

# **Managers Report, Resource Policy Wayne Hastie, Manager**

**February 2000**

## **1. Regional Plans**

A summary of the status of the various Environment Court references on regional plans is attached. Changes from the last meeting are shown in bold.

### **(1) Regional Coastal Plan (Wayne Hastie)**

The final outstanding appeal on this Plan has been resolved by the release of Environment Court Decision W 6/2000, which directs the Regional Council to modify the rule which defines the area where driving is prohibited on Titahi Bay Beach. The Court's direction corresponds with the compromise position that the Regional Council had reached with the appellants, the Titahi Bay Residents' Association, in August 1999, but with which Porirua City Council did not agree.

The resolution of the appeal clears the way for the final stages of the Plan preparation process. The Plan will be put to the Policy and Finance Committee on 9 March for adoption before being forwarded to the Minister of Conservation for final approval. The operative date for the Plan will need to be notified in advance. It is anticipated that the Minister will require no more than four to six weeks for the approval process. The Plan should be able to be made operative before the end of April.

### **(2) Regional Plan for Discharges to Land (Kirsten Forsyth)**

The Plan became operative on 17 December 1999. Copies were sent to those institutions and organisations listed in the First Schedule to the Resource Management Act 1991 and to other key players. The Plan is also available on the Council's web site.

### **(3) Regional Air Quality Management Plan (Nicki Kinghorn)**

We are actively pursuing a resolution to the outstanding appeal by the Moir Street residents in the light of the results of the stack testing of a spray painting operation. We have had little success so far, but continue to pursue a settlement.

The case came up for call-over at the Environment Court on 13 December 1999 and we asked for a hearing date to be set down. The Court set a date in late February for a judicial conference, with a possible hearing in early April if a settlement cannot be reached.

(4) **Regional Freshwater Plan (Kirsten Forsyth, Murray McLea)**

The Plan became operative on 17 December 1999. Copies were sent to those institutions and organisations listed in the First Schedule to the Resource Management Act 1991 and to other key players. The Plan is also available on the Council's web site.

(5) **Regional Soil Plan (Nicki Kinghorn)**

The outstanding appeals on the Plan remain unsolved, and staff are preparing evidence for a hearing. The evidence must be exchanged by the end of February. However, the possibility of an out of court settlement is still being pursued.

## 2. **Regional Plan Implementation**

(1) **Community and School Beach and Stream Management (Jo Fagan)**

We have continued to work with Naenae School to further their involvement in environmental management. The work has focused on developing a water quality monitoring exercise for their Adopt-a-Stream project.

Staff are working with other organisations and individuals to develop a strategy for "Clean up New Zealand 2000", which will occur over a week in September. Staff are also assisting with displays and exhibits for the Hutt River Festival.

(2) **On-site Sewage Treatment (Kirsten Forsyth)**

Consultation is continuing with territorial authority staff on the draft pamphlets that have been prepared for homeowners on on-site sewage treatment.

(3) **Review of Air Discharge Problems (Nicki Kinghorn)**

We are reviewing the information we have about air discharges in the Region to identify the main contributors of pollutants and the areas that we should focus on when promoting non-regulatory methods to mitigate the effects of air discharges. Examination of the consents database, pollution response database, emissions inventory, and air quality monitoring reports has been completed, and problem discharges prioritised. As expected, key sources of air pollution include vehicles, odorous industries and home fires (in some locations at some times of the year). No unexpected sources have been identified.

(4) **Promotion of Code of Practise for the Management of Agrichemicals (Nicki Kinghorn)**

Work has continued on this project. Surveys on chemical usage by Regional Council and territorial authority staff were sent out and are being returned for analysis.

(5) **Sustainable Land Management (Nicki Kinghorn)**

A staff workshop will be held on 10 February to prioritise key sustainable land management issues. An objective of the workshop is to begin to develop appropriate means of addressing sustainable land management issues through

non-regulatory methods, such as on-farm seminars, land management guidelines, or care groups.

### 3. **Iwi matters (Tracey Whare)**

Ara Tahi adopted the proposal for strengthening the relationship between the Council and tangata whenua at its meeting on 1 December 1999. The proposal will be put to the Policy and Finance Committee for formal adoption on 9 March 2000.

Ara Tahi met on 2 February 2000 to discuss the proposed timetable for the year and to receive information on the Long Term Financial Strategy. Ara Tahi set the following priorities for technical workshops for the year:

1. The use of Maori hearing commissioners.
2. Creating resource consent conditions that protect Maori interests.
3. Section 33 transfer of power.

Staff will now set dates for the workshops and prepare the necessary background material. The workshops will be focused on technical rather than policy matters, and therefore involve Council staff rather than Councillors.

### 4. **Staff**

Bianca Sullivan resigned from her position as Policy Advisor in the Department and a replacement is currently being sought. Marie Sang retired on the 42<sup>nd</sup> anniversary of her employment with the Council. Marie started work with the Wellington Regional Planning Authority in January 1958 as an Assistant Draughtswoman and served her whole working life with the organisation, which has evolved into the current Regional Council. A farewell morning tea was held to acknowledge Marie's contribution to the Council and its predecessors. A few special guests were invited, including Wallace Ross who was Marie's Manager for 20 years. Marie was valued for her meticulous attention to detail and the clear diagrams she produced. She also managed the "street names" database that is used to avoid duplication of names in the greater Wellington area. We all wished Marie the best for her retirement.

## Regional Coastal Plan

| Reference  | Applicant                               | Status   |
|------------|---|--|
| RMA 920/96 | Titahi Bay Residents' Association       | A Memorandum of Parties signed by the Council and the Titahi Bay Residents' Association has been filed at the Environment Court. Porirua City Council and Kim Arnold are registered as interested parties to the proceedings and have not signed the Memorandum. The matter is now back before the Court. <b>Hearing held on 13<sup>th</sup> December 1999. Appeal resolved by Environment Court Decision W 6/2000, 1 February 2000.</b> |
| RMA 921/96 | Titahi Bay Residents' Association       | Settled by consent order 18 October 1999.  |
| RMA 701/98 | Graeme Ebbett                           | Settled by consent order 18 October 1999.  |
| RMA 926/96 | Mobil Oil New Zealand Limited           | Settled by consent order 17 March 1999   |
| RMA 915/96 | Union Steam Ship Company of New Zealand | Settled by consent order 9 July 1998   |
| RMA 904/96 | Port Wellington Limited                 | Settled by consent order 21 May 1998   |
| RMA 906/96 | Port Wellington Limited                 | Settled by consent order 21 May 1998   |
| RMA 905/96 | Port Wellington Limited                 | Settled by consent order 21 May 1998   |
| RMA 907/96 | Port Wellington Limited                 | Settled by consent order 21 May 1998   |
| RMA 908/96 | Port Wellington Limited                 | Settled by consent order 21 May 1998   |
| RMA 909/96 | Port Wellington Limited                 | Settled by consent order 23 February 1999  |
| RMA 910/96 | Port Wellington Limited                 | Settled by consent order 21 May 1998   |
| RMA 911/96 | The Minister of Conservation            | Settled by consent order 21 May 1998   |
| RMA 925/96 | Lambton Harbour Management Limited      | Withdrawn  |
| RMA 949/96 | Lambton Harbour Management Limited      | Settled by consent order 8 May 1998  |
| RMA 923/96 | Tranz Rail Limited                      | Settled by consent order 21 May 1998   |
| RMA 902/96 | Daniel Thomas Spencer Riddiford         | Settled by consent order 20 August 1998  |
| RMA 913/96 | EWJ & J Sims                            | Withdrawn  |

## Regional Plan for Discharges to Land

| Reference  | Applicant  | Status   |
|------------|--|--|
| RMA 308/97 | Masterton District Council                       | Settled by consent order 11 November 1998  |
| RMA 309/97 | NZ Fertiliser Manufacturers Research Association | Settled by consent order 13 November 1998  |
| RMA 313/97 | Wellington City Council                          | Settled by consent order 13 November 1998  |
| RMA 314/97 | Tranz Rail Limited                               | Settled by consent order 2 September 1999.   |
| RMA 315/97 | Mobil Oil New Zealand Limited                    | Settled by consent order 2 September 1999.   |
| RMA 316/97 | Port Wellington Limited                          | Settled by consent order 2 September 1999.   |
| RMA 320/97 | PJ Atkinson                                      | Part struck out as invalid by Environment Court<br>The remainder was settled by consent order 21 September 1999. |

## Regional Air Quality Management Plan

| Reference  | Applicant                    | Status   |
|------------|------------------------------|--|
| RMA 584/98 | Port Wellington Limited      | Settled by consent order 25 March 1999   |
| RMA 583/98 | Shell NZ Limited             | Settled by consent order 6 April 1999  |
| RMA 524/98 | Dow AgroSciences             | Settled by consent order 7 September 1999  |
| RMA 586/98 | Moir Street Residents' Group | Negotiations in progress<br>Stack testing completed. <b>Results discussed with the Residents' Group and compromise proposal forwarded for their consideration.</b> |

## Regional Soil Plan

| Reference   | Applicant                     | Status  |
|-------------|-------------------------------|---|
| RMA 1537/98 | Department of Conservation    | Settled by consent order 12 August 1999.  |
| RMA 1460/98 | Federated Farmers (Wairarapa) | Agreement reached with Federated Farmers. Jurisdictional hearing held at the Environment Court on 1 November 1999 at which time Mr Hedley withdrew from the proceedings.<br><b>Evidence being prepared for a Court Hearing.</b> |
| RMA 1459/98 | Transit New Zealand           | Agreement reached by the parties and a draft consent order has been placed before the Environment Court.  |
| RMA 1458    | Winston Aggregates Limited    | Settled by consent order 19 February 1999   |
| RMA 1456/98 | Dan Riddiford                 | Waiver application declined by the Environment Court. Decision appealed to the High Court. Application to strike out proceedings laid with the High Court.  |
| RMA 1461/98 | Jim Hedley                    | Court declined Mr Hedley a waiver for late service of notice on WRC on 13 April 1999. Reference can not be heard by Court   |

## Regional Freshwater Plan

| Reference  | Applicant                        | Status                                 |
|------------|----------------------------------|--|
| RMA 471/99 | Wellington Fish and Game Council | Settled by consent order 23 July 1999. |