

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 8 DECEMBER 2009 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, 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 (Scarlett / Robb) *that the minutes of the previous Resource Management Committee meeting dated 9 November 2009, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

3. PRESENTAION

The Chairman welcomed Mr Stephen Keenan and Mr Graham Monk to the meeting. Mr Keenan is a Deer Farmer from Kowhitirangi and Mr Monk is a Dairy Farmer from the Kokatahi Kowhitirangi Valley. They wish to discuss water quality and farm effluent problems. Mr Keenan stated that the catalyst for their visit today is the \$50,000 fine imposed on Mr Keenan's neighbour, Mr Tom Taft, by the Environment Court for the discharge of untreated dairy effluent. Mr Keenan stated that the local community feel that Mr Taft's fine was bordering on the extreme. Mr Keenan gave a detailed description of Mr Taft's effluent system and spoke of the amount of rainfall the Kowhitirangi area receives annually. Mr Keenan stated that the heavy rainfall helps to mitigate the problem with effluent in the waterways. Mr Keenan spoke of the problems encountered with Canadian Geese and the pollution he feels they cause to the waterways. Mr Keenan stated that Didymo is now having a big environmental impact on waterways and he feels it is likely that it was introduced by the fishing fraternity. Mr Keenan stated the gorse covered river islands leach Nitrogen into waterways and may be more problematic than intensive dairy farms. Mr Keenan spoke of the problems tourists are causing by travelling in un-serviced vans. He stated that highway laybys are now resembling outside toilets, he feels this could be linked to the spread of E Coli and Giardia. Mr Keenan spoke of the fines imposed on OceanaGold and Pike River Coal Ltd he feels that they should have been proportioned on the same ratio as Mr Taft's fine. Mr Keenan spoke of other environmental concerns such as leaching of toxic sludge at Ruatapu and the Westland District Council Dumpsite. Mr Keenan stated that farm effluent is grass that has gone through the stomach of a cow and stated that it is organic. Mr Keenan stated that people come from all over the world to fish the creeks in his area. He spoke of the improvements made to the dairy industry with the fencing of riparian strips and the bridges for stock to cross. He stated that effluent systems have been greatly improved over the years. Mr Keenan requested that dairying be treated the same as every other industry or organisation. Mr Keenan is not happy about farmers being sent to the Environment Court in the first instance. He would like everyone to be treated evenly.

Mr Monk addressed the meeting and stated that he supports Mr Keenan. He thanked Council for hearing him. Mr Monk stated that if there is a problem with the way a farmer is operating then he

would like Council staff to meet with the farm owner on the spot and not talk to workers. Mr Monk stated that his run off receives 200 inches of rain a year and this is very hard to manage. He remains concerned with the fact that the Environment Court imposed such a large fine on Mr Taft. He drew attention to farm workers in South Westland who were given community service for their offences because they have no money to pay a fine.

Cr Ewen thanked Mr Keenan and Mr Monk for their presentation and stated that this Council does take an evenhanded approach to these matters. Cr Ewen reminded the meeting that the RMA is about affects and whether they are positive or adverse this Council has to address them. Cr Ewen stated if Council defaulted on its role then Council's function could be passed onto an Environmental Agency and if this were to happen, one chance would be given and that would be it. Cr Ewen reminded everyone present that the RMA has been in place for 20 years and the parties who have the privilege of utilising land, and have consents to do so, have an obligation to abide by those consents. Cr Ewen stated that once a case goes to Court then it is out of Council's hands.

Cr Birchfield stated that he does not like the way Council is going with prosecutions, he feels farmers are not being given a fair go, but he is in the minority and he agrees with Mr Keenan and Mr Monk.

C. Ingle reminded Councillors that during a presentation standing orders do not allow Councillors to express their opinions, just to ask a question of clarification. Cr Archer thanked Mr Keenan and Mr Monk for their presentations and stated that he takes on board their comments about fairness. Cr Archer asked Mr Keenan and Mr Monk if the performance objectives in the regional plans are unrealistic or should be changed as these are what are currently used as benchmarks. Mr Keenan responded that he has not had the chance to study these but he feels that some dairy farmers would have better effluent systems in place than a lot of residential townships in New Zealand. Mr Keenan stated that due to the high rainfall there is no way of avoiding some effluent entering water. Mr Keenan wants the same latitude afforded to farmers that is afforded to other industries. He would like the Environment Court to be the last call on the map and not the first cab off the rank when it comes to solving these problems, he would like the Council to solve these problems first up and as the last resort, go to the Environment Court. Cr Scarlett stated that the Councils position is firstly, lets get it right, secondly a fine is imposed, thirdly an abatement notice is issued, fourthly it is prosecution and this is the situation in this Council. Cr Scarlett stated that we try to be conciliatory and try to get things right but Council has a statutory obligation to take things further if it isn't put right.

