspirations of the legislation to achieve better environmental outcomes for the Gulf.

It sets out a comprehensive analysis of how policies and plans can fulfil their requirements to give effect to the HGMPA. It is recommended that Council adopt the guide for use in the development of its policies and plans.

At its March 2009 meeting, the forum recommended that its constituent parties adopt the guide by for use in the preparation of their policies and plans.

2. THE PARK

The HGMPA also established the Hauraki Gulf Marine Park. However, even though it was established eight years ago, the park remains largely unrealised and has a very low profile due to a lack of branding and promotion. The park remains in scope largely that which was designated at the time of the Act's introduction (the seawater, Crown-owned foreshore and seabed and conservation areas within the Gulf).

The forum has asked its constituent parties to consider the development of a distinct identity for the Hauraki Gulf Marine Park, based on shared interests.

An identity or branding strategy could build on the recent work of the forum. The graphic representation of integrated physical and cultural elements in the forum's identity could be adapted and associated with the park (see concept attached), or a separate approach could be taken by parties with a management stake.

Considering shared interest in the park could include expanding the geographic scope of the Hauraki Gulf Marine Park as a means of revitalising it, ahead of its 10th anniversary in 2010.

Sections 34, 35 and 36 of the Hauraki Gulf Marine Park Act enable inclusion of other public lands, private land and certain fisheries in the park. Sections 44-48 create opportunities for contribution by tangata whenua to the management of the area.

The Department of Conservation's policy is to "explore with key partners the potential to increase the land included within the marine park" as part of its Project Hauraki initiative (10 point action plan, notified to Hauraki Gulf Forum, Dec 2007).

The inclusion of the first piece of private land to be added to the park, on Waiheke Island, has recently been gazetted.

When land is included in the park, its ownership and management do not change. The Act requires that any such land be managed to recognise and give effect to the purposes of the park which are:

- a. to recognise and protect in perpetuity the international and national significance of the land and the natural and historic resources within the Park:
- b. to protect in perpetuity and for the benefit, use, and enjoyment of the people and communities of the Gulf and New Zealand, the natural and historic resources of the Park including scenery, ecological systems, or natural features that are so beautiful, unique, or scientifically important to be of national significance, for their intrinsic worth:
- c. to recognise and have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands and coastal areas, and the natural and historic resources of the Park:
- d. to sustain the life-supporting capacity of the soil, air, water, and ecosystems of the Gulf in the Park.

The forum has asked constituent parties to consider this matter and report back to the forum meeting to enable a joint position and strategy to be considered ahead of the park's 10th anniversary in February 2010. This approach enables the opportunity to be considered in a coordinated manner by all the Councils with coastal parks and reserves around the Gulf. It is noted that Matamata-Piako District does not directly adjoin the park itself but can provide for the support of such an approach.

The forum has identified potential benefits that would come from developing a higher profile, expanded park include:

- Management and interpretative messages could be developed more easily and naturally between places and agencies in the Gulf.
- It would enhance public understanding and appreciation for the Hauraki Gulf and thereby reinforce the need for an integrated policy and planning framework approach (as now defined in the guide).
- In the long term it would encourage new investments, acquisitions and joint management approaches.

STATUTORY ISSUES

Part 1 of the Hauraki Gulf Marine Park Act (HGMPA) establishes that sections 7 and 8 of the Act must be treated as a New Zealand coastal policy statement and a national policy statement issued under the Resource Management Act (RMA). Consequently, RMA plans and policies for the Hauraki Gulf, its islands and catchments must give effect to sections 7 and 8 of the HGMPA. There has been debate within Councils and the Environment Court regarding how this requirement should be met.

POLICY AND BYLAW ISSUES

The guide would be used for the development of policy within the District Plan.

LONG TERM COUNCIL COMMUNITY PLAN

COUNCIL ACTIVITIES

Community Development

Community Development has a focus on economic, social, environmental and cultural well being and includes activities such as Democracy, District Plan, the Long Term Council Community Plan and generally increasing community input into Council decision making. Improving representation in Council's decision making and finding other ways to improve the process of democracy in our district is important.

