

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 10 AUGUST 2010 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.44 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 (Davidson / Archer) *that the minutes of the previous Resource Management Committee meeting dated 13 July 2010, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

3. CHAIRMAN'S REPORT

Cr Ewen reported that it has been a busy month. He has dealt with the written responses to ratepayers that he spoke of at last month's meeting with one relating to a mining / access road and the other regarding 1080. Cr Ewen has dealt with staff regarding a floodwall matter and noted the pleasing outcome of the Coastal Plan Change. Cr Ewen responded to various media enquiries regarding council policy on a number of issues. Cr Ewen advised that he accepted two invitations during the month, one from the Gloriavale Christian Community to attend their concert. The second invitation was from Solid Energy NZ Ltd to attend the Bledisloe Cup rugby match in