

Minutes: Hikurangi Swamp Working Group Meeting

Friday, 7 December 2012 at 10am, Kahikatea Room, Walton Plaza

Minutes of meeting held at the Whangarei District Council Offices, Walton Plaza, Kahikatea Room on Friday, 7 December 2012 at 10am.

Facilitator	Councillor Phil Halse
Purpose	Open forum to discuss the Hikurangi Swamp Scheme Issues
Present	Cr Phil Halse (facilitator), Mark Simpson, Simon Weston, Andrew Carvell, Conal Summers, Glenys Rule, Tracey Barach, Phillip Hindrup, Simon Donnelley, Luke Beehre, Glen Martin, Tess Dacre, Cr Sue Glenn. Evan Smeath, Martyn Smith (part meeting)
Apologies	Ken Finlayson, Bruce Howse, Noel Rockell, Te Raa Nehua

Councillor Phil Halse address the floor, opened the meeting welcoming members and staff representatives from the Whangarei District Council. Councillor Sue Glenn was introduced to the group.

Item	Description	Action
Last Meeting	Last minutes accepted	Moved/Second Mark S/Simon W
Apologies	Accepted	Moved/Second Mark S/Simon W
Conflict of Interest Declaration	A Conflict of Interest Declaration form was handed to the group for signing. All present signed.	
Pending Legal Action	<p>Martyn Smith and Evan Smeath arrived at the meeting and were asked to leave due to a conflict of interest. They currently have legal action pending against council. As they refused to leave the meeting was moved to the Kahikatea Room.</p> <p>Cr Halse advised that legal papers have been filed with the courts. The proceedings are initially against the NRC for incorrectly processing a Resource Consent as a non-notified application. This action involves 13 farms. NRC are the first respondent. WDC - second. These individuals are barred from any contact with council in relation to the legal proceedings. All contact with these individuals is now to go through lawyers</p> <p>Phillip Hindrup requested a copy of the document containing the names of the complainants. Council must seek clarification with our lawyer before we can distribute as it is a confidential document.</p> <p>All costs associated with defence of this legal action will be charged to the scheme.</p> <p>If full notification is required we will go back to square one with the consent and all civil works would have to stop.</p> <p>To date WDC has met all conditions of the consent.</p> <p>Phillip Hindrup tabled a letter seeking clarification as to who is going to pay for the costs of the legal action. It is his view that any costs incurred by WDC in defending this action be recovered entirely from those people who are initiating the action.</p>	

Pump Updates	<p>Te Mata installed - went well. Ready to commission.</p> <p>Mountain Contract – awarded to Steve Bowling. Site to be established next week. Start works late January – 6 week job.</p> <p>Pump Failures Okarika & Ngararatunua - An Auckland company has been contacted – awaiting confirmation of pricing but less than \$30,000 each to fix, compared to \$45,000 each from Floserve to fix.</p>	
Control Banks Update	<p>Works – to increase the elevation of the control banks and remediate any stock damage to the banks in the Hikurangi Swamp Flood Control Scheme.</p> <p>2 Tenders received – prices good. Can't report exact figures.</p> <p>Status - Andrew Carvell advised the works have now been deferred due to legal action associated with the resource consent and councils capital deferral programme. It is unknown when the project will commence.</p> <p>Conal to update Management Plan as required by the resource consent.</p>	<p>Conal</p>
Rates	<p>Rates Review – Andrew noted that rating options need to go through the Annual Plan process.</p> <p>Discussion around those paying A & B class rates and getting no direct benefit.</p> <p>Andrew to work on rates in the next financial year.</p> <p>Non payment of rates – some farmers have decided not to pay their rates for the scheme. Council will follow due process for recovery.</p>	
Grazing Licences	<p>Review of charges, options. Currently range from \$160 to \$240 per hectare.</p> <p>WDC pays \$40,000 in rates on grazed land and collect around \$64,000 per annum from licences.</p> <p>Andrew advised we had received requests to review charges for grazing licences.</p> <p>Conal Summers indicated that \$/ha could be reduced to cover rates payment only – a reduction of around 35%. This was supported by the group.</p> <p>Option to go out and meet with licensees. Need meeting set up.</p> <p>Some banks in a bad state. Need to incorporate management as part of fee reduction.</p> <p>Conal advised to have a look at the grazing licence – it is quite detailed and comprehensive in the management of land.</p> <p>Cr Halse asked Conal to advise of issues/concerns before the meeting so the group can come along prepared.</p>	<p>Conal</p>
Irrigation	<p>Long term options – Opus has approached council regarding a ministry subsidy looking at the benefits of irrigating flood plans. After discussion the group decided they have too many issues and too much underway at the moment. LB noted there was often limited economic benefit.</p>	

Maintenance	<p>Contract update – Glenys advised the new maintenance contractor is Hydro Tech, the new contract came into effect on 30th November.</p> <p>Drains programme – new rates of drain cleaning sent out. Still clarifying details. D Pike is the sub-contractor he has the equipment and a lot of experience. Glenys to issue prioritised list for comment.</p> <p>Specific staff - Still Greg Palmer on the ground. Greg's new mobile number is 021730349. WDC to issue contacts list.</p> <p>Okarika – structure showing movement. May need structure support.</p>	<p>Glenys</p> <p>Glenys</p>
Resource Consent	<p>Fish passage at stations – working to improve elvers passage upstream by using bunds created with cement/sand filled sacks</p> <p>Fixing gates also – possible leaf spring system to hold gates open during low flows.</p> <p>Stopbank cuts – will have to apply for consent to do stopbank cuts. Need to sit down with NRC and discuss approach. Conal will have more information for the next meeting.</p>	<p>Conal</p>
AOB	<p>Cr Halse advised there will be a report coming out regarding the legal proceedings in Monday's Leader.</p> <p>Cr Halse asked the group not to speak to the media.</p> <p>Any positive story ideas please send through to Andrew Carvell.</p> <p>Cr Sue Glenn commented she admires what the farmers present do and to contact her if she can do anything to help.</p> <p>Tess Dacre - discussed the farming community in Northland has 60% full consent compliance rate which is a 10% improvement from last year..</p> <p>Luke Beehre – Requested WDC inform the ratepayers that the litigation costs will go back to the scheme.</p> <p>Simon Donnelley – Thanked Sue for her comments. Would like the names of the farmers taking legal action.</p> <p>Cr Halse – looking for new reps in the pockets involved in litigation. We need help identifying new reps please. Te Mata & Okarika.</p> <p>The letter / document with these individuals named is marked as confidential, so council must ensure it is ok to release before we distribute.</p>	<p>Andrew C</p>

Meeting closed at 11.20am

Next Meeting: TBA

PJ Hindrup
PO Box 37
HIKURANGI 0150

23 October 2012

Attention: Mayor/Councillors/Mark Simpson/Simon Weston
Whangarei District Council
Private Bag 9023
WHANGAREI 0140

HIKURANGI SWAMP MAJOR SCHEME

At the last working committee meeting of the Scheme on 16 October 2012 when a signed declaration of any legal challenge to NRC, WDC and the Resource Consent of the Scheme was required, Cr Halse was adamant that any cost to WDC of defending this pending action would be paid for by the ring fenced HSMS ratepayers.

We seek immediate clarification of this point.

As the WDC well knows this action is being initiated by the following farmers, Ben & Sharon Smith, Clim & Dianna Lammers, Neville & Anne Thorne, Pedro McHardy, Wayne & Karlene Sampson, Martyn & Anne Smith, Robert Olsen, Gus & Cara Lindsay, Jack Ilich, Judy Imeson, Graham Shaw and Noel Rockell, who wish to return the Scheme to the illegal status that existed before the Resource Consent was granted. This illegal operation of the Scheme existed from 1987 to 2011 and is well document. We are adamant that this group of ratepayers should carry the costs and consequences of their actions.

The vast majority of ratepayers on the HSMS are totally opposed to this pending action. They are in full support of the WDC as it carries out the conditions of the Resource Consent and the operation of the Scheme.

It is our view that any costs incurred by WDC in defending this action should be recovered entirely from those people who are initiating the action.

If this is not the case then WDC should call a public meeting of all the HSMS ratepayers with a publicised agenda with just this item up for discussion.

Before WDC spends any ratepayers money on this action. I trust we will have received written clarification of who is going to pay for it.

Yours faithfully

Phillip Hindrup