

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 9 NOVEMBER 2009 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.32 A.M.

PRESENT:

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

IN ATTENDANCE:

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

1. APOLOGIES

There were no apologies.

2. MINUTES

Moved (Archer / Robb) *that the minutes of the previous Resource Management Committee meeting dated 13 October 2009, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

3. CHAIRMAN'S REPORT

Cr Ewen reported that it has been a fairly quiet month. Cr Ewen attended the rating district meetings in his constituency including the Greymouth Joint Floodwall Committee meeting.

Cr Ewen reported that he dealt with several enquiries including sea erosion, DoC estate, 1080 and quarries. Cr Ewen advised that he has also received enquiries about earth movements in the Runanga / Dunollie area.

Cr Ewen dealt with concerns from people regarding the de-bluffing of rock on the south end of the Cobden Bridge.

Moved (Ewen / Archer) *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 advising that mediation for Wetlands Variation 1 was not successful therefore Council will be going to a hearing on the Wetlands Variation. He advised that the legal costs of the hearing is unbudgeted and will be in the order of \$50 - \$100,000. S. Moran advised that a reasonable amount of staff time would be taken up with this. The hearing will commence on the 14th of December in Greymouth, one week as been set aside for this case. Cr Chinn asked if there is any way of getting the hearing delayed as he is dead against spending ratepayer money to fight an issue like this. Cr Chinn stated that this matter needs to be worked out in house. He is not in favour or going to the Environment Court, as he has no faith in the Environment Court. Cr Davidson supports Cr Chinn, Cr Davidson stated ratepayers are paying twice as a taxpayer and as a ratepayer and this is not acceptable. Cr Davidson stated that DoC is having a say in freehold land and this

has to stop, it is too hard for the West Coast to come up \$100,000, this is big money. Cr Ewen stated that this Council is in a dilemma with this issue because when it comes to private land we are all of a like mind and we need to draw the line where DoC is concerned as they are trying to take private ownership of the land. Cr Ewen stated that he thought mediation may have been able to work through these issues but he feels that in defence of the property rights Council needs to make a stand and if DoC is going to be intractable then this is the cost of democracy. Cr Scarlett agrees with Cr's Chinn and Davidson, Cr Scarlett feels that it is outrageous that DoC who have had their budget cut, can be spending this kind of money, taxpayers money, it is double dipping and Council will have to spend up to \$100,000 to defend this in the Environment Court. Cr Scarlett feels that DoC is on shaky ground, this is reprehensible and something should be done about it. Cr Scarlett stated that the local MP should be contacted, along with the Director General of Conservation so this matter can be discussed. Cr Scarlett advised that he received a letter back from the Associate Minister of Conservation over this matter. The letter said that the process continues on. T. Scott asked where did the mediation breakdown and what pushed it to the Environment Court. S. Moran advised that the fundamental difference is that Council has been through a process to identify the significant wetlands that should be in the schedule but DoC want a catch all rule so that you can't do anything in any wetland without a resource consent. T. Scott stated that he would like to be sure that the breakdown is irretrievable and that the Environment Court is the last place to go. S. Moran advised that there has been a two day court mediation. Cr Ewen advised that the catch all rule is the problem as Council generously came up with our wetlands plans previously but DoC wanted many on their estate put in and now there is going to be another catch where private landowners who may have wetlands on their property can be caught. Cr Ewen stated that Council is obliged to defend our position because otherwise by default we are passing off private land ownership to another entity. Cr Scarlett stated there are two issues, one is the significant wetlands on the DoC estate which Cr Scarlett thinks might be covered under the Conservation Act anyway and it is of no value to include them. The second issue is the term "significant"; there must be wetlands on the West Coast that don't have significance in terms of the RMA. Cr Scarlett asked if as Council are we able to make a determination as of right if there is science behind it. S. Moran confirmed the process that is followed, the first schedule process is put out, people put in submissions, they don't agree, they appeal and then you end up where we are now. Cr Scarlett asked if DoC is saying that all wetlands on the West Coast are significant. S. Moran confirmed that DoC is saying all wetlands on the West Coast maybe significant therefore a resource consent is required before you do anything. Cr Ewen stated this is an unreasonable position and this is where the discussions have come to a dead end.

Cr Chinn asked if there is any chance of having a meeting with the Director General of DoC, as we need to work through this without spending \$100,000. Cr Chinn asked if the court hearing could be delayed. S. Moran advised that there would need to be a significant issue for the court to agree to a delay. C. Ingle advised that Council has prepared a variation to its Land and Riverbed Plan, it has listed the 20 significant wetlands for the region, the people who wanted to make submissions have come in, Council has had a hearing, the submitters have said to Council what they think of the proposed variation, Council has made changes as a result of those submissions and evidence presented at the Council hearing and now DoC have come in and said no, still not good enough, we are taking you to court so they have lodged their appeal with the Environment Court. C. Ingle advised that staff here have to respond to that and it is in the Court's hands. C. Ingle advised that the parties involved are not just DoC and West Coast Regional Council but also Solid Energy, Forest and Bird and Friends of Shearer Swamp. The main difference is with DoC who put in a list of 176 areas that they feel should be on the schedule. C. Ingle has had five meetings with DoC technical staff in the last 12 months to go through this list and they have not been able to show any, apart from four, that meet the criteria, yet they are still taking us to court. C. Ingle stated he would be very interested to see what evidence DoC have, as he is yet to see any. C. Ingle advised that the court has ordered an exchange of evidence to occur at the end of November so at that stage we will see what their evidence is. At this stage the appeal says that DoC do not believe that Council has met Part 2 of the Act in only listing the 20 wetlands. C. Ingle confirmed that DoC have authorised that the details of the meetings he has had with DoC are admissible as evidence. Cr Ewen stated that this council has been quite flexible in its original position and we have added further bits into the Plan to meet DoC's requests. C. Ingle advised that his previous experience with DoC is that they are required to advocate for conservation which they do using the RMA process and they will take it as far as they can and try to get as much as they can. Cr Archer believes that Council should defend its position. He suggests Council make strong representations to the Minister of Conservation, the Director General and the three members of Parliament. These could be asked to intervene to get a sensible solution rather than to waste large sums of ratepayers money to defend our position when we believe our position is perfectly reasonable. Cr Archer feels this needs to be

brought to the attention of these people and advise them of the hearing date and that a meeting is required prior to the 14th of December in order to get a sensible solution.

Moved (Archer / Chinn)

That Council writes to the three regional Members of Parliament, the Director General of the Department of Conservation and the Minister of Conservation to have the Wetlands Variation resolved prior to the court hearing to save West Coast Regional Council spending up to \$100,000 of ratepayer money when it is not considered to be justified.

Carried

Cr Birchfield stated that DoC is not happy with 86% of our land area and they are now interfering with the small amount we have left. Cr Birchfield stated we have to defend this and if we allow DoC control of this area then we have sold ratepayers out. Cr Birchfield stated that basically this is confiscation of private property, this is theft and we need to defend the landowners against this.

S. Moran advised that the Regional Transport Committee wants Council's approval to appoint two alternates for when representatives are unable to attend meetings.

Moved (Scott /Archer)

1. *That Rosie McGrath is appointed the Public Health representative alternate for RTC.*
2. *That Brett Cooper is appointed the Safety and Personal Security representative alternate for RTC.*

Carried

S. Moran advised that the Lifelines Engineering Group is arranging to have a training session or mini civil defence exercise at each meeting. S. Moran reported that the review of the Civil Defence Emergency Management Plan is being worked through with some chapters being re-drafted. It is expected that the draft will be ready in March of next year for consultation.

S. Moran reported that test results to date from the Arahura mussel beds have been very good and the last two sample results are awaited.

Moved (Archer / Davidson) *that this report be received.*

Carried

5.1.2 PROPOSED COASTAL PLAN CHANGE

S. Moran spoke to this report. He advised that a hearing panel needs to be appointed before April 2010 in order to meet the statutory timeframe. Cr Chinn asked if freehold landowners who missed the opportunity to lodge a submission in 2008 be able to speak at the hearing. S. Moran advised they would need to find a submitter who has made a similar submission to the one that they would make and that person could cover off those issues for them. C. Ingle advised that they would not have the status of a submitter in legal terms. C. Ingle advised that those who missed out could contact S. Moran because if they have information then Council may want to seek Affidavits from them to use in the process. Cr Ewen advised that the hearing date is scheduled for 3 February. Cr Ewen advised that if issues are not resolved with the proposed coastal plan change then the same scenario as the wetlands variation could occur. C. Ingle stated that this matter is likely to end up in the same place. Once matters get down to a staff level with DoC then staff opinions seem to become philosophically opposed and there is no agreement.

Moved (Archer / Birchfield)

That the Resource Management Committee appoint a sub-committee of all RMC members, as available, to act as a Hearing Panel to:

1. *Hear the submissions of those submitters who wish to be heard on Proposed Plan Change 2 to the Regional Coastal Plan for the West Coast; and*

2. *Deliberate and make decisions, including giving the reasons for accepting or rejecting each submission, on all submissions that have been made to the Proposed Plan Change 2 to the Regional Coastal Plan for the West Coast; and*
3. *Publicly notify that it has made its decisions.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to his report advising that it has been a quiet month in the consents department with the most significant issue being the issuing of consents to Solid Energy for its proposed Millerton mining operation.

C. Dall advised that Solid Energy is looking at mining some of the large resource that has been on fire for almost 100 years. The aim is to control the fire and then mine the coal, as part of this additional water management systems will be put in place and they are hoping to treat some of the historic acid mine drainage and to tidy up some of the water quality.

Moved (Scarlett / Davidson) *that the November 2009 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall reported that staff have been carrying out monitoring of dairy effluent systems, with close to 80% of farms visited found to be compliant. C. Dall advised that inspections of various municipal wastewater treatment systems revealed issues of concern in Franz Josef and Haast. These issues are currently being addressed by Westland District Council.

C. Dall reported that a number of complaints were received regarding water quality in the Ngakawau River. These were followed up but there was no evidence that anything untoward was happening at the time.

C. Dall advised that the Parliamentary Commissioner for the Environment has released her report on Stockton Coal Mine. None of the recommendations in the report are directed at this Council but if the Minister for the Environment wishes to follow up on any of these then some of the recommendations would require input from this Council.

Cr Archer asked C. Dall what changes are likely and how they are going to happen in view of the Parliamentary Commissioner for the Environment report on Stockton Coal Mine. C. Dall responded he has been advised that the Minister for the Environment is looking into this matter but he has not yet been advised of any changes at this stage. Cr Ewen advised that he was sent a copy of the report and he was also interviewed as part of the formulation of this process. Cr Ewen stated that this report is a step up from the previous report and it is a good result for this Council as indirectly it strengthens our case with regard to the number of old mining licences on the West Coast. Cr Ewen stated that in recent times Solid Energy has put in a big effort at Stockton and they are now addressing matters that past governments could not be bothered about. Cr Ewen stated this is positive for the outcome of mining and positive for this Council.

Moved (Archer / Davidson)

That the November 2009 report of the Compliance Group be received.

Carried

6.0 GENERAL BUSINESS

T. Scott advised that Makaawhio's Pounamu Management Plan has now been completed and has been released. He presented a copy of the Pounamu Management Plan to Council. T. Scott advised that rules have not changed regarding beach fossicking. Public fossicking is allowed on beaches.

T. Scott advised that protocols for the accidental discovery of pounamu are being written into all consents. He advised that to date Makaawhio have never been notified by miners of an accidental discovery of pounamu.

The meeting closed at 11.16 a.m.

.....
Chairman

.....
Date