

## **THE WEST COAST REGIONAL COUNCIL**

### **MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 12 MAY 2009 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.**

#### **PRESENT:**

P. Ewen (Chairman), R. Scarlett, D. Davidson, B. Chinn, A. Robb, A. Birchfield, T. Scott, R. Barber (arrived 10.38)

#### **IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), S. Moran (Planning & Environmental Manager), C. Dall (Consents & Compliance Manager), T. Jellyman (Minutes Clerk),  
The Media

#### **1. APOLOGIES**

**Moved** (Ewen / Scarlett) *that the apology from T. Archer be accepted.*

*Carried*

#### **2. MINUTES**

**Moved** (Davidson / Chinn) *that the minutes of the previous Resource Management Committee meeting dated 14 April 2009, be confirmed as correct.*

*Carried*

#### **Matters Arising**

There were no matters arising from the minutes.

#### **3. CHAIRMAN'S REPORT**

The Chairman reported that he dealt with various public enquiries including gravel extraction and 1080 issues. The Chairman reported that he attended a forum of the Healthy Inangahua Group. He stated that it was very informative and there was a good attendance. The Chairman reported that funding has been withdrawn for this group as of June 2010. He stated that this Council has a role to play in this area, as air quality, healthy homes, insulation and heating are important for the Reefton community. Cr Davidson spoke of the funding obtained in Canterbury for insulation and heating. The Chairman stated that he is hopeful that eventually funding may be secured for the Reefton community as they have been previously turned down by Development West Coast. The Chairman stated that it is important that the Healthy Inangahua Group manage to secure funding after June 2010.

**Moved** (Ewen / Robb) *that the Council receive this report.*

*Carried*

#### **5. REPORTS**

##### **5.1. PLANNING AND ENVIRONMENTAL GROUP**

##### **5.1.1 PLANNING AND ENVIRONMENTAL MANAGER'S MONTHLY REPORT**

S. Moran spoke to his report. He advised that he the attended the hearing on the RMA (Simplifying and Streamlining) Amendment Bill recently. S. Moran reported that the main points of our submission are matters relating to restricted coastal activities and the double consenting and additional costs of having extra commissioners and processes to go through. S. Moran reported that a strong focus is being placed on using the National Policy Statements and the National Environmental Standards. He advises that care needs to be taken drafting these as they are not always beneficial to every part of the country.

S. Moran reported that the hearing for the Regional Land Transport Programme was held yesterday. The decisions report is expected to be released by the end of the week. The RLTP will be adopted at next meeting of the Regional Land Transport Committee on the 21<sup>st</sup> of May.

S. Moran advised that our Council has made a submission on Canterbury's Draft Regional Land Transport Programme regarding Rough Creek to Mingha Bluff section of State Highway 73. S. Moran advised that we are seeking to keep this upgrade in their programme and to have the investigation and design work completed in this three year period. Cr Chinn stated that a transport firm advised him that their lorry has to cross 18 inches over the centre line to get around a corner in this area. He is concerned that if there is a fatality who would be to blame. S. Moran advised that he is aware of a bus has to cross the centre line to get around the corner safely without dropping a wheel over the edge of the bluff. S. Moran reported that he met recently with representatives from the Automobile Association. He asked them to consider lobbying on our behalf, for the upgrade State Highway 73 and the Gates of Haast. Cr Ewen stated that since November 1999 when the viaduct opened the amount and size of traffic has grown significantly. Cr Ewen stated that with hindsight it might have been a better option to upgrade the road first.

S. Moran stated that near misses are not reported but actual accidents are. C. Ingle reported that Geoff Dangerfield, Chief Executive of NZTA, spoke at a meeting he attended last week. Mr Dangerfield brought up the matter of Roads of National Significance. C. Ingle advised that all but one of these roads is in the North Island. C. Ingle reported that the impression from the meeting was that Auckland issues need to be sorted first then funding will become available for South Island roads. He suggested writing to the Transport Minister requesting that State Highway 73 be included in the list of Roads of National Significance as this is a major tourist route. Cr Scarlett stated that State Highway 73 is also a major economic route, it carries produce to and from the West Coast and roads such as SH 73 are the lifeblood of this country. Cr Davidson stated that SH 73 is a high priority and he feels a letter should be sent before a catastrophe occurs.

**Moved** (Davidson / Birchfield) *that a letter be sent to the Minister of Transport outlining the concerns of the West Coast Regional Council regarding the upgrade of State Highway 73.*

*Carried*

S. Moran reiterated that the upgrade of SH 73 needs to happen sooner rather than later and could easily be included in the Roads of National Significance. Cr Davidson spoke of the example of the Arahura Bridge upgrade and that the collaborative approach by West Coast companies ensured the upgrade was prioritised accordingly.

S. Moran reported that the recent heavy rain event triggered alarms on numerous rivers in the region. He stated that 67mm fell in two hours in the Greymouth area. This caused problems with stormwater drainage in the central business area.

S. Moran reported that lake sampling has been gathered from Lakes Brunner, Haupiri and Kaniere. Good baseline information was obtained to ascertain the current state of water quality in this area.

S. Moran reported that John Clayton from NIWA has undertaken a survey of aquatic plants in Lake Brunner. An Envirolink grant was used to fund this work. Preliminary results show that water quality in the lake has not changed significantly between 2002 and 2009.

**Moved** (Scarlett / Davidson) *that the report be received.*

*Carried*

### **5.1.2 FURTHER SUBMISSION – PROPOSED NPS FOR FRESHWATER MANAGEMENT**

S. Moran spoke to this report. He advised that some submissions on this matter would result in the "one size fits all" approach, which is of concern to this Council. These types of submissions would not benefit us and would add to the costs faced to applicants and councils. S. Moran stated that we are looking for effective and efficient ways of doing things. Cr Ewen passed on his congratulations to staff involved with this submission. He stated that NPS's are one of the biggest issues to be faced in years to come. He stated that the implications on all water users whether it be mining or dairying are of concern. Cr Ewen is concerned that "lip service" is paid to small councils like ours and that if this NPS is not managed correctly it could be to the detriment of the West Coast. Cr Scarlett stated that this is a case that would be worthy of seeing the Minister to alert him of our concerns. Cr Scarlett feels that the water situation in Canterbury is foremost in the minds of politicians and that the West Coast could be seriously disadvantaged. Cr Davidson stated we have an abundance of water and perhaps we should send our rainfall levels to the Minister and inform him of the number of lakes in our region.

**Moved** (Ewen / Davidson) *That Council write to the Minister for the Environment (Nick Smith) expressing our concern regarding the Proposed National Policy Statement for Freshwater Management to ensure that the West Coast is not disadvantaged with regard to new RMA requirements for managing water resources.*

**Moved** (Scarlett / Robb)

*That Council approve the further submission on the Proposed National Policy Statement for Freshwater Management.*

*Carried*

## **5.2 CONSENTS AND COMPLIANCE GROUP**

### **5.2.1 CONSENTS MONTHLY REPORT**

C. Dall spoke to this report noting that it has been a quiet month in the Consents Department. C. Dall reported that hearing for Meridian Energy Ltd's proposed Mokihinui River Hydro Power Scheme reconvened in the middle part of the month. The committee is currently deliberating and is now drafting its decision. Cr Ewen noted that the cost to date is \$800,000. Cr Scarlett asked when a decision is likely to be made. C. Dall is hopeful that the decision process will be completed by the end of the current financial year, 30 June, but the matter is in the hands of the hearing committee.

**Moved** (Robb / Chinn) *that the May 2009 report of the Consents Group be received.*

*Carried*

### **5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

C. Dall reported that a reasonable level of compliance with dairy effluent discharges is being achieved. The main area of non-compliance is the lack of contingency measures for managing effluent discharges during poor weather events or mechanical failures.

C. Dall reported that Westroads are currently complying with their beach gravel mining licence. C. Dall advised that Pike River Coal has reported a minor non-compliance. Staff followed up on this and there were no adverse effects on the environment.

C. Dall advised that there were a small number of complaints during the reporting period. He advised that there were a number of diesel / fuel spills during the month. The most significant spill was the Venture fishing vessel, which ran aground at Blaketown, however none of the spills reported resulted in any significant environmental effects.

C. Dall reported that the fine of \$50,000 imposed on Mr Taft of Kowhitirangi was a high fine. He stated that the Judge indicated that a high fine was needed to act as a deterrent and that there was an element of deliberateness with this case.

C. Dall reported there were no mining bonds received during the reporting period and no bonds were recommended for release.

Cr Birchfield voiced his concern regarding the Taft prosecution; he felt the matter should have been dealt with internally. He was concerned about the high fine. Cr Birchfield was also concerned with a report given to the Judge stating that the discharge from Mr Taft's farm could cause pollution on the Hokitika Beach. C. Dall reminded Cr Birchfield that the defence did not contest the agreed summary of facts and that fact was not challenged. Cr Ewen clarified that it is up to the counsel for the defendant to challenge the summary of facts.

Cr Chinn stated that he takes exception to the Judge taking into account the ability of the defendant to pay a high fine. Cr Chinn is in favour of being able to use in house procedures to fine offenders. Cr Chinn stated that due to the high level of public interest in this case he feels that the decision that councillors made should now be made public. C. Ingle stated once the appeal period is over the information can then be made public. C. Dall advised that the defendant could still appeal the size of the fine to the High Court. Cr Ewen confirmed that if there is no appeal then all information could then be made public. Cr Ewen stated that the Judge would have asked for the financial circumstances of the defendant in order to ascertain what sentence he would be given either a fine or jail. C. Dall confirmed that a financial statement was provided to the court. Cr Scarlett stated that the court looks at the punitive element of the crime to ensure that the punishment fits the crime.

Cr Birchfield stated that he is not happy with Council prosecuting its ratepayers. He feels that Councillors themselves should front up about why Council is making prosecutions. C. Dall advised that to date there have been two prosecutions and there are two further prosecutions in process but there

are a number of defendants in one of these cases. Cr Scarlett stated that the Council meeting is an open forum and the media are present to report it. He stated that once it is not sub judice then information can be released. Cr Scarlett stated at the end of the day we have a responsibility to the environment and it is the court that ultimately makes the decision on the level of fine imposed. Cr Birchfield stated that in this case he disputes this as the Judge was told that Mr Taft's discharge could affect the beach in Hokitika. Cr Ewen stated that if Mr Taft's counsel did not challenge that then it lies on the table as accepted. R. Barber stated that he supports council staff on this matter as the case has gone to court and a decision has been made. R. Barber stated that his people have been prosecuted for taking whitebait out of their own rivers out of season. He stated that when these things happen people need to face the consequences.

**Moved** (Birchfield / Scarlett) *That the May 2009 report of the Compliance Group be received.*

*Carried*

## **5.2. GENERAL BUSINESS**

There was no general business.

The meeting closed at 11.10 am.

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Chairman

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Date