

**RESOURCE PLANNING AND REGULATION COMMITTEE
MEETING**

on

Tuesday 7 February 2012

**Council Chamber
Timaru District Council
2 King George Place
Timaru**

TIMARU DISTRICT COUNCIL

Notice is hereby given that a meeting of the Resource Planning and Regulation Committee will be held in the Council Chamber, District Council Building, 2 King George Place, Timaru on Tuesday 7 February 2012 commencing at the conclusion of the Community Development Committee Meeting.

Committee members:

Cirs Mulvey (Chairman), Earnshaw (Deputy Chairman), Coughlan, Tierney, Oliver, Odey, Kennedy, Fraser, Lyon, Taylor and the Mayor and a representative of Tangata Whenua.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Committee members are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Peter Nixon
CHIEF EXECUTIVE

RESOURCE PLANNING AND REGULATION COMMITTEE

7 FEBRUARY 2012

AGENDA

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8	9	Application for a Grant from the Built Heritage Protection Fund - Greenhayes Properties Ltd (former Royal Hotel)
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**RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 7 FEBRUARY 2012**

Report for Agenda Item No 5

**Prepared by - Peter Thompson
Regulatory Services Manager**

Confirmation of Minutes

Minutes of the meeting of the Resource Planning and Regulation Committee held on 11 October 2011.

Recommendation

That the minutes of the Resource Planning and Regulation Committee meeting held on 11 October 2011 be confirmed as a true and correct record.

UNCONFIRMED

TIMARU DISTRICT COUNCIL

MINUTES OF A MEETING OF THE RESOURCE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, 2 KING GEORGE PLACE, TIMARU ON TUESDAY 11 OCTOBER 2011 AT 11.20AM.

PRESENT Clrs Mulvey (Chairman), Earnshaw, Coughlan, Oliver, Tierney, Odey, Kennedy, Fraser, Taylor, and the Mayor

IN ATTENDANCE Mr N Gould (Pleasant Point Community Board)
Mr M Simpson (Geraldine Community Board)
Regulatory Services Manager (P Thompson), and
Committee Secretary (L Anderson)

APOLOGIES Apologies for absence were received from Clr Lyon, K Stevens (Geraldine Community Board) and P O'Reilly (Temuka Community Board) (for in attendance)

1 CHAIRMAN'S REPORT

The Chairman reported on various duties he had carried out and meetings he had attended since the last meeting including:

- Showgrounds consent meeting
- LTP Workshop
- PrimePort Timaru Ltd Annual General Meeting
- Temuka/Geraldine Afterhours Medical Services Public Meeting (the Mayor, Lyon, Oliver)
- CBay visit
- SCDHB Meeting with South Canterbury Mayors and Councillors
- Farewell to Former Chief Executive
- Meeting at Ashburton District Council - Works Committee
- SC Rural Fire Districts Meeting
- Meetings with the CE, Mayor and MPs.

Proposed Clr Mulvey
Seconded Clr Coughlan

"That the Chairman's verbal report be received."

MOTION CARRIED

2 CONFIRMATION OF MINUTES

Proposed Clr Coughlan
Seconded Clr Fraser

"That the minutes of the Resource Planning and Regulation Committee meeting held on 13 September 2011, be confirmed as a true and correct record."

MOTION CARRIED

3 REDUCED REVENUE FROM DEPARTMENT OF LABOUR HAZARDOUS SUBSTANCES AND NEW ORGANISMS CONTRACT (File H1/22/5)

The Committee considered a report by the Environmental Services Manager advising Council of an expected reduction in revenue arising from reduced workload associated with a Department of Labour Hazardous Substances and New Organisms Contract.

Proposed Clr Oliver
Seconded Clr Kennedy

“That the reduced Department of Labour contract be accepted and that it be acknowledged that there is a likelihood of reduced Health Unit revenue in the sum of \$45,900 for the current financial year but that Mr Marett’s efforts be directed to other inspection work within the Health and Building Units.”

MOTION CARRIED

4 FUTURE REPLACEMENT OF COUNCIL OWNED FIRE FIGHTING VEHICLES (File F2/26)

The Committee considered a report by the Regulatory Services Manager seeking approval for the ongoing replacement of Council owned fire fighting vehicles stationed throughout the district and utilised in the attendance at rural fires.

