



MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

Date: Wednesday 8 September 2010

Time: 9.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: E von Dadelszen (Chair)
M Black
A J Dick
T Gilbertson
N Kirton
E McGregor
P Paku
K Rose
C Scott
F Wilson

In Attendance: A Newman – Chief Executive
D Lew – Group Manager Resource Management
H Codlin – Group Manager Strategic Development
L Hooper – Committee Secretary
G Ide – Team Leader Policy
D Moule – Manager Consents
K Johnson – Scientist Water Resources
Dr H Baalousha – Senior Scientist
G Sevicke-Jones – Manager Environmental Science
Dr K Kozyniak – Scientist Climate & Air
D Broadley – Community Engagement & Communications Manager
F King – Advisor Hazardous Substances

1. WELCOME/APOLOGIES/NOTICES

Apologies were received from Councillor Remmerswaal (Leave of Absence) and Councillor Kirton (for lateness).

Resolution:

1. That the Committee accepts the apologies.

**Gilbertson/Rose
CARRIED**

Chairman von Dadelszen opened the meeting by welcoming those present and expressing concern for everyone affected by the 7.1 magnitude earthquake in Canterbury on Saturday morning.

Notice 1: Councillor Dick noted that Councillor McGregor had donated the book he had authored, Better Trees for Tomorrow's Kiwis, to the Council library.

Notice 2: Councillor Dick gave notice that the 14 September meeting to review the CE's performance would have to be rescheduled, as the Strategic Pay consultant is not available. Dates available for consideration are 20, 21 and 24 September.

Chairman von Dadelszen then sought, and was given, leave to hear the Agenda items out of order.

2. CONFLICT OF INTEREST DECLARATIONS

There were no Conflict of Interest declarations.

COMMITTEE HELD ON 14 JULY 2010

Resolution:

1. That the Minutes of the Environmental Management Committee held on Wednesday, 14 July 2010, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Scott/Wilson
CARRIED**

4. MATTERS ARISING FROM MINUTES OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE HELD ON WEDNESDAY 14 JULY 2010

There were no matters arising from the minutes.

5. CONSIDERATION OF GENERAL BUSINESS

The following items were accepted for consideration as General Business.

- 1) Security of Publicly Excluded Material (Gilbertson)
- 2) Enhancement of the Roys Hill Dump Site (McGregor)
- 3) Meeting schedules over the past year (Scott)
- 4) Update on Twyford hearings (Scott)

6. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS

The Committee reviewed the list of items for Action from the last committee meeting held on 14 July and confirmed that those items that had been completed were to be removed from the list.

Resolution:

1. That the Committee receives the report “*Action Items from Environmental Management Committee Meetings*”.

**McGregor/Rose
CARRIED**

20. CANTERBURY EARTHQUAKE RELIEF FUNDS

Councillor Dick requested that the committee accept the late paper, tabled for consideration at the meeting.

Resolution:

1. That the Committee accepts the report “*Canterbury Earthquake Relief Funds*” under 2.2 of the Standing Orders.

**Scott/Wilson
CARRIED**

Councillor Kirton arrived at 9.20am.

Councillor Dick outlined the reasons why the Committee may decide to exercise its delegated powers to make a decision on this item at this meeting.

Mr Newman updated the Committee on the current situation in Canterbury and communications between HBRC’s staff and the staff of Canterbury local authorities in relation to providing staff resource assistance as and when required. Due to the magnitude of the event it is envisaged that assistance may be requested for quite some time into the future.

There was some discussion about the ‘initial’ contribution of \$25,000 (from the Contingency Budget) and whether it would be possible for Council staff to plan for additional assistance once more accurate damage assessments have been completed. It appears that initial damage estimates could turn out to be significantly less than where costs will end up.

Resolution:

That the Environmental Management Committee :

1. Agrees that the decisions to be made are not significant under the criteria contained in Council’s adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Recommends to Council that it contributes \$25,000 from cash operating balances together with contributions from Port of Napier and Napier City Council and Hastings District Council.

**Scott/McGregor
CARRIED**

3. Decides to exercise its delegated powers to make a decision that will have the same effect as the local authority could itself have exercised or performed and that the decision deserves urgency and the decision is carried unanimously.