4. CHAIRMAN'S REPORT

Cr Ewen reported that he and Cr Scarlett attended the Regional Land Transport Committee meeting earlier this month. Cr Ewen reported that three tenders were let during the month for minor work and reinstatement work. The evaluation process for the tenders for Greymouth Floodwall Upgrade was completed earlier this month. Cr Ewen advised that five tenders were shortlisted and the successful tender will be announced next Tuesday. Cr Ewen reported that he dealt with inquiries regarding gravel extraction at Blaketown and the Cobden floodwall and the Cobden outlet.

Moved (Ewen / Davidson) *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 he has been busy working on his evidence for Wetlands Variation 1. Evidence in chief has been exchanged and he is currently working on rebuttal evidence. The hearing is due to start next Monday.

S. Moran provided an update on the Plan Merge, he advised a decision on the notification will be brought to the February Council meeting.

S. Moran reported that the weather radar remains on track.

S. Moran advised that transport matters were discussed at the recent Regional Land Transport Committee meeting. He offered to email information and maps to Councillors relating to the West Coast State Highway Route Security Studies Updates and the West Coast Passing Opportunities Study Update.

S. Moran reported that contact recreation monitoring programme has been reviewed against the Ministry for the Environment guidelines and as a result some of the sites that have been continually clean now do not need to be monitored anymore. He advised that some new sites have been put in and re-sampling of the good sites will be done again in a few years time. S. Moran offered to answer questions from Council.

Cr Archer asked if there has been any response to the letters that were sent out to the Ministers and DoC regarding the Wetlands hearing and the likely legal costs that might be incurred. Cr Scarlett stated that he has had a letter back from the Associate Minister, Kate Wilkinson, who said that she supports what DoC is doing and that it is their duty to be challenging it. Cr Scarlett stated he received a letter from the Director General of DoC, Mr Al Morrison. Cr Scarlett reported that Mr Morrison gets several things wrong, he thinks the Council is taking DoC to court, he believes that the answer to resolving the issue outside of the court hearing is to get back to the table and reignite the constructive decisions that (allegedly) Council unilaterally withdrew. Cr Scarlett stated that this was a most unsatisfactory letter. Cr Scarlett has been in contact with Hon Chris Auchinvole who is going to see both the Minister and Mr Morrison but the Minister is currently involved with the Copenhagen summit on climate change. Cr Scarlett stated that with the feedback to date it looks as though we are going to court. Cr Scarlett advised that if Council were to be successful in the court hearing then the Conservation Act could change. This would be because DoC have not considered the wellbeing of communities and have looked at it from a very narrow perspective and are saying that it is purely an ecology issue. Cr Scarlett stated the RMA requires us to take into consideration communities and economic considerations as well. He feels DoC is looking at this issue from a very lopsided point of view and Mr Morrison is completely bereft of the facts. Cr Scarlett is very surprised that the Director General could get this so wrong. C. Ingle explained the process from the start and where we are at now, he advised that DoC is acting under their own conservation legislation which says they shall be advocates for conservation. C. Ingle stated that the question is, is being an advocate for conservation going as far as taking someone to court or is being an advocate for conservation just being helpful and providing information and making submissions but not going as far as the Environment Court. C. Ingle suggests this may become a reason for the Government to consider making changes to the Conservation Act to make it clear that their advocacy role does not include taking councils to the Environment Court. C. Ingle stated that he believed that elected Councillors have a mandate to make decisions on behalf of the community and can't see why DoC has the right to overrule this. Cr Ewen clarified that DoC are taking the West Coast Regional Council to court and not the other way around. Cr Scarlett advised that unless DoC gets instruction from the Minister or the Conservator they are not going to withdraw. Cr Ewen stated that Council's decision was based on the fact that wetlands on private property were to be included and Council wishes to protect the rights of private property owners.

Cr Chinn is concerned that when the person at the top of DoC gets is so wrong we need to put him right. Cr Ewen asked that a very concise note be sent to Mr Morrison.

Cr Ewen asked S. Moran if the extra work being undertaken at Lake Brunner is being done out of the existing budget. S. Moran confirmed that it is.