Proposed Clr Oliver
Seconded Clr Coughlan

“That the above detailed replacement programme be included in the Long Term Plan, but that individual purchases be fully assessed immediately prior to replacement.”

MOTION CARRIED

The meeting concluded at 11.40am.

Chairman

RESOURCE PLANNING AND REGULATORY COMMITTEE
FOR THE MEETING OF 7 FEBRUARY 2012

Report for Agenda Item No 6

Prepared by - Mark Geddes
Senior Planner

National Environmental Standards (File P5/3/0)

Purpose of Report

The purpose of this report is to obtain approval to amend the Timaru District Plan so that it does not conflict with three applicable National Environmental Standards (NES).

Background

NES are regulations made under sections 43 and 44 of the Resource Management Act 1991 (RMA). The purpose of an NES is to provide a nationally consistent standard for certain activities. The terms and standards of a NES prevail over a District Plan. The following NES are relevant to Timaru District Council:

- NES for Electricity Transmission¹;
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health²;
- NES for Telecommunication Facilities³.

These are briefly summarised below.

NES (Electricity Transmission)

This NES came in force on 14 January 2010. The NES sets out a national framework of permissions and consent requirements for the operation, maintenance and upgrading of existing electricity lines. The NES only applies to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines, substations, or electricity distribution lines.

NES (Telecommunication Facilities)

This NES came into force on 9 October 2008 and permits⁴ (subject to standards):

- the emission of radio-frequency fields;
- the installation of telecommunications equipment cabinets along roads;
- noise from telecommunications equipment cabinets along roads;
- installation of masts and antennas on existing structures alongside roads.

¹ Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

² Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

³ Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.

⁴ Means that the activity can be carried out without a resource consent.

NES (Soil Contaminants)

This NES came into effect on 1 January 2012 and permits:

- removal or replacement of fuel storage systems and associated soil, and associated subsurface soil sampling;
- soil sampling;
- small-scale and temporary soil disturbance activities;
- subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.

The NES also requires resource consent for a range of activities.

District Plan Conflict

The Timaru District Plan conflicts with the above listed NES in a number of ways. The main conflicts are that the District Plan:

- in some instances requires resource consent for the operation, maintenance and upgrading of existing electricity lines and incidental equipment;
- contains no provisions that address soil contamination;
- in some instances requires resource consent for telecommunication facilities.

Options

Section 44A RMA requires local authorities to amend their District Plan if it contains rules that either duplicates or conflicts with an NES. This is required to be carried out as soon as practical after the standard comes into force and without using the process in the first Schedule 1 to the Resource Management Act 1991. A District Plan rule is in conflict with a provision if the rule is more stringent than a NES (and the NES does not allow the same), or if the rule is more lenient than the provision. A local authority may amend a District Plan to include a reference to a NES without using the process in Schedule 1.

The two options to address this matter are:

- 1 Amend every rule or performance standard in the District Plan that duplicates or conflicts with a NES.
- 2 Amend the District Plan to refer to the relevant NES's and state that their provisions prevail over the provisions of the District Plan.

The first option would be most effective in comprehensively giving effect to the statutory requirement, but would require significant redrafting of the District Plan. The second option will achieve the same outcome but is less orderly, however it will be a satisfactory temporary solution until the District Plan is reviewed.

Identification of Relevant Legislation, Council Policy and Plans

- Resource Management Act 1991
- NES (Electricity Transmission)
- NES (Telecommunication Facilities)
- NES (Soil Contaminants)
- Timaru District Plan

Assessment of Significance

This matter is not deemed significant under the Council's Significance Policy.

Consultation

Section 44A RMA requires local authorities to amend their District Plan without using the consultation procedures set out in Schedule 1 of the RMA91.

Other Considerations

There are no other relevant considerations.

Funding Implications

There are no funding implications.

Recommendations

- 1 That the report is received.
- 2 That the Timaru District Plan is amended by the addition of a new General Rule for National Environmental Standards under Part D, section 6.22. The new rule will state:

“The rules, terms and conditions of National Environmental Standards prevail over the rules, terms and conditions of the Timaru District Plan where relevant. Attention is drawn to the provisions of the following National Environmental Standards:

- *Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.*
- *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.*
- *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008.”*

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 7 FEBRUARY 2012

Report for Agenda Item No 7

Prepared by - Peter Kloosterman
District Planner

Application for the Renaming of Lookout Road, Blandswood, Geraldine - Blandswood Residents Association (File R4/6/295)

Purpose of Report

For the Committee to consider an application for the renaming of Lookout Road, Blandswood and determine whether to approve or decline the request.

Background

On the 21 November 2011 the Planning and Regulation Unit received an application from the Blandswood Residents Association for the renaming of Lookout Road, Blandswood. The applicants stated the current name is not relevant as there is no longer a lookout and the road does not have a suitable turning area for vehicles. The applicant put forward possible names for the road of Kereru Way, Place or Lane.

On the 28 November 2011 every property owner adjoining Lookout Road was notified of the application for the proposed renaming. Their opinions on the matter were surveyed. 31 property owners out of the 39 surveyed replied to the Council:

10 were against the change	(32%)
20 were for the change	(65%)
1 was neutral.	(3%)

Options

- To approve the request and determine the possible name change.
- To decline the request.

Identification of Relevant Legislation, Council Policy and Plans

- Local Government Act 1974
- Council's Road Naming Policy, adopted by the Resource Planning and Regulation Committee 18 October 2005.
The policy states "*where a road is requested to be renamed, a minimum of 85% of residents/property owners must approve of the change*".

Assessment of Significance

This matter is not considered significant within the terms of Councils Significance Policy.

Consultation

No public notification is required.

Funding Implications

There are no funding implications associated with this report.

Recommendation

That the application to change the name of Lookout Road, Blandwood is declined as less than 85% of the affected landowners approve of the change.

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 7 FEBRUARY 2012

Report for Agenda Item No 8

Prepared by - Peter Kloosterman
District Planner

Application for a Grant from the Built Heritage Protection Fund - Greenhayes Properties Ltd (former Royal Hotel) (File P5/2/0)

Purpose of Report

For the Committee to consider a request for assistance from the Built Heritage Protection Fund.

Background

Each year, within the Planning Department budget, Council makes provision to allocate assistance funding to individuals who own, maintain and improve the heritage buildings within our district.

The funding available is generally restricted to a maximum sum of \$5,000 and payment is made after the satisfactory completion of the work.

Greenhayes Properties Ltd owns the former Royal Hotel on Cains Terrace in Timaru. Their intention is to complete painting the exterior in heritage colours. A quotation for the sum of \$16,723.00, excluding GST, has been obtained for the painting of the north facade of the building.

The building is identified as a Category B Heritage Building within the District Plan.

Options

- To approve the request and determine the amount of the grant to be provided with the sum payable at the completion of the work and upon presentation of paid invoices.
- To decline the request.

Identification of Relevant Legislation, Council Policy and Plans

- Resource Management Act 1991
- Timaru District Plan
- Council's Policy with respect to Heritage Protection Funding

Assessment of Significance

This matter is not deemed significant within the terms of Council's Significance Policy.

Consultation

No specific consultation has been undertaken.

Funding Implications

Within the current budget Council has allocated the sum of \$20,000 for “Built Heritage Protection”.

Recommendation

That Council allocate the sum of \$5,000, to assist with repainting the former Royal Hotel on Cains Terrace in Timaru.

The sum to be payable upon satisfactory completion of the work and presentation of paid invoices.

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 7 FEBRUARY 2012

Report for Agenda Item No 9

Prepared by - Peter Thompson
Regulatory Services Manager

Civil Defence Organisational Arrangements - Appointment of Local Controllers
(File C2/27)

Purpose of Report

To acquaint Council of proposed organisational changes, necessitated by various events, including the appointment of our new Chief Executive and to seek endorsement for the appointment of a further local alternate controller.

Background

Locally and over the years we have found it beneficial to have numerous local Civil Defence Controllers.

Having more than one controller is extremely useful when circumstances are such that an individual is unavailable, for example out of district. It has also proved useful, during an event, when controllers have work in pairs. In addition to “two heads being better than one”, functions are able to be shared, usually on an organisational and response basis. In these circumstances it is of course important to formally establish who is “the Controller” from a statutory perspective.

