

## **THE WEST COAST REGIONAL COUNCIL**

### **MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 9 FEBRUARY 2010 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.33 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 / Davidson) *that the minutes of the previous Resource Management Committee meeting dated 8 December 2009, be confirmed as correct.*

*Carried*

#### **Matters Arising**

There were no matters arising.

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

Cr Ewen reported that he attended the Animal Health Board's presentation at Blackball earlier this month. Cr Ewen advised that he would be attending a forum this afternoon with NZTA. This is for invitees to discuss matters that Landcare Research and Lincoln University are involved with on behalf of NZTA. Cr Ewen met with staff and Opus Contractors regarding consenting issues in the CMA along State Highway 6 around the bluff area north of Rapahoe. He stated that a good outcome was achieved. Cr Ewen dealt with tendering issues relating to the upgrade of the Greymouth Floodwall. Cr Ewen and Councillors attended the hearing for the Proposed Coastal Plan change. Cr Ewen reported that he and all Councillors attended a meeting with local farmers at Moana.

**Moved** (Ewen / Chinn) *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 most Councillors attended the Coastal Plan change hearing. He stated that the outcome was that at the request of DoC the hearing has been adjourned for eight weeks so that the work that has been done with staff can be completed and final report submitted. The hearing will then be reconvened and then closed for deliberations.

S. Moran reported that consents have been gained for the Weather Radar and this project remains on target for April 2011.

S. Moran reported that hydrology and flood warning staff were particularly busy over the holiday period with weather events. Cr Archer asked if any of the flood warnings triggered major concerns.

S. Moran responded that there were no concerns with flood warning but there was a lot of damage in some of the rating districts and in areas with river frontages.

**Moved** (Robb / Birchfield) *that this report be received.*

*Carried*

## **5.2 CONSENTS AND COMPLIANCE GROUP**

### **5.2.1 CONSENTS MONTHLY REPORT**

C. Dall reported that the Hearing Committee for the consent application for Hydro Development Limited's proposed hydropower scheme on the Stockton Plateau has released its decisions. All consent applications have been granted and the Hearing Committee recommended to the Minister of Conservation that the consent for restricted coastal activities be granted. C. Dall advised that the appeal period closes tomorrow. An appeal from Solid Energy New Zealand has been received.

C. Dall reported that he attended a mediation meeting on the 21<sup>st</sup> of December for TrustPower Ltd consent applications for the Arnold Valley Power Scheme. He also attended a caucusing meeting on the 3<sup>rd</sup> of February to try to resolve differences in the proposed consent conditions. C. Dall stated this meeting was fairly successful and a final meeting will be held on Tuesday 16<sup>th</sup> February prior to the hearing which is scheduled to take place in March.

C. Dall advised that during the reporting period MfE provided Council with a copy of the discussion papers on the issues and options for the proposed discount regulations for late consents. He advised that he had sent some comments to MfE regarding the proposed discounting scheme. He stated that in the context of the Meridian proposal this would have significant ramifications. C. Dall advised that it is important to note that if there are going to be discount regulations that they need to look closely at where fault lies in the process and that any costs would lay where they fall. C. Dall offered to provide a copy of the discussion papers to Councillors and advised that there will be an opportunity for Council to make a further submission on this later. Cr Scarlett asked if the appeal by Solid Energy to the Hydro Scheme at Ngakawau (HDL) is a substantive appeal and is it solvable through arbitration. C. Dall responded that the appeal does not raise any new issues that the Hearing Committee was not already aware of and he is hopeful that they would be resolved simply without going through the Environment Court.

Cr Birchfield asked when a decision could be expected for Meridian Energy's Hydro Power Scheme. C. Dall responded that he is hopeful a decision will be reached by the end of the month. He stated this has been a very complex application with evidence given by over 70 witnesses. Cr Birchfield stated that this has been a pitifully slow progress that has gone on for nearly two years. C. Dall responded that delays have been caused by a number of reasons including the availability of commissioners. Cr Birchfield stated that this is an example of why he is in favour of penalties being imposed on Councils for getting behind and that this is an incentive to keep things moving.

C. Dall reported that Solid Energy has lodged applications for its own proposed hydro scheme on the Stockton Plateau; this will be publicly notified shortly. C. Dall advised that with the discount regulations in mind he has already tightening up contracts with consultants with a view to minimising the risk to Council.

