

Central Hawke's Bay District Council – Report

TO: Council

FROM: Technical Services Manager

DATE: 17 September 2009

FILE REF: SER2-105, 106

SUBJECT: PORANGAHAU WASTE WATER CONSENTS COSTS

1.0 SUMMARY

Council has asked for the costs for the Porangahau and Te Paerahi resource consent application process. The costs and the process involved are described in this report.

2.0 RECOMMENDATION

THAT

The report on the costs of the Porangahau and Te Paerahi wastewater resource consent applications be received.

3.0 BACKGROUND

Council's resource consents for the Waipukurau, Waipawa, Otane, Porangahau and Te Paerahi wastewater treatment plants expired in September 2003. Council started to prepare for new consent applications in 2001. Applications for the five sites were submitted to the Regional Council (HBRC) in March 2003. The consents for Waipukurau, Waipawa and Otane were considered by the Regional Council as more urgent and were therefore processed first. The applications for Porangahau and Te Paerahi were put on hold while the Otane, Waipawa and Waipukurau consents were finalised, which was completed in December 2006.

4.0 PROCESS

In 2007, HBRC asked CHBDC to submit new consent applications for Porangahau and Te Paerahi and to include information gathered since the 2003 applications were submitted. Once these new applications were considered, HBRC took legal advice which told them that there were risks if the old consents were abandoned, particularly that CHBDC would then be open to challenge of operating a non-consented wastewater treatment plants. A lot of discussion took place between HBRC and CHBDC on which consent applications should be processed. Finally HBRC decided that the original consent applications should be processed, but to include other information gathered since 2003.

HBRC then considered the applications with amendments and issued a section 92 request for more information. The extra information including modelling of flow mixing in the Porangahau River and extra sampling at both sites. This required a large amount of work including regular sampling of the Porangahau River and groundwater at Te Paerahi, preparing a plan for the modelling of flow mixing in the Porangahau River, constructing a model of the flow, then carrying out testing in the River to verify the model.

A hearing of the consent applications for the two sites was held in May 2009. CHBDC presented their case to the Hearings Panel with a team of Council staff, legal, planning, science and engineering experts. By agreement with HBRC only one set of experts was put up by CHBDC, and those experts were used by both HBRC and CHBDC throughout the hearing. In previous hearings HBRC and CHBDC have both put up experts who would discuss the merits of application for the Hearing Panel's benefit, and CHBDC had to pay for both sets of experts.

The Hearing is adjourned at this time, pending the result of discussions with Ngati Kere.

5.0 COSTS

Costs incurred between 2000 and 2008 were:

- Opus International Consultants Ltd \$118,806.27.
- Simon Berry and Associates \$9,784.58.
- HBRC \$39,369.41.
- Te Tore Consultants \$10,000.

Costs incurred in 2008-09 were:

- Opus International Consultants Ltd for preparation of the applications, submission of further information gathered as requested by HBRC, flow modelling and proving the model, preparation of evidence, attendance at and presentation of evidence at the Hearing - \$239,317.13.
- Simon Berry and Associates for co-ordination of evidence and attendance at and presentation of evidence at the Hearing - \$79,518.33.
- HBRC for consideration and processing of applications and the Hearing - \$13,856.74.
- NZ Laboratory Services for testing of samples taken for the consent application - \$2,106.50
- Tuanuku Research for consultation - \$6,000.

6.0 OPTION

The report on the costs of the Porangahau and Te Paerahi wastewater resource consent applications be received.

7.0 STATUTORY IMPLICATIONS

- Local Government Act 2002
- Resource Management Act 1990

8.0 CONSULTATION

- Hawke's Bay Regional Council
- Ngati Kahangunu
- Porangahau and Te Paerahi residents
- Submitters

9.0 FINANCIAL

- Wastewater consent cost for 2000-2008 was \$177,960.26.
- Wastewater consent cost for 2008-09 year was \$340,798.70.
- The budget for 2000-2009 was \$779,543.

10.0 STRATEGIC LINKS

LTCCP 2006/16

LTCCP 2009/19

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