

MINUTES - Wainuiomata Cleanfill Community Liaison Group (Updated 23/03/2022 in response to CLG member feedback)

“The primary purpose of the CLG is to provide a mechanism for the consent holder and community members to meet in person and discuss operations at the site” – Consent Condition 5

Date: 24 February 2022

Time: 7pm – 9pm

Venue: MS Teams meeting

Present (names): Dawn McKinley, Paul Duffin, Anna Martin, Jörn Scherzer, Bob, Sally-ann Moffit, David Smith, Campbell Barry, Jason Tamasese, Gary O’Meara, Laura Lincoln (Chair)

Apologies (names): Jodie Winterburn

Agenda Item		Action point and additional information
1. Introductions	<p>Welcome and introduction of Chair, CLG members and HCC members present at meeting.</p> <p>Overview of any health and safety procedures and media and audio recording protocol, use of MS Teams (5 minutes)</p>	
2. Outstanding actions from previous CLG meeting	<p>Review of following action points (30 minutes):</p> <p>Laura to ask Charlie (former Chair) if he has an update re reconsideration of truck numbers and update. Charlie had no further update. Consent Holder’s understanding is that the investigation was closed – No further actions.</p> <p>Discussion regarding a complaint made to Council about a truck after hours. Photographic evidence was supplied to HCC. At the last meeting, a community member asked what enforcement action had been taken and HCC staff stated that an email had been sent to the complainant and they were waiting on a response, confirming that no enforcement action had been taken. CLG member disagreed with this and sought confirmation that what has been communicated to the regulatory committee mirrored what had been communicated to the complainant and to the CLG. Paul from HCC was to investigate the complaint and comment as to the consistency of reporting to regulatory committee and complainant.</p> <ul style="list-style-type: none"> - Paul reported that Parvati had recently checked the regulatory reports and confirmed that they matched the report to the complainant. - Paul’s response was disputed by community member, who has seen the regulatory reports and minutes available on Council’s website. Community member noted their disappointment, including with 	<p>Anna to provide date to CLG on Wednesday 2 March as to when HCC will fully respond to the CLG regarding this issue.</p> <p>Laura will follow up on Wednesday if haven’t seen date.</p> <ul style="list-style-type: none"> - Laura followed up with Anna as email not received.

	<p>the delay in investigating this issue and on reporting back to the CLG.</p> <ul style="list-style-type: none"> - Paul noted that he is the only compliance officer at HCC at the moment and they are extremely short-staff. Anna confirmed she will follow this matter up and respond on Wednesday 2 March providing a date for a full response to this matter. Laura will follow up with Anna on Wednesday if a date has not been circulated. - Sally-ann also requested that it be noted in the minutes that there was a breach of confidentiality at the last meeting on 18 November 2021 where the identity of the complainant was disclosed to those CLG members in attendance (despite HCC's claim that all complaints are confidential). 	
	<p>Issue raised regarding minutes of last meeting on 18 November 2021. Sally-ann was inadvertently left off the email chain and did not receive a copy of the minutes.</p>	<p>Alastair to create a list and circulate among CLG members to ensure that everyone who wants to be receiving communications about the cleanfill is receiving them. Alastair to circulate early next week.</p> <ul style="list-style-type: none"> - Completed. <p>Laura agreed to circulate minutes of this meeting by Monday 28 February in draft, with a request that CLG members advise Alastair if someone is missing from the email distribution list or wants to be removed from the distribution list. CLG to provide feedback on the minutes before they are finalised.</p> <ul style="list-style-type: none"> - Completed.
	<p>Question raised as to when the Council advised the CLG that the Cleanfill would temporarily close. Jörn to look into this question and report back. Jörn confirmed via email to CLG dated 24 November 2021 that no notice in relation to this change was provided to CLG. Consent holder does not consider that notice for a reduction in operational activities is required under the SMP. The variation of regular operational activities related to truck movements does not fit within the scope of the notice requirement.</p> <ul style="list-style-type: none"> - Sally-ann request this issue go to the auditor to assess independently and write a finding as to whether or not the auditor 	<p>Laura to draft a request to the auditor and circulate it with the minutes from this meeting on Monday 28 February.</p> <ul style="list-style-type: none"> - Request as follows: <p><i>At a CLG meeting on 17 November 2021 an issue was raised regarding the period of time when the cleanfill was temporarily closed in November 2021 due</i></p>

	<p>considers the CLG should have been informed of the temporary closure under the SMP and if this is a consent breach. She requested Laura write a request for the auditor and circulate the draft request to the CLG for approval prior to submitting. Consent holder happy to accommodate this request.</p> <ul style="list-style-type: none"> - Sally-ann informed the CLG that she had approached a city planner to review the SMP and advise how they would interpret it. Sally-ann read the planner's response aloud and will send it to Laura so it can be circulated with the minutes. In summary, the planner considered the disagreed with Council's position and felt that the HCC did have a requirement as per the SMP to communicate a site closure to the CLG. - Jason referred to the meaning of "liaison" and explained that seeing the sign and how numbers were tracking gave the community false hope and he considered it odd that the CLG wasn't informed. It was frustrating not hearing the background and context as to why it was closed. - Dawn agreed that all CLG members should be notified of any operational changes. - Sally-ann considers that where the community and consent holder disagrees it is helpful to look at simple language and the intent of the CLG. - David asked if the auditor's report comes out after the cleanfill is closed will the CLG members still be able to review the report. Alastair confirmed that the auditor will send his report to the CLG directly via the updated email distribution list. 	<p><i>to wet material. A question arose as to whether the CLG was required to be notified of the temporary closure under the SMP.</i></p> <p><i>At a CLG meeting on 24 February 2022, a CLG member requested that I ask you to please assess compliance with the SMP in your audit. Specifically, do you consider that the CLG was required to be notified of the temporary closure of the cleanfill under the SMP?</i></p> <p><i>I have attached an email detailing the consent holder's response to the CLG in relation to this issue, as well as planning advice on this issue commissioned by a CLG member for your reference.</i></p> <p>Sally-ann to send Laura planner's advice so that it can be included with the minutes and in the request to the auditor.</p> <p>- Completed.</p>
	<p>Alastair to update Excel script and Dashboard graph to accurately reflect truck numbers and fill volumes.</p> <ul style="list-style-type: none"> - An updated version has been provided in the HCC portal. - Jörn noted that this request was made in November but did not happen quickly because it relied on the HCC communications team to action. - Sally-ann noted that the complaints file on the portal was not up to date. 	<p>Alastair to send the most recent version of complaints register to Gaynor to be uploaded and let CLG members know this has been done by email by Tuesday 1 March.</p>
	<p>Paul to ensure all documents on Council's CLG website are able to be opened.</p> <ul style="list-style-type: none"> - Completed. 	
	<p>Community member requested to be directly informed of Cleanfill updates, such as a closure</p>	

	<p>that has recently happened, and questioned whether this was a requirement of the SMP. Jörn to look into this question and report back before the next meeting via email to CLG.</p> <ul style="list-style-type: none"> - Response provided via email on 24 November 2021 (relates to earlier action point above). 	
<p>3. Performance dashboard (truck numbers, volume, noise, environmental matters)</p>	<p>Consent Holder presentation of performance dashboard and CLG feedback (10 minutes).</p> <ul style="list-style-type: none"> - Alastair presented dashboard via shared screen. - The cleanfill is very close to being full and will close to general operators at the end of this month. It can take a few thousand cubic metres of material, most of which will be topsoil. From the 28th of this month the cleanfill will no longer accept most materials, but will accept topsoil. - The volume received over the last three months is shown on the dashboard. November and December were quiet months, but volume picked up in January. However, the volumes received are significantly smaller in comparison to previous volumes as the cleanfill is approaching capacity with great speed. - Noise monitoring was scheduled for December but the noise monitor deemed no monitoring was necessary as the cleanfill was closed at the time they visited. The next round of monitoring is anticipated in March. There have been no development works on the site this quarter. Remediation on the site is underway. Planting has been commissioned and will commence this coming planting season (April onwards) when the plants have a better opportunity to take and not die. - Site inspections have been undertaken. The erosion and sediment control measures are functioning and there is no evidence of sediment breakout. Planting from the previous season has been completed. There have been no dust complaints received or dust nuisance observed, and no complaints received. - Truck numbers are way down – the cleanfill was a little bit busier in January but comparatively quieter than during peak operations and is likely to wind down. - Sally-ann noted that the “complaints received” headings on the dashboard were incorrect. 	<p>Alastair to send updated performance dashboard (with “complaints received” headings corrected) to HCC communications team following the meeting.</p>
<p>4. Update on expected closure</p>	<p>Consent Holder to provide expected closure date (5 minutes).</p>	<p>CLG to set a date for a meeting following closure</p>

	<ul style="list-style-type: none"> - Dawn requested a set timeline following the date of closing for when the CLG is to be disbanded. She noted it would be good to have an opportunity to provide feedback and debrief. - Alastair noted that there was no suggestion that the CLG would carry on following its closure as an operational cleanfill. The consent holder anticipates there will be one final meeting if it is required. - Dawn considered the meeting should be a tidy end – two/three months following the date of the cleanfill closing when all data collated and signed off. The circulation group email can also be used to communicate via email to raise questions too. There have been lots of lessons learned and valuable information shared/to be shared. - Jason requested ongoing meetings regarding site remediation and naturalisation of the area. He would like to see this followed through. - Alastair noted that they are trying to give confidence remediation is taking place. He understands the desire for at least a final remediation meeting (e.g. give updates on planting contractors etc.). - Gary noted it is really important to him that Council does not lock up and run – that there is a maintenance programme and ongoing maintenance and security. He does not think there should be just one more meeting – something more as there is a long tail to this. Dawn – seconded Gary. If the CLG is disbanded it would be nice to keep the communication going. This should be discussed at the closedown meeting. - Alastair explained that they need clarity on the outcomes sought to be achieved through an in-person CLG meeting (i.e. what outcomes are the community members keen to get out of meeting that cannot be achieved through email communication). - Jason noted that he found meeting in person works better than discussing over emails. 	<p>of the cleanfill to discuss future of the CLG.</p> <p>Completed: Meeting scheduled for 26 May 2022. Alastair has circulated an online meeting invite: here.</p> <ul style="list-style-type: none"> - CLG to discuss future of CLG at next meeting.
<p>5. Update on Lessons Learnt paper</p>	<p>CLG members to provide an update on the progress of the lessons learnt paper. At the last meeting, the terms of reference for the lessons learnt paper was still in draft form (10 minutes).</p> <ul style="list-style-type: none"> - Sally Ann explained that the paper was in its second draft form and looking good. She read the opening paragraph and will circulate it among the CLG following the meeting, 	<p>Sally-ann to circulate draft lessons learnt paper to CLG members following the meeting for feedback.</p> <ul style="list-style-type: none"> - Completed.

	<ul style="list-style-type: none"> - She noted there are some gaps in the paper regarding dates that she would like HCC to assist with filling. - Sally Ann explained the structure and purpose of the paper, including its benefit for other communities to see what this community liaison experience has been like. 	
6. Other Matters / Next steps	<p>David wanted to know if HCC have found the illegal tip and what further action Council have taken regarding dumping.</p> <ul style="list-style-type: none"> - Paul responded that they have not found the property on Coast Road. Any tips would be greatly received. 	
	<p>Requirements post closure</p> <ul style="list-style-type: none"> - Alastair noted that a restoration plan is required to be prepared within three months of site closure. HCC has worked through two iterations of this and it has been put to bed by the CLG. - HCC as consent holder now needs to seek Council's regulatory team's feedback on the plan. 	
	<p>Gary is concerned that over the close down summer break, trail riders moved into cleanfill. There is a real community concern that they'll move in on mass when the cleanfill has been closed. Ngaturi Park has not been maintained in some time. What is HCC thinking in the long-term about the future of the park? Is it encouraging other activities? Gary sought a response from HCC about maintaining this park in the long-term.</p> <ul style="list-style-type: none"> - Jörn noted that parks are managed by Council's parks team so as consent holder he cannot say what they will want do long term. The parks team is managing the cleanfill planting. Once the cleanfill planting is completed, the cleanfill site will transition into management of the parks team. The issue of trail riders was discussed at the last meeting and is a matter for the police. Council cannot provide another option that will prevent this anti-social behaviour (e.g. fencing). - Gary noted that he has called the police and this did not result in anything. There has to be another means of contacting Council. He noted there is a form on the Council's website (on the same portal on Council's website). Question however is who is able to respond – Council effectively has no powers to do anything about it. - Jörn explained that Council has the same problem with illegal dumping. This is an education and behaviour issue as well as a policing matter. There are limited options available to manage such adverse impacts. 	<p>Jörn to send an email to Kelly Crandle (Head of Parks, HCC) introducing Gary.</p> <ul style="list-style-type: none"> - Completed. <p>Laura to include links in CLG minutes for CLG members to use to report trail bikes.</p> <ul style="list-style-type: none"> - Completed, links as follows: - Complete Council's complaint form at https://www.huttcity.govt.nz/, go to "Report a Problem", which leads you to this form: https://gissecure.huttcity.govt.nz/RAP/viewer/ - Report trail riders on Police's 105 website here: https://www.police.govt.nz/use-105

	<ul style="list-style-type: none"> - Paul noted that HCC's compliance team does not have the capability to respond. It's a health and safety issue and there is no chance of Police helping them directly enforce (as they have recently declined to help HCC's compliance team with other issues). - Gary noted the minimum CLG members can do is log it on Council's website. Dawn agreed – the more complaints that go in, the more resources go in. - Sally-ann wanted it noted that this was a concern of the residents back when the cleanfill was being consulted in 2009. It is a shame we are still talking about it. She has made complaints to the Council regarding motorbikes on the cleanfill site and has concerns that they are riding them late at night. She wants under understanding about how HCC is keeping the site safe and is not comfortable with this being shirked. - David is concerned about the spread of noxious weeds which is a risk of trail riders. - Sally-ann agreed that riding over new planting was putting new planting at risk. It is a bigger issue than previously discussed. - Jörn confirmed that planting follow up and weeding is taking place, including some remediation. He struggled to see what response the CLG wanted? Sally-ann responded that she was happy to discuss solutions if HCC would pay her for her time. Issue was left there. - Alastair noted there was contractual agreements in place and HCC is well aware of its contractual obligations. - Jason explained that Taupo and Dunedin City council have complaints forms for illegal motorcycle riding. - Gary noted that HCC used to enforce through an independent security company, and thought there was required to be enforcement through a bylaw. - Sally-ann reminded members that it is an election year and so they might get more traction. - CLG acknowledged the incredible job Paul is currently doing and their appreciation for Paul. 	
<p>7. Next Meeting</p>	<p>Meeting scheduled for 26 May 2022. Alastair has circulated an online meeting invite: here.</p>	

Planning advice received from Sally ann via email to Laura dated 28 February 2022 as follows:

Hi Sally-ann,

1. You asked for an opinion on Councils response, regarding the reason Council failed to notify the Community Liaison Group of the temporary closure of the Wainuiomata Cleanfill.
2. As you know, the CLG charter is; *To provide input into the draft SMP and to be kept informed of site developments.*
3. When asked, the Council reply was:
Jörn confirmed via email to CLG dated 24 November 2021 that no notice in relation to this change was provided to CLG. Consent holder does not consider that notice for a reduction in operational activities is required under the SMP. The variation of regular operational activities related to truck movements does not fit within the scope of the notice requirement."
4. The CLG is entitled to know why, and for what reasons the clean fill was temporarily closed. It's not for Council officers or contractors to decide what is, or isn't important for the CLG.
5. In short, as there have been previous failures on Councils part regarding the operation of the Clean fill, Council has missed an opportunity to act in good faith, regarding their commitment to advise the Community Liaison Group on "site developments". Councils response has taken a narrow, and in my opinion, an unhelpful position, by not advising the CLG on something that is clearly an operational matter.
6. Since the Resource Consent hearings, citizens of Wainuiomata have expressed a strong interest in the landfill operation. The CLG was formed to be a vehicle for liaison throughout the Site Management Process. Council has no justification to sidestep the CLG.
7. On a more general note, Hutt City Council have specific Policies regarding *Community Engagement and Consultation. (Appendix 8).*
 1. One policy commitment is; *To provide feedback once a decision has been made.*
 2. Another commitment is; *to value community participation.*
8. In conclusion, the formation of the CLG, with its origins arising from the RMA, and linking back to the consultation principles of the *Local Government Act 2002*. In addition, Councils Community Engagement policies, have not been addressed by Councils 24th November 2021, response in 3 above.