**Moved** (Archer / Robb) *that the February 2010 report of the Consents Group be received.*

*Carried*

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

C. Dall reported that there have been over 160 site visits undertaken during the two month reporting period. He advised that dairy shed inspections have continued throughout the region with many of the non-compliances in this area relating to poor maintenance, he stated that he hoped that less non-compliances would be found during the dry weather period.

C. Dall reported that Westroads have not reached the maximum on their licences for the extraction of beach gravel close to Blaketown and are unlikely to within the next few months. Work programmes were submitted but will not be accepted by Council until the beach profile information is provided.

C. Dall reported that Pike River Coal Ltd are still testing their processing plant to ascertain whether or not it requires improved treatment options. He advised that subsidence monitoring is due to begin. C. Dall drew attention to the recent media report advising that Pike River Coal Ltd is starting to win coal and the first trainload of coal has gone out.

C. Dall reported that OceanaGold submitted the Year 6 Annual Work Plan to Council, this was accepted. He advised that the Bond Review and Risk Assessment Report was received by Council recommending that the bond be increased. C. Dall advised the bond increase reflects that the mine now has a bigger operating area with the bond now in excess of \$3M.

C. Dall reported that Council has approved the Annual Work Programme for Stockton Opencast Mine. He stated that this involves quite a bit of work as Stockton is a large mine site. C. Dall advised that there are a number of sediment control initiatives that are being tested by Solid Energy Ltd. C. Dall is hopeful of better outcomes in this area. C. Dall advised that the main impact from limestone dosing that is taking place at the mine site is the turbidity and discoloration this causes but the benefits of lime dosing far outweigh the negative impacts of this process. C. Dall stated that this is more of an aesthetic issue rather than an effect on the aquatic ecosystems.

C. Dall advised that he has received a claim that has been lodged with the Disputes Tribunal in relation to J. Cornish-White's whitebait stand on the Paringa River. He will represent Council at the Tribunal to defend this claim. C. Dall stated that he does believe there is any statutory basis for this claim. A specific visit was required by Council staff to investigate complaints received. The whitebait stand was found to be unauthorised and not within the consent conditions, therefore an Abatement Notice was issued. C. Dall advised that the Abatement Notice was not appealed.

C. Dall drew attention to the 30 complaints received during the reporting period but noted that it was a two month reporting period due to the holiday season. Cr Davidson asked if there are designated areas to dump asbestos on the West Coast. C. Dall confirmed that asbestos is like any contaminant; it needs to be disposed of at an authorised facility. C. Ingle advised that district councils provide designated areas for this purpose. Cr Archer concurred with this and stated that there is a "Best Practice" process put out by the Labour Department for the handling and covering of these products. Cr Chinn asked if an Infringement Notice was issued for the septic tank discharge at Jacksons Bay. C. Dall responded that this matter is still under investigation but a consent will need to be obtained. Cr Scarlett asked if staff are usually sent out to investigate complaints that are then found to be compliant with the rules. Cr Scarlett referred to a complaint received for gravel extraction in the Carters Beach area. C. Dall advised that responses to complaints are prioritised and assessed on a case by case basis but there is no provision to recover costs when a complaint is found not to be an unauthorised activity. He stated that does not mean that there wasn't genuine concern expressed by the complainant. Cr Birchfield drew attention to the three complaints received regarding sediment discharge into Waimea Creek and noted that staff had visited the area three times to investigate unsubstantiated complaints. Cr Birchfield feels that the person that made the three complaints should be charged for the site visits. C. Dall advised that there is no legal mechanism in place for Council to charge for these visits. Cr Davidson stated that if the complaints are frivolous or vexatious then the complainant should be charged. Cr Archer advised that court action could possibly be taken but only the courts could determine this. T. Scott asked if the consent holder was working outside of the consent conditions with regard to the river works in the Totara River. C. Dall offered to supply the specific details to T. Scott regarding this complaint.

C. Dall reported that it has been a busy period for work programmes being submitted for mining. He advised all but the Westroads work programmes were processed. C. Dall reported that there were no bond releases during the reporting period.

**Moved** (Scarlett / Archer) *that the February 2010 report of the Compliance Group be received.*

*Carried*

## 6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.08 a.m.

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Chairman

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Date