Of recent times our controllers have functioned as two teams; former Chief Executive Les Baker and Gary Foster compiling one team and Peter Nixon and I forming the other. Where there has been clear lead up to an event our Emergency Management Officer has monitored the situation and opened our Emergency Management Centre, often on a progressive basis. During this period I have kept the Chief Executive informed and a joint decision has been made to open the EOC when considered appropriate.

With the departure of Mr Isaacs, Mr Nixon’s promotion and impending retirements, it is considered appropriate to re-assess these arrangements.

Mr Nixon considers his role now to be that of a liaison person working between the EOC and elected members and maintaining an overview of the event and actions being taken. This is the usual role of Chief Executives. Additionally it is usual for Chief Executives to be council’s representative on the Group Coordinated Executive Group.

Additional to Mr Nixon’s elevation, former Chief Executive Les Baker, who has functioned as an Alternate Controller since his retirement, has indicated his wishes to divest himself of this responsibility. It is also my intention to retire later this year.

To address this situation and to ensure adequate controller availability into the future it is now proposed that:

- Mr Nixon cease to have a formal role in the local Civil Defence structure but that he be Councils representative on the CEG.
- Mr Baker be permitted to shed his responsibilities at a time convenient to him.
- Upon retirement I take on the role currently filled by Mr Baker as an “external” Alternate Controller but in the interim that I hold the role of Controller formerly held by Mr Isaacs.
- Mr Nixon’s and my successors be assessed for suitability as controllers and that if appropriate and possibly following appropriate training, Council be invited to appoint them as controllers.
- Mr Gary Foster is retained as an Alternate Controller.
- That Mr Rick Catchpowle is appointed as an Alternate Controller.

Mr Catchpowle is our Environmental Services Manager. He has a background in public health and the military and he has knowledge of incident management.

It is proposed that he attend the one day training course run by the Civil Defence and Emergency Management Group, followed by the week long course conducted by the Ministry of Civil Defence.

It is considered that Mr Catchpowle’s background and the above discussed proposed training would make him an appropriate person to become an Alternate Controller.

It is suggested that the above changes, should generally take effect from 1 April 2012 but evolving and developing as retirements and replacements occur. Once completed, this would create a situation where we have five controllers, two teams of two and one spare. Whilst it would be nice to have three teams of two, enabling us to have three shifts over a twenty-four hour period, it is considered that there is adequate security within the appointments proposed.

Options

- 1 To retain the current arrangement where we effectively have three controllers one of whom is the Chief Executive.
- 2 To change Mr Nixon’s role and to retain two “internal” controllers. Indications are that Mr Baker would wish to withdraw but could perhaps be convinced to retain his role as “External” Alternate Controller short term.
- 3 To change Mr Nixon’s role and two controllers continue as we are but to train and to include Mr Catchpowle as an Alternate Controller.

Identification of Relevant Legislation, Council Policy and Plans

- Civil Defence and Emergency Management Act 2002.
- Canterbury Group Civil Defence Plan.
- Local arrangements associated with the above plan.

Assessment of Significance

This matter is not considered significant within the terms of Council's Significance Policy.

Consultation

Nil. However, Group should be advised of the changes and requested to endorse those changes.

Other Considerations

Nil.

Funding Implications

The proposals are not anticipated to have significant financial implications.

Conclusion

It is considered prudent that Council have and retain as many trained and appropriate controllers as we are able, both to provide for absences from the district and for extended events where it may be necessary to operate more than one shift.

Recommendation

- 1 That the report be received.**
- 2 That Mr Nixon's role as a controller be relinquished to enable him to better serve elected members and to retain a clear overview of any event and that he be Councils representative on the Coordinated Executive Group.**
- 3 That Mr Catchpowle be appointed as an Alternate Controller.**
- 4 That Peter Thompson be appointed as the Controller.**
- 5 That Gary Foster be retained as an Alternate Controller.**
- 6 That the role of controllers be allowed to evolve, as described and anticipated, but that individual controllers be the subject of specific approval by Council.**
- 7 That, as provided for by the Civil Defence and Emergency Management Act 2002, the Group be advised of these decisions to appoint Local Controllers and their endorsement sought.**

RESOURCE PLANNING AND REGULATION COMMITTEE
FOR THE MEETING OF 7 FEBRUARY 2012

Report for Agenda Item No 10

Prepared by - Cllr Steve Earnshaw

Possible Letter to Central Government regarding Hydraulic Fracturing (Fracking)
(File P5/1/0)

Purpose of Report

The purpose of this report is to provide background information and to seek council's opinion regarding the possibility of writing to central government to request a review of the practice of hydraulic fracturing as it applies to the Canterbury region.

Background

Hydraulic fracturing (fracking) is a technique employed by oil and gas companies to release petroleum, natural gas and coal-seam gas from unconventional reservoir rock formations such as shale rock and coal beds deep beneath the earth's surface (typically 1500-6000m).

The technique involves the pumping of large volumes (up to 500,000L) of fracking fluid under high pressure (up to 15,000psi) into the reservoir rock formation via deep bores, which are usually cased to direct the fluids to the desired depth. This causes the rock to fracture with cracks extending out from the bore. These cracks release pockets of gas or oil trapped within the otherwise impermeable rock. To keep the cracks open after the injection stops a solid proppant (commonly sieved sand) is added to the fluid. Fracking fluid is typically a slurry of water (98-99.5%), proppants and chemical additives (including acids, gelling agents, and various hydrocarbons).

L&M Energy have recently been granted a 5 year permit to explore in South and Mid Canterbury for oil and gas using techniques that may include fracking.

Environmental Concerns

Several environmental concerns with fracking have been raised including the potential contamination of groundwater, the possibility of triggering seismic activity, risks to air quality, and the potential adverse health effects of waste fracking fluids.

The potential for **contamination of groundwater** by fracking fluids has become a controversial issue in the USA where there have been numerous claims of contamination of private wells by fracking operations. There are several well-documented cases of proven contamination. In 2006 in Clark, Wyoming fracking fluids and methane were found leaking from the ground near a gas well, and shallow groundwater was found to be contaminated. In Dimock, Pennsylvania 13 water wells were contaminated with methane (one of them exploded), and the gas company involved had to financially compensate residents and construct a pipeline to provide an alternative clean water source. In 2011 a study was published in Proceedings of the National Academy of Sciences confirming that groundwater near fracking wells in

Pennsylvania and New York state contained much higher concentrations of methane, and that this gas was likely to be from the gas wells rather than from any other source. A 2011 report from Massachusetts Institute of Technology states “there is evidence of natural gas migration into freshwater zones in some areas, most likely as a result of substandard well completion practices by a few operators”.

The possibility of **triggering earthquakes** is a significant concern for Canterbury. In the UK the British Geological Survey concluded that several small earthquakes near Blackpool were caused by fracking for shale seam gas - further operations in Lancashire have been suspended. In addition the US Geological Survey reported that “earthquakes induced by human activity have been documented in a few locations in the USA, Japan and Canada; the cause was injection of fluids into deep wells for waste disposal and the recovery of oil”. Several recent earthquakes in Youngstown, Ohio are also likely to be linked to a hydraulic fracturing process according to seismologists at Columbia University.

Due to uncertainty around these environmental concerns fracking has become a contentious issue. The practice has been banned in France and Bulgaria, and moratoria are in place in New South Wales, South Africa, Quebec, and some US states.

Christchurch City Council have recently written to Minister Heatley requesting a moratorium on the use of fracking in Canterbury due to particular concerns regarding earthquake risk and also risks to our precious groundwater resource.

Within the legislative framework district, Councils do have involvement.

I understand that exploration permits are issued by the Crown under the Crown Minerals Act. For exploration work a consent from the Regional Council would be required to take water and it is likely that they would also have regard to possible soil, water and air pollution at this time.

In the event that the exploration work showed that gas was present in commercial quantities then a full petroleum mining licence would be required from the Crown. A resource consent would be required from the Regional Council, under the provisions of the Resource Management Act and a land use consent would be required from the District Council for above ground work such as tracks, possibly for buildings and for any onsite storage of dangerous goods.

Recommendation

That Council receives and notes this report, and considers writing to central government to request a review of the practice of hydraulic fracking as it relates to the Canterbury Region.