**Dick/Wilson
CARRIED**

7. PLAN EFFECTIVENESS REPORTING

Mr Ide explained staff's recommendation for the Plan Effectiveness report to be focussed on water quality and quantity, and the rationale behind that recommendation.

Resolution:

The Environmental Management Committee recommends that Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Agrees that the report on effectiveness of the Regional Resource Management Plan be prepared with a focus on the theme of 'water quality and ecology' and not the effectiveness of the Plan in its entirety.

**Gilbertson/Rose
CARRIED**

8. APPROACH FOR PROCESSING COST OBJECTIONS RECEIVED OUTSIDE OF STATUTORY TIMEFRAMES

Mr Moule provided an overview of the processes and RMA requirements in relation to section 357 objections to costs. Staff are recommending that Council adopts an approach or policy of discretion to allow for objections to be accepted outside the statutory 15 days, up to 30 days, where there are exceptional circumstances. Examples of exceptional circumstances included invoices being incorrectly addressed and therefore not reaching the correct destination, and sudden illness or accidents inhibiting the consent holder's ability to respond within the timeframe. It is felt that this will allow natural justice and compassion to be considered when making the decision of whether to accept the objection.

The further recommendation to not accept any cost objections after 30 working days (or 6 weeks) was put forward as a simple doubling of the statutory timeframes. Staff considered that 6 weeks was a reasonable length of time in which most exceptional circumstances that could impact on a consent holders ability to lodge an objection would come to light or be resolved within that time.

It was noted that the acceptance of objections within the extended 15-30 working day timeframe would only apply in exceptional circumstances and would not apply if those circumstances could not reasonably be proven.

Staff intend to clarify the objection processes and timeframes for consent holders as part of the consent Decision and again in a letter sent out with the invoice.

Processes, policies, section 36 charges and fixed charge structures adopted by Council through the 2010/11 Annual Plan process and considered over the last 6-8 months have been put in place in order to avoid most of the circumstances under which cost objections have been lodged.

Resolution:

The Environmental Management Committee recommends that Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

2. Adopts the approach for accepting late cost objections, as set out in this report, for implementation by staff. In particular:
 - 2.1. The legal requirement is that cost objections must be lodged with the Council in writing within 15 working days of the invoice being received by the consent applicant.
 - 2.2. Cost objections *may* be accepted if they are lodged between 15 and 30 working days after receipt of the invoice, but only if exceptional circumstances apply, such as the following:
 - 2.2.1. The invoice was delivered to an incorrect address, or for some other legitimate reason did not receive the invoice.
 - 2.2.2. The consent applicant has been seriously ill, or other similar personal circumstances have inhibited their ability to meet the timeframe.
 - 2.3. Once 30 working days (6 weeks) have passed from the delivery of the invoice cost objections will not be accepted as a matter of policy.

**Scott/McGregor
CARRIED**

11. UNDERSTANDING FLOW PATTERNS WITHIN THE RUATANIWHA BASIN

Mr Johnson presented the findings of the Ruataniwha Concurrent Gaugings programme carried out by the Environmental Science section over the 2009/10 summer period.

The project's primary objectives were to describe, in detail, the gains and losses along streams in the Ruataniwha basin, establish flow correlations with recorder sites, and provide data for use in the Ruataniwha basin transient groundwater model. This will give Council a better understanding of the physical hydrological system in order to inform future water management decisions in the Ruataniwha Basin, including the establishment of water allocation rules for both surface and groundwater.

The main findings of the study were:

- a) A detailed assessment of gain and loss from rivers has been mapped in the Ruataniwha Basin, corroborating major historical patterns of loss in the mid-reaches of the Waipawa and Tukituki rivers and significant gains in the Mangaonuku and Kahahakuri streams.
- b) Changes from historical flow patterns have been observed. The Tukituki River below the Kahahakuri confluence was measured as stable (no major gain or loss), where historical data show gaining conditions. Stable flow was also measured in the upper Waipawa and Tukituki rivers, which were previously observed as losing reaches. Additional field work will be carried out to confirm if the changes observed represent a shift in long-term flow patterns.
- c) Correlations between sites have been drawn, and will aid in calculating flow statistics.
- d) Concurrent data in the absence of abstraction has provided an accurate depiction of the total contribution of streamflow from each tributary catchment.