- *District Plan*
 - *Amenity*
 - *Land and Development*
 - *Natural Environment and Heritage*
 - *Natural Hazards*
 - *Subdivision*

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

COMMUNICATION AND CONSULTATION ISSUES

Officers of the constituent parties of the Hauraki Gulf Forum have been consulted in the development of the attached guide and in the development of this report.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

OFFICER RECOMMENDATION

That:

- 1 **The report be received.**
- 2 **The guide “Governing the Gulf: Implementing the Hauraki Gulf Marine Park Act through Policies and Plans” be adopted for use in the preparation of Council policies and plans.**
- 3 **The Council supports the proposal to develop a distinct identity for the Hauraki Gulf Marine Park based on shared interests.**
- 4 **The Council’s representative to the Hauraki Gulf Forum conveys the Council’s decisions to the Forum.**

6.8 APPEALS TO PROPOSED VARIATION NUMBER 6: WATER ALLOCATION TO THE PROPOSED WAIKATO REGIONAL PLAN

File No: RMR202017

Attachments: [Variation 6 Submissions.doc](#)
[Variation 6 Further Submissions.doc](#)
[Variation 6 summary of appeals.doc](#)

Responsible Officer: D McLeod
Chief Executive Officer

Author: M Hawthorne
Legal Advisor

EXECUTIVE SUMMARY

Environment Waikato has adopted its decision in respect of the Proposed Waikato Regional Plan for Waikato, Proposed Variation Number 6 – Water Allocation (Variation). Several stakeholders have now lodged appeals on Environment Waikato’s decision with the Environment Court.

Applications pursuant to section 274 of the Resource Management Act 1991 (Act) to become parties to some of those appeals have been lodged on behalf of Council. These applications are consistent with Council’s submissions on the Variation. Council needs to confirm those applications in whole or in part or withdraw them should it wish to do so.

BACKGROUNDThe Proposed Waikato Regional Plan for Waikato, Proposed Variation No.6 – Water Allocation

The purpose of the Variation is to amend the provisions of the Proposed Waikato Regional Plan (WRP) that manage the allocation and use of freshwater for the Waikato Region.

There is an increasing demand for water for irrigation, community supplies, industry and stock water supplies. Many stakeholders believe that Environment Waikato’s current water allocation policy framework is not designed to deal with this level of demand or competition for water.

The key issues that Environment Waikato has sought to address through the Variation to the WRP in respect of water allocation include the following:

- Over allocation;
 - Increasing community demand;
 - Potential depletion;
 - The First-in, First-served Approach to water allocation;
 - Coastal seasonal demand;
 - Iwi concerns;
 - Electricity generation;
-

- Inadequate information on water take and use; and
- Water quality.

Summary of Issues Concerning the Matamata-Piako District:

Key issues from the Variation that affect the Matamata-Piako District have been previously identified by Council staff (in a report to the Corporate and Operations Committee on Wednesday, 13 December 2006) as being:

- The Regional Policy Statement and WRP providing a more seamless framework for allocating water and providing more certainty for consent applicants;
- Basing water allocation on 10% of the 5-year flow was part of the previous framework leaving Environment Waikato open to legal challenge;
- The demand for community water supply consents is forecast to increase substantially in the next ten years;
- The Ministry of Agriculture and Forestry and Ministry for the Environment are forecasting a 202% increase in demand for water irrigation in the Region over the next ten years. Supply for industry and primary production will have adverse impacts on the environment and community in selected areas of high demand;
- Many of the Regions surface water bodies are already reaching or are over the allocation limits specified in the WRP and there is no guidance beyond those levels;
- The first in first serve strategy employed for allocating water is not seen by many in the community as fair, efficient or equitable as demand for water increases;
- The WRP now does not provide opportunities for the use of economic instruments;
- Existing information on how much water is allocated is incomplete;
- No clear guidance is provided to determine priority users in times of drought;
- The community has no understanding of the issues related to availability and efficiency;
- Over allocation of surface water can have adverse effects on sediment transport processes thereby increasing costs for the operation of flood control schemes. (Note: This is happening now on the Hauraki Plains whereby dredging is occurring three times more than five years ago);
- Over allocation of water resources may reduce the ability of a river to assimilate waste thereby creating greater treatment costs for users (e.g. town waste water systems); and
- Land use changes whereby forestry reverts to farming.

Submissions, Hearings and Decision of Environment Waikato

The Variation was notified on Friday, 20 October 2006. Submissions on the Variation closed on 4 December 2006. A total of 143 Submissions were received. Further Submissions closed on 23 March 2007. A report of Staff Recommendations on submissions was distributed to submitters in November 2007.

The Variation Hearings Committee heard submissions over a number of weeks in Hamilton between December 2007 and March 2008. At its meeting of Thursday, 30 October 2008 Environment Waikato adopted the recommendations of the Hearing Committee as its Decision.

Council's Submission

Council made submissions and further submissions on the following policies and rules of the Variation:

- Policy 6 – Priority of Consideration for Assessment of Applications to Take Water;
- Policy 12 – Water Shortage Conditions;
- Policy 13 – Levels of Priority to Apply During Water Shortages;
- 3.3.4.13 (now 14) – Controlled Activity Rule: Taking of Surface Water for Domestic and Municipal Supplies;
- 3.3.4.14 (now 15) – Restricted Discretionary Rule: Taking of Surface Water;
- 3.3.4.15 (now 16) Discretionary Activity Rule: Surface Water Takes for Domestic and Municipal Supply;
- 3.3.4.17 (now 18) – Discretionary Activity Rule: Ground Water Takes; and
- 3.3.4.19 (now 20) – Non Complying Activity Rule: Surface and Ground Water Takes.

A copy of those submissions and further submissions is attached. These submissions were confirmed by the Corporate and Operations Committee at its meetings of 13 December 2006 and 28 March 2007 respectively.

ISSUES

Appeals

Environment Waikato made an ex-parte application to the Environment Court to extend the time in which to lodge an appeal from thirty to sixty working days. The Court considered the application and made an order granting the extension on 17 October 2008. Any submitter who wished to appeal the decision therefore had sixty working days from the receipt of the Environment Waikato decision to lodge an appeal with the Environment Court.

Council did not lodge an appeal, however, twenty five submitters did lodge appeals with the Environment Court in respect of the Variation. Council staff have identified ten of those appeals as affecting the position taken by Council in its submissions on the Variation.

Those appeals were lodged by the following parties:

- King Country Energy Limited;
- Wairarapa Moana Incorporated - Wairarapa Moana Farms;
- Solid Energy Limited;
- Horticulture New Zealand;
- Trust Power Limited;

- Genesis Energy Limited;
- Meridian Energy Limited;
- Carter Holt Harvey Limited;
- Federated Farmers;
- Hamilton City Council; Waipa District Council; Waikato District Council and Watercare Services Limited.

Council staff have made applications pursuant to section 274 of the Act to become parties to these appeals, they are consistent with the submissions made by Council on the variation. The applications focus on two policies and two rules that form parts of those appeals, those being:

- Policy 6;
- Policy 14;
- Rule 3.3.4.14; and
- Rule 3.3.4.15.

It should be noted that all of the applications made by Council are in opposition to the relief sought by the appellants except for the appeals made by Hamilton City Council; Waipa District Council; Waikato District Council and Watercare Services Limited, which Council has supported.

A summary of the appeals, relief sought by the appellants and the applications submitted by Council staff is attached.

Policy 6 - Order of Priority for the Consideration of Applications to Take Water

Policy 6 amends the order of priority for consideration that Environment Waikato will apply to resource consent applications. Under the proposed WRP (September 1998) Environment Waikato was to consider resource consent application on a first-in, first-served basis.

