



## MINUTES OF A MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE

**Date:** Wednesday 6 June 2012

**Time:** 1.00 pm

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

**Present:** E von Dadelszen - Chairman  
A J Dick  
T Gilbertson  
E McGregor  
L Remmerswaal  
K Rose  
C Scott  
F Wilson  
P Paku  
Dr B Wakefield

**In Attendance:** A Newman – Chief Executive  
I Maxwell – Group Manager Resource Management  
G Ide – Team Leader Policy  
M Miller – Team Leader Consents  
N Hudson – Manager Science  
C Drury – Senior Consents Officer  
M Drury – Committee Secretary

## 1. WELCOME/APOLOGIES/NOTICES

Chairman von Dadelszen welcomed all present to the final meeting of the Environmental Management Committee.

Chairman von Dadelszen advised the Committee that Mr Harry Romanes had passed away. The Committee noted that he was the inaugural Chairman of the Regional Council from 1989-1992, a Councillor at Hastings and also an ex mayor of Havelock North.

The Committee stood for a minute's silence in memory of Mr Harry Romanes.

Mr Maxwell introduced Dr Neale Hudson to the Committee. Dr Hudson is the new Manager Science replacing Mr Graham Sevicke Jones.

There were no apologies.

## 2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

## HELD ON 8 MARCH 2012

EMC26/1 Minutes of the Environmental Management Committee held on Thursday, 8 March 2012, a  
2 copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

McGregor/Wilson

CARRIED

## 4. MATTERS ARISING FROM MINUTES OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE HELD ON THURSDAY 8 MARCH 2012

### 11. Canadian Petrochemical fact Finding Tour Report

Responding to questions from Councillor Remmerswaal, Mr Maxwell advised that all costs incurred to date for Council work undertaken in relation to the pre application from TAG Apache had been invoiced to them. Mr Maxwell also advised to date he was unaware that a gap analysis of all regulations managing all aspects of the oil/gas industry had been undertaken however Council will make an active contribution if and where there is a requirement to participate.

### 13. General Business – Feral Cats

Councillor Gilbertson advised that Mr Campbell Leckie, Manager Land Services had updated him on the current position with regard to the ongoing regional problem of feral cats.

## 5. ACTION ITEMS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE MEETINGS

Mr Maxwell updated the Committee on the actions listed and answered questions from the Committee.

EMC27/1  
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### Resolution:

1. That the Environmental Management Committee receives the report "Action Items from Previous Meetings".

Wilson/Rose  
CARRIED

**6. CALL FOR GENERAL BUSINESS ITEMS**

1. Update on Napier-Gisborne rail line

**7. DELEGATIONS FOR APPEALS ON RESOURCE CONSENTS**

Mrs Drury introduced the agenda item which sought a decision from the Committee about where the delegation to mediate and settle Environment Court appeals on resource consents could lie. Historically papers were brought to Council for a decision relating to where the settlement of an appeal would sit. A range of decisions were made dependant on the type of appeal.

Mrs Drury advised that staff had been reviewing the current approach used to managed appeals and several options had been identified which she then outlined to the Committee. The Committee noted that costs are incurred by Council as a result of its involvement with Environment Court appeals and the proposal to streamline appeals would result in cost savings and therefore have a positive financial impact for Council.

The Committee discussed the options outlined and agreed that staff attending an Environment Court hearing could be placed in difficult situations, staff attending as expert witnesses had to give evidence in accordance with their professional opinion and there was also the potential for political implications. It was also noted that if a mediated agreement was to be reached, it was hoped it would always be consistent with Council's first instance decision.

Responding to a question, Mrs Drury confirmed that there was a risk Council in the future could get more appeals from the public as a result of changes regarding the availability and quality of water.

EMC28/1  
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**Resolutions:**

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. Authorises staff, and all necessary technical experts, to attend mediation on behalf of the Regional Council for all Environment Court appeals.
3. Delegates to the Group Manager Resource Management the authority to sign any mediated agreement on behalf of Council that upholds substantive decisions of the Hearings Panel.
4. Acknowledges that staff (and all necessary technical experts) who attend Environment Court hearings must adopt a position that is supported by the evidence that the Regional Council's experts have prepared.

**Scott/Rose**

**CARRIED**

**8. REGIONAL COASTAL ENVIRONMENT PLAN ADOPTION AND REFERRAL**

Mr Ide updated the Committee on the appeals against Council's decisions on the proposed Regional Coastal Environment Plan (RCEP) and Change 1 to the Regional Management Plan. The appeals had been resolved without the need for any Environment Court hearings and Council is currently awaiting the issuing of a Consent Order by the Environment Court

which would mean all provisions in the RCEP and Change 1 are officially beyond challenge.

Mr Ide also explained the process for making the Plan operative which includes Council adoption of the proposed plan with coastal marine area related parts of the Plan referred to the Minister of Conservation for approval. For Change 1 to become operative, Council must formally approve the Change and determine a date from which Change 1 will become operative.

Mr Ide also sought agreement from the Committee that this matter be referred to the next Council meeting following Environment Court agreement in order not to prolong the outcome further.

Responding to a question, Mr Ide estimated that the cost of the RCEP from its inception in 2003 was in the vicinity of \$1.3m.

EMC29/1  
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**Resolutions:**

That the Environmental Management Committee recommends 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 to refer the matter directly to the next scheduled Council meeting following the Environment Court issuing a Consent Order settling all remaining appeals on the proposed Regional Coastal Environment Plan and Change 1 to the Regional Resource Management Plan.

**Scott/McGregor**

**CARRIED**

**9. STATUTORY ADVOCACY UPDATE**

EMC30/1  
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Mr Ide updated the Committee on proposals considered under Council's statutory advocacy project and answered questions from the Committee.

Mr Ide highlighted that Council had recently received notification from Napier City Council in regard to Plan Change 7 at Jervoistown and Council would likely be lodging a submission on that Plan Change. Mr Ide noted that Council had previously made comments on an earlier draft version of the plan change.

Responding to a question Mr Ide commented that Council's submission would indicate to NCC the relevance and implications of the recently amended rules for onsite wastewater discharges. Those amendments have arisen from decisions on Plan Change 3 (On Site Wastewater). Decisions were issued on 6 June 2012.

**Resolution:**

1. That the Environmental Management Committee receives the report.

**Wilson/Gilbertson**

**CARRIED**

**10. GENERAL BUSINESS**

**Update on Napier-Gisborne rail line**

Councillor Dick advised he had recently attended the yearly Transport Summit held this year in Auckland.

Councillor Dick commented that he had had discussions with Mr Jim Quinn CE of Kiwi Rail and the report currently under review would be released to all interested parties.

Councillor Dick also commented that following a discussion with the Minister, the Minister was clearly aware of the issues, noted that volumes had increased significantly on the line prior to the wash out and Government would be conscious of the needs of Gisborne, the East Coast and Hawke's Bay in reaching a final decision.

**Closure:**

There being no further business the Chairman declared the meeting closed at 1.40pm on Wednesday, 6 June 2012.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....