The project has met its objectives and the findings will provide valuable input to Council's policy development processes.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Understanding Flow Patterns Within the Ruataniwha Basin*".

**Dick/Rose
CARRIED**

The meeting adjourned for morning tea at 10:25 am and reconvened at 10:45 am.

9. RUATANIWHA BASIN TRANSIENT GROUNDWATER-SURFACE WATER FLOW MODEL

Dr Baalousha summarised the development and results of the Ruataniwha groundwater model project for the Committee.

The end result is an interpretive integrated groundwater- surface water transient model for the Ruataniwha Basin which considers all 12 rivers and streams within the basin in conjunction with the groundwater system. The model is a 'tool' used to understand interactions and system dynamics.

Into the future, this model will be used to run different management scenarios through the model in an effort to predict the effects and/or results of applying various water management regimes to the catchment.

Dr Baalousha then provided a brief 'preview' of the isotope ageing work that has been undertaken in the Ruataniwha basin, and which will be reported on at the November Environmental Management Committee meeting.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Ruataniwha Basin Transient Groundwater-Surface Water Flow Model*".

**Gilbertson/McGregor
CARRIED**

10. HIGH FLOW ALLOCATIONS

Mr Johnson gave a presentation on the recently completed Ngaruroro River High Flow Allocation project which was done to provide scientific support for a high flow allocation methodology. The objective of the investigation was to model high flow allocation in the Ngaruroro River during the primary water harvesting months of June to November and to determine any effects of this harvesting on instream values.

Comparative analysis was completed using the software package "Indicators of Hydraulic Alteration v7" developed by The Nature Conservancy to quantify how each allocation scenario altered the frequency or duration of biologically significant flow events in the natural flow regime.

The study modelled 8 high flow allocation methods to determine a suitable method of allocating flow during times of higher river flow (June to November) which has the least impact on the river ecology and hydrology.

The results from the analyses were very similar for all 8 methods and there were only very minor effects on the flow regime and instream ecology of the Ngaruroro River.

Work in the High Flow Allocation project will now move on to modelling for other catchments to allow the development of specific allocation structures which address the values of each catchment. Allocation scenarios will then be put forward for consideration in the policy development process with recommendations for preferred scenarios which allow optimisation of water allocation while still maintaining environmental flows.

Presentations on the allocation methods and results of the Ngaruroro modelling are being planned for water user groups, DoC, Fish and Game, and other stakeholders. Further stakeholder and community consultation will, of course, be included in the policy development process.

Resolution:

1. That the Environmental Management Committee receives the report titled "*High Flow Allocations*".

**Gilbertson/Rose
CARRIED**

12. TRIENNIAL REPORT ON HEARINGS AND APPEALS

Mr Ide and Mr Moule spoke to the paper, which provided a summary of the Hearings that had been held over the period of this triennium.

It was noted that the workload of the Hearings Committee had increased substantially, both in number and complexity.

In relation to Plan matters, Council had adopted all of the Hearings Committee recommendations without alteration. Of the resource consent decisions appealed to the Environment Court, none had resulted in substantive changes to the Hearing Panel's decision.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Triennial Report on Hearings and Appeals*".

**Gilbertson/Rose
CARRIED**

The meeting adjourned for lunch at 12:35 pm and reconvened at 1:20 pm.

Councillor Kirton was absent.

13. STATUS OF ENVIRONMENT COURT APPEALS

Mr Ide and Mr Moule provided an overview of the status of Environment Court appeals in relation to Plan matters and resource consent applications.

Staff always attempt to settle issues through mediation in order to avoid Environment Court hearings, which are both expensive and lengthy.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Status of Environment Court Appeals*".

**Rose/Wilson
CARRIED**

14. FOUNDATION FOR RESEARCH SCIENCE AND TECHNOLOGY SCIENCE PROGRAMMES

Mr Sevicke-Jones provided the Committee with a summary of current research activities underway through the Foundation for Research Science and Technology. There is a move toward more coordinated research with stronger applied links.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Foundation Research Science and Technology Science Programmes*".