Policy 6 of the Variation now gives priority consideration to applications in the following descending order:

- Domestic and Municipal supply including any component for industrial and commercial uses and the reasonable needs for an individual's animals drinking water;
- New applications for Domestic and Municipal supply;
- Replacement of previously authorised takes, except for takes which were previously authorised and are now non-complying activities under the WRP;
- Replacement of takes which were previously authorised and are now non-complying activities under the WRP; and
- Applications for all other abstractions on a first in first served basis.

Council supported this Policy in part because it gives priority to Domestic and Municipal supply. The majority of the Appellants oppose Policy 6 for this reason.

Policy 14 - Levels of Priority to Apply During Water Shortages

Policy 14 determines the order in which users will be restricted during water shortage restrictions. Part a) of the policy describes the priorities that will apply to surface water and part b) applies to ground water.

The order of priority from least to most restrictions in part a) is:

- Domestic and Municipal takes;
- Priority SW-B - all other takes allocated water within the allocable volumes as defined in the WRP;
- Priority SW-C - all other users who have been allocated water above the allocable flows will be the first to have restrictions placed upon them.

For part b) of the policy, the priority to apply during shortages of takes for ground water (GW) is as follows:

- Priority GW-A consents;
- Priority GW-B consents.

Council supported this Policy in part because it gives priority to Domestic and Municipal supply. The majority of the Appellants oppose Policy 6 for this reason.

Rule 3.3.4.14 Controlled Activity Rule: Taking of Surface Water for Domestic and Municipal Water Supply

Rule 3.3.4.14 implements Policy 4 a) by providing a controlled activity rule for the existing taking of surface water for Domestic and Municipal supply to up to 100 percent of the allocable flow.

In general the appellants who oppose Rule 3.3.4.14 do so because they seek to reduce of the allocable flow allowed as a controlled activity from 100% to 70% for Municipal and domestic supply.

Council supported Rule 3.3.4.14 in full in its submissions because the ability to apply for consents as a controlled activity for up to 100% of the allocable flow provides more certainty for our communities and caters for their social and economic well-being.

Rule 3.3.4.15 Restricted Discretionary Rule: Taking of Surface Water

Rule 3.3.4.15 states:

- Any taking of surface water unable to comply with Rules 3.3.4.13 and 3.3.4.14; or
- The taking of surface water between 70 percent and 100 percent of the allocable flow of water from catchments;

is a restricted discretionary activity.

In general the appellants who oppose Rule 3.3.4.15 do so because they claim it is unduly restrictive, inappropriate and does not reflect sound resource management practice.

Council submitted in full support of this rule. One of the matters Environment Waikato has restricted its discretion on under this rule is the duration of the resource consent and future demands for Domestic and Municipal supply for water from the surface water body to which the application applies.

This means that the rule requires the decision maker in every consent application under this rule, to consider the future demands for Domestic and Municipal supplies of water from surface bodies. This provides some certainty for the future growth of our communities and is consistent with the emphasis of Domestic and Municipal supplies as essential activities in the Variation.

STATUTORY ISSUES

The appeal process is a statutory process which allows Council the opportunity to support or oppose any appeal lodged with the Environment Court. In almost all instances the applications have been lodged in opposition to particular industries or other stakeholders who have challenged the need to provide for community water supplies as a priority.

POLICY AND BYLAW ISSUES

There are no policy or bylaw issues.

COMMUNITY OUTCOMES

- Economic Development: Prosperity
- Healthy Air, Water, Land: Healthy People

SIGNIFICANCE POLICY

This issue is not considered significant in terms of Council's Significance Policy.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

OPTIONS

That:

- Council confirm the applications to become parties to the appeals pursuant to section 274 of the Resource Management Act 1991 for the social, environmental, cultural and economic benefit of its communities; or
- Council withdraw any or all of the applications in their entirety or any part thereof.

OFFICER RECOMMENDATION

That Council confirm the applications to become parties to the appeals pursuant to section 274 of the Resource Management Act 1991 for the social, environmental, cultural and economic benefit of its communities.

6.9 TRANSPOWER DESIGNATION

File No: SUP163608
Responsible Officer: D Bellamy
Environmental Services Manager
Author: D Bellamy
Environmental Services Manager

EXECUTIVE SUMMARY

The Board of Inquiry has now released its draft report and decision on the Transpower Upper North Island grid upgrade. The Board has confirmed the requirements for designation and granted the resource consents subject to terms and conditions.

Any submitter is now invited to send their comments on any aspect of the draft decision by 5pm on 24 June 2009. Following consideration of any comments received the Board will make its decision and produce a written report in accordance with section 149 of the RMA.

Council now needs to consider whether to make further comments on the Board's draft report. A full copy of the report can be found on the internet at www.mfe.govt.nz/rma/call-in-transpower/board-of-inquiry/report-and-decision/. A précis of those parts of the draft report that relate to Matamata-Piako District Council will be circulated separately.

BACKGROUND

This Council made a number of submissions to Transpower's Upper North Island Grid Upgrade proposal and was heard by the Board of Inquiry. The Board considers that with the imposition of suitable conditions the effects would be no more than minor and proposes to confirm the requirements for designation. The Board has now released its draft report for comment.

STATUTORY ISSUES

Requirements for designations

On 28 May 2007, Transpower gave notice under section 168 of the RMA to each district planning authority of its requirements for designations in the respective district plans that together would authorise all the land-use activities required for the grid upgrade proposal. In summary, the activities include:

(f) construction, operation and maintenance of a 400 kV-capable overhead transmission line to convey electricity between the proposed substation at Brownhill Road, Manukau City, and the Whakamaru and proposed Whakamaru North Substations in Taupo District (through Manukau City, Franklin, Waikato, Matamata-Piako, Waipa, South Waikato, and Taupo Districts) and ancillary activities.

Ministerial call-in

On 8 August 2007, the Hon Pete Hodgson, acting for the Minister for the Environment and considering the grid upgrade a proposal of national significance, invoked section 141B of the RMA and called in the notices of requirement and resource consent applications, and directed they be referred for decision to a Board of Inquiry under sections 146 to 149. In deciding to call in the matter, Minister Hodgson had regard to the following factors:

- that it has aroused widespread public concern or interest regarding the actual or likely effect on the environment
- that it involves significant use of natural and physical resources
- that it affects more than one region and district
- that it involves technology, processes or methods which are new to New Zealand and which may affect the environment
- that it is likely to result in, or contribute to, significant or irreversible changes to the environment.

On 8 September 2007, Minister Hodgson gave public notice of his direction and called for submissions on Transpower's requirements and resource consent applications to be lodged by 5 October 2007.

On 11 September 2007 under section 146 Minister Hodgson appointed a Board of Inquiry to consider and decide on the requirements and resource consent applications. The members of the Board are named above.

The Minister received 1244 submissions, of which 899 contained an indication that the submitter wanted to be heard by the Board of Inquiry in support of the submission.

On 3 December 2007, the Board of Inquiry (the Board) gave notice that it expected to start the Inquiry hearing on 25 March 2008, and set times for pre-hearing events.

On 3 March 2008, the Board gave its decision declining a request by one of the submitters, Dr R J McQueen, for the Inquiry hearing to be postponed until the outcome is known of certain proceedings in the High Court for review of the Electricity Commission's decision approving the grid upgrade proposal.

On 6 March 2008, the Board gave public notice that the Inquiry hearing would start on 25 March 2008. The Board started the hearing on that day, and completed it on 31 October 2008.

FINANCIAL IMPLICATIONS

There are no current resources allocated to make further submissions. A budget of approximately \$5,000 will need to be identified for this process.

OPTIONS

- 1 That Council makes further submissions to the Board of Inquiry's draft report and identifies an allocation of up to \$5,000 for the process.
- 2 That Council considers that the Board of Inquiry has adequately considered the submissions made and that no further submissions be made to the draft report.

OFFICER RECOMMENDATION

That Council determine whether further submissions be made to the Board of Inquiry's draft report on the Transpower Upper North Island Grid Upgrade.

- 7 URGENT ADDITIONAL BUSINESS**
- 8 EXCLUSION FROM THE PUBLIC**
- 9 CLOSURE**