

**SUBMISSION ON  
WEST COAST REGIONAL COUNCIL'S PROPOSED REGIONAL LAND AND  
WATER PLAN 2010**

**To:** West Coast Regional Council  
PO Box 66  
Greymouth 7840

**Name of submitter:** Solid Energy New Zealand Limited (Solid Energy)

**1.0 This is a submission on the following document:**

Proposed Regional Land and Water Plan 2010 (Proposed Plan).

**2.0 The specific provisions of the Proposed Plan that the submission relates to are:**

Chapter 2.10 – Wahi Tapu  
Chapter 5 – Wetland Management  
Policy 8.3.2 Explanation  
Policy 8.3.7  
Rule 61  
Chapter 18.5 – Discharges to Land  
Rule 86  
Schedule 1 – Significant Wetlands of the West Coast Region

**3.0 The submission is:**

**GENERAL SUBMISSION**

Solid Energy is a significant resource user in the West Coast Region and therefore has an interest in the provisions of the West Coast Regional Council's (Council) Proposed Plan.

Solid Energy is generally supportive of the Proposed Plan. The amalgamation of the Proposed Land and Riverbed Management Plan, the Proposed Water Management Plan and the Regional Plan for Discharges to Land into the Proposed Plan (the three existing plans) is considered to be more effective and efficient than the current situation.

Solid Energy has been involved in the development of the three existing plans, and continues to be involved by way of an appeal on Variation 1 to the Proposed Land and Riverbed Management Plan. As a result, Solid Energy is generally satisfied with the three existing plans and therefore is supportive of the minimal nature of the additional provisions that have been proposed as a result of the amalgamation of the three existing plans into the Proposed Plan.

**SPECIFICS OF SUBMISSION**

The specific submission points are recorded in the table attached to this submission.

**DECISION SOUGHT**

The submitter seeks that:

- (a) The specific issues raised in this submission are appropriately addressed, particularly as detailed in the attached table.

- (b) Such further or consequential amendments necessary to give effect to this submission, and to:
- (i) Promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991;
  - (ii) Meet the reasonably foreseeable needs of future generations;
  - (iii) Enable social, economic and cultural well being;
  - (iv) Avoid, remedy or mitigate the adverse effects of the activity enabled by the change; and
  - (v) Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Resource Management Act 1991.

**4.0 The submitter wishes to be heard.**

**5.0 If others make a similar submission, Solid Energy will consider presenting a joint case with them at a hearing.**

**Submitter: Solid Energy New Zealand Limited**

**Ruth Bartlett**

**Date 15 October 2010**

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Submission of Solid Energy New Zealand Limited to the Proposed Regional Land and Water Plan 2010

Proposed Plan Provision	Submission	Decision Sought	Ref
<b>Chapter 2 – Poutini Ngai Tahu / Ngai Tahu Perspective</b>			
2.10 Wahi Tapu	Chapter 2.10 states that wahi tapu sites do not have to be registered or listed to warrant protection under the Resource Management Act 1991 or the Historic Places Act 1993. This is accepted however it is noted that this situation can cause difficulties and uncertainty for applicants and therefore Chapter 2.10 is <b>opposed in part</b> .	That Chapter 2.10 of the Proposed Plan is amended to clearly indicate that Council will take a lead role in assisting applicants at the beginning of a consent process. For example, this may be through the maintenance of a confidential site register, or through making confidential enquiries on behalf of an applicant.	
<b>Chapter 5 – Wetland Management</b>			
Whole of chapter	Solid Energy is an Appellant in relation to Variation 1 to the Proposed Land and Riverbed Management Plan. Solid Energy has reached agreement with Council and other parties with regard to the settlement of its appeal and therefore is supportive of the amendment of Chapter 5 in accordance with that agreement. Chapter 5 as notified in the Proposed Plan is <b>opposed</b> on the basis that it is not in accordance with the agreement reached between the parties.	That Chapter 5 is amended in accordance with the agreement reached with Council and other parties in relation to appeals to Variation 1 to the Proposed Land and Riverbed Management Plan.	
<b>Chapter 8 – Surface Water Quality</b>			
Policy 8.3.2 Explanation	It appears that the reference to Objective 8.3.1 should be to Objective 8.2.1.	That the reference to Objective 8.3.1 is amended to refer to Objective 8.2.1.	
Policy 8.3.7	<p>This policy limits the duration that consents can be granted for, including stating that no resource consent will be granted in some circumstances.</p> <p>This is considered to be inappropriate for a number of reasons including:</p> <ul style="list-style-type: none"> <li>• The duration of a consent should meet the purpose of the RMA, and this needs to be assessed on a case by case basis.</li> <li>• An applicant is entitled to as much security of term as is consistent with sustainable management, and value of an investment is a relevant consideration.</li> <li>• The policy conflicts with other provisions in the Proposed Plan, for example: <ul style="list-style-type: none"> <li>○ The explanation to Policy 8.3.1 which states that in some streams the aquatic ecosystem (AE) standards are unable to be met (due to natural state and historic</li> </ul> </li> </ul>	<p>That Policy 8.3.7 is deleted.</p> <p>In the alternative, that Policy 8.3.7 is amended to clarify that the Council has discretion to grant a longer duration than provided for in (b) and (c) and that Council has discretion to grant a resource consent when the circumstances in (d) occur, on a case by case basis.</p>	

Proposed Plan Provision	Submission	Decision Sought	Ref
	<p>activities);</p> <ul style="list-style-type: none"> <li>○ Policy 8.3.2 which provides for rivers which have acid drainage issues;</li> <li>○ Policy 8.3.3 which provides for offsetting adverse effects from new mining developments;</li> <li>○ Chapter 20.2.1(e) which provides for offsetting adverse effects on aquatic ecosystems where the effects cannot be avoided or sufficiently remedied or mitigated.</li> </ul> <ul style="list-style-type: none"> <li>• Sub-clause (d) does not provide for an applicant to obtain a resource consent where it will progressively meet the water quality class, or for situations where the water quality class cannot be met, notwithstanding an applicant's discharge.</li> </ul> <p>Policy 8.3.7 is <b>opposed</b>.</p>		
<b>Chapter 18 – Rules</b>			
<p>18.4 Discharges to Water Rule 61</p>	<p>The rule applies to discharges “<i>from any drain to a water body, or another drain beyond the property boundary</i>”. There is no definition of “property boundary” in the Glossary in the Proposed Plan and the ordinary meaning of property could be interpreted to mean all land contained within a certificate of title, or all contiguous land in one ownership. The inclusion of the words “<i>or another drain beyond the property boundary</i>” is <b>opposed</b> as the meaning is unclear.</p>	<p>That the words “<i>or another drain beyond the property boundary</i>” are deleted from Rule 61.</p> <p>In the alternative, that the Proposed Plan is amended to include a definition of “property” that clarifies that it is all contiguous land in one ownership.</p>	
<p>18.4 Discharges to Water Rule 61</p>	<p>A cross reference note has been included stating that “<i>Stormwater discharge or runoff containing sediment from earthworks that enters a waterbody is dealt with under the permitted activity rules (Rule 3)</i>.” As a result of this cross reference note it is not clear how stormwater from earthworks dealt with by other rules (permitted, controlled and discretionary activities in Chapter 18.1) is to be managed. This cross reference note is <b>opposed in part</b> as it is not clear.</p>	<p>That the cross reference note is amended to clarify that all stormwater discharges or runoff containing sediment from earthworks that enters a waterbody are dealt with by the permitted, controlled and discretionary activity rules in Chapter 18.1. Suggested wording is as follows:</p> <p>“<i>Stormwater discharge or runoff containing sediment from earthworks that enters a waterbody is dealt with under the permitted, controlled and discretionary activity rules (Rule 3 Chapter 18.1)</i>.”</p>	

Proposed Plan Provision	Submission	Decision Sought	Ref
<p>18.5 Discharges to Land</p>	<p>Temporary discharges of water containing contaminants from drilling activities to land are a discretionary activity pursuant to Rule 87 as no permitted or controlled activity rules provide for this discharge. It is considered that this activity can be appropriately managed by a permitted activity rule with appropriate conditions. Chapter 18.5 is <b>opposed</b> as it fails to appropriately provide for these activities.</p>	<p>That a permitted activity rule is added to Chapter 18.5 of the Proposed Plan to provide for the discharge of water containing contaminants from drilling activities to land. Suggested wording is as follows:</p> <p><i>“The discharge of contaminants into or onto land in connection with the discharge of drilling fluids from drilling operations is a <b>permitted activity</b>, provided that all of the following conditions are met:</i></p> <ul style="list-style-type: none"> <li>a) <i>The only contaminants in the discharge are:</i> <ul style="list-style-type: none"> <li>(i) <i>Suspended sediments;</i></li> <li>(ii) <i>Approved drilling fluid additives; and</i></li> <li>(iii) <i>Alternative drilling fluid additives with the written approval of the Regional Council;</i></li> </ul> </li> <li>b) <i>The use of drilling fluid additives is undertaken in accordance with the best industry practice taking account of the manufacturer’s recommendations;</i></li> <li>c) <i>The following effects do not arise in any surface water body, groundwater or coastal water:</i> <ul style="list-style-type: none"> <li>(i) <i>The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials (including silt and / or sediment);</i></li> <li>(ii) <i>Any conspicuous change in the colour or visual clarity;</i></li> <li>(iii) <i>The rendering of fresh water unsuitable for consumption by farm animals;</i></li> <li>(iv) <i>Any significant adverse effects on aquatic life;</i></li> <li>(v) <i>Adverse effects on any take of water for human consumption.</i></li> </ul> </li> </ul>	

Submission of Solid Energy New Zealand Limited to the Proposed Regional Land and Water Plan 2010

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		<p>d) <i>Within two months of the completion of drilling activities, the discharge area is rehabilitated to a condition compatible with the surrounding land.</i></p> <p>e) <i>The drillhole does not exceed 200 mm diameter.</i></p> <p><b>Explanation</b>  <i>The Regional Council will maintain a register of approved drilling additives.</i></p>	
18.5 Discharges to Land Rule 86	It is noted that controlled activity Rule 86 makes reference to Rule 80 and it is presumed that this should in fact be a reference to Rule 79.	That the reference to Rule 80 in Rule 86 is amended to refer to Rule 79.	
<b>Schedules</b>			
Schedule 1: Significant Wetland of the West Coast Region	Solid Energy is an Appellant in relation to Variation 1 to the Proposed Land and Riverbed Management Plan. Solid Energy has reached agreement with Council and other parties with regard to the settlement of its appeal and therefore is supportive of the amendment of Schedule 1 in accordance with that agreement. Schedule 1 as notified in the Proposed Plan is <b>opposed</b> on the basis that it is not in accordance with the agreement reached between the parties.	That Schedule 1 is amended in accordance with the agreement reached with Council and other parties in relation to appeals to Variation 1 to the Proposed Land and Riverbed Management Plan.	