**McGregor/Scott
CARRIED**

15. AIR EMISSION INVENTORY – NAPIER, HASTINGS AND HAVELOCK NORTH 2010

Dr Kozyniak provided an overview of the results of the recent Air Emission Inventory completed by Environet Ltd on Council's behalf. This inventory was completed in order to investigate whether there had been any change since the last inventory carried out in 2005.

The most recent inventory found that although there were improvements related to changes

in outdoor burning habits, changes to cleaner heating sources and cleaner fuels and more fuel efficient engine technology, the Region's air quality still needs to improve further in order to meet the National Environmental Standard. Results show that domestic heating is still the main contributor to PM₁₀ in the region.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Air Emission Inventory – Napier, Hastings and Havelock North*".

**Scott/Dick
CARRIED**

16. ENVIRONMENTAL EDUCATION IN SCHOOLS UPDATE

Mr Broadley provided an overview of the role of the Community Engagement Coordinator, the activities that have been undertaken over the last year and what is planned in future.

Resolution:

1. That the Environmental Management Committee receives the report titled "*Environmental Education in Schools Update*".

**Gilbertson/Scott
CARRIED**

17. STATUTORY ADVOCACY UPDATE

Mr Ide noted that the Te Awa Estates subdivision had been approved by NCC and Plan Change 49 had been approved, effectively unchanged, by HDC since the report had been printed for distribution.

Resolution:

1. That the Environmental Management Committee receives the Statutory Advocacy Update report.

**Rose/Wilson
CARRIED**

18. GENERAL BUSINESS

INTRODUCTION:

General Business discussed as determined in Agenda Item 6.

ITEM	TOPIC	COUNCILLOR / STAFF
1.	Roys Hill landfill enhancement project Councillor McGregor informed the Committee that the project had recently made further progress with the planting of 1000 native plants.	E McGregor
2.	Meeting Schedules for this year Councillor Scott noted that there were 9 Hearings Committee meetings scheduled that didn't appear to be correctly reflected in the meeting schedule in the Annual Report.	C Scott
3.	Twyford Hearings 151 applications being considered by Hearing Panel. Hearing adjourned to 20 September.	C Scott
4.	Security of Publicly Excluded Material	T Gilbertson

Resolution:

1. That the Standing Orders relating to General Business items be suspended to allow discussion of item 4 Security of Publicly Excluded Material.

Rose/Gilbertson
CARRIED 8:1 (McGregor)

Discussion about the security of publicly excluded material, in light of recent media publication of the contents of a confidential report, focused on the inability of the Council and Council staff to function properly and with integrity if sensitive material is leaked, whether deliberately or by accident.

Councillors take an 'oath of office' agreeing to abide by the code of ethics at the beginning of their term in office, and staff rely on the oath being upheld so that they can be confident that information brought before the Council on confidential matters will be able to be dealt with effectively.

Processes are in place (i.e. copied onto red paper) to ensure that there is no question of whether documents are for public consumption or confidential in order to avoid mistaken release of confidential papers. Past practice had at one time been that all confidential papers were collected at the end of the Council or Committee meeting, and taken away for shredding.

19. HAIL UPDATE

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 19 HAIL Update with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of

this resolution being as follows:

**GENERAL SUBJECT OF THE
ITEM TO BE CONSIDERED**

HAIL Update

REASON FOR PASSING THIS RESOLUTION

7(2)(b)(ii) To protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

**FOUNDATIONS UNDER SECTION 48(1) FOR
THE PASSING OF THE RESOLUTION**

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Scott/Rose
CARRIED**

The meeting moved into public excluded session at 2.40pm and out of public excluded session at 2.55pm

Chairman von Dadelszen thanked the members of the Committee and Council staff involved with the Committee over the triennium for their work and efforts.

Closure:

There being no further business the Chairman declared the meeting closed at 3.00pm on Wednesday, 8 September 2010.

Signed as a true and correct record.

DATE:

CHAIRMAN: