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Committee Environment Committee
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Divisional Manager's report

1. Purpose

To inform the Committee about the activities and progress of the Environment Division and about any matters that have arisen since the Committee's last meeting.

2. Managers' reports

The Department Managers' reports, along with the Divisional Accountant's report follow as **Attachment 1**.

3. KCDC Prosecution

Our prosecution of KCDC for breaching its resource consent to take water from the Waikanae River during the drought period last year was heard in the Environment Court on 12 December 2003. KCDC pleaded guilty and the judgement was in our favour. We sought a conviction and a suspended sentence rather than a financial penalty. If KCDC breaches the water use consents within the next twelve months, the Court can impose a financial penalty for the original conviction.

We did not seek to penalise Kapiti ratepayers for the breaches, but wanted to provide a clear message to KCDC that they must prevent any further breaches.

We believe that this is the first time that a suspended sentence has been used in the Environment Court.

At present the Waikanae River has a high river flow and we hope that this wet summer means that no further breaches will occur. However, if they do we will take further action against KCDC.

4. Port and Harbour Safety

The Maritime Safety Authority (MSA) has recently released the draft New Zealand Port and Harbour Safety Code and associated guidelines. Public comment is requested by 31 March 2004.

The Code sets out future arrangements for the management of marine risks within our ports and harbours.

MSA state that the drivers for introducing this code are:

- recent accidents
- lack of common interpretation of roles and responsibilities
- need for national consistent standard

“More than 15 years ago, port reform and local government re-organisation changed harbour safety management arrangements across the country. Investigations into a number of recent accidents involving large ships have highlighted some weaknesses in this decentralised approach to safety and have recommended remedial measures, including the development of the New Zealand Port and Harbour Marine Safety Code.

These draft documents are the product of an MSA-led collaboration, involving a number of central government agencies, regional councils, and the commercial interests that are responsible for management of most of the risk within our ports and harbours. They aim to provide a broad national framework for safety in ports and harbours, which can then be tailored to each individual area’s hazards and risks.”

(MSA)

Attached is the project structure for the development of the safety system (**Attachment 2**). Mike Pryce is representing Harbourmasters on the National Advisory Committee and Barry Harris is a Regional Council representative. The proposed process of development for a Port and Harbour Safety System is **Attachment 3**.

We are currently working through the proposals and preparing our response.

MSA’s current intention is to complete the Code and Guidelines by June 2004. They will become working documents for regional councils, port companies, shipping companies and the MSA. Ongoing audits (self and MSA) are proposed to track performance.

At this stage, we are supportive of the general approach, but see that there is room for more sympathetic timeframes for proposed systems and consequent upgrades in order to lessen the financial impact.

5. Communications Advisor

Keith Lyons has been appointed as the Division’s Communications Advisor. He has extensive and wide-ranging communications experience and is already making substantial improvements.

He is currently working on a part-time basis.

6. Recommendations

It is recommended that the Committee:

- 1. receive the report; and*
- 2. note the contents.*

Report prepared by:

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Attachment 1: Department Managers' Reports

Attachment 2: Development of National Port & Harbour Safety System

Attachment 3: Proposed Process of Development for a Port & Harbour Safety System