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

Carried

5.1.2 BIOSECURITY ACT REVIEW

C. Ingle spoke to this report. He advised that this is really a pre-warning that changes are to Biosecurity Act are being considered. C. Ingle advised that the Act has been in place since 1993 and there has been very little change to it during this time. The Minister has advised that there are improvements that need to be done to bring it up to the demands that are impacting on it today.

C. Ingle advised that the Biosecurity Act is perhaps our most important piece of legislation second to the RMA. He stated the most relevant part of the Act to this council is the pest management area where we have a Regional Pest Plant Strategy in place. C. Ingle advised that the discussion document states that the Act has a lack of obligation on any particular agency to undertake activities in pest management thus allowing for a situation where no one takes the lead and no decision is made. C. Ingle stated it is possible that government is saying that because we don't have an animal pest management strategy in place for the West Coast nobody is taking the lead on this on the West Coast. He suggests that clarification is sought regarding this issue so that we can assess the impact it could have on this Council. Cr Ewen stated that the varroa outbreak is an example of a poor response and the lack of a good strategy in place to deal with such an outbreak. Cr Ewen would like to see this tightened up to avoid a repeat of this scenario to ensure that the crown takes responsibility where necessary. Cr Archer asked if C. Ingle has an indication of the costs involved to

participate in the review. C. Ingle responded that he has not had time to do a detailed assessment of the review but he feels the costs will not be significant.

Moved (Archer / Birchfield)

1. *That Council receive this report.*
2. *That Council agree to write a short submission to MAF Biosecurity by 23 December 2009, expressing:*
 - a. *Support for the changes to bind the crown as a land owner;*
 - b. *Support the changes to broaden enforcement options; and*
 - c. *Request more information on the implication under bullet point 4 of pest management that pest strategies may become mandatory.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall reported that the month has gone quickly as he has been busy preparing evidence for the Wetlands hearing. C. Dall reported that one further mediation meeting is to be held before the end of the year between TrustPower and Mr Groome; this is scheduled for the 21st of December. He stated should this fail to resolve the matter then it will proceed to an Environment Court hearing early next year. T. Scott asked C. Dall what is the purpose of diverting Duffers Creek. C. Dall responded that this is in relation to a gold mining operation. Cr Chinn advised that Duffers Creek is cutting in and eroding in this area. C. Dall advised that it is a small section of the creek that is being permanently diverted.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall reported that it is unusual the high proportion of complaints this month were found to be in breach of rules or the RMA with only 31% fully compliant. C. Dall reported that dairy sheds visits to inspect dairy effluent discharges have revealed some non-compliances and compliance staff noted that most related to poor maintenance of the effluent system. C. Dall reported that staff are having ongoing discussion with Westland District Council regarding wastewater treatment systems. C. Dall reported that IPL are continuing to pump the CCA contaminated groundwater to a sump for re-use in the timber treatment process. He advised that approximately 4,400 kgs have been retrieved to date. C. Dall advised that complaints are being received regarding the ongoing gravel extraction at Blaketown Beach. C. Dall stated that Westroads intend to move from the site by the end of this week and will relocate elsewhere until February next year. C. Dall advised that the main issue is the stockpiling of gravel on the beach. Cr Scarlett asked how far from the CMA are they? C. Dall responded that he had not measured it, but he estimated it is about 30 metres. C. Ingle advised that the reason for the 50 metres from the CMA in the Land and Riverbed Plan is to avoid people digging into the shoreline that could cause erosion of the land. A stockpile is building up the shoreline and if anything would be preventing erosion. C. Dall advised Cr Scarlett that in the Council's view the stockpiling of gravel affects are minor at worst.

C. Dall reported that there have been ongoing complaints about water quality in the Ngakawau River. He stated this seems to be a case of where people notice the discolouration of the water, which is an aesthetic affect but the actual impact on the aquatic ecosystem is positive.

C. Dall reported that the Strongman Mine Harrison Ridge Cutback Project has been successfully carried out with the contractor concerning having done a good job. Cr Ewen concurred that this is a big improvement and he is pleased that the moving of the ridge has been avoided.

C. Dall reported that the seven work programmes for mining were processed within the 20 day target.

Moved (Scarlett / Archer)

1. *That the December 2009 report of the Compliance Group be received.*
2. *That Council release the bonds held for Resource Consents RC03204 and RC08052.*

Carried

6.0 GENERAL BUSINESS

Cr Ewen thanked T. Scott for the copy of Makaawhio's Pounamu Management Plan and stated that it was a very interesting and well prepared document.

Cr Ewen wished the meeting well for the Christmas and New Year holiday break.

The meeting closed at 11.28 a.m.

.....
Chairman

.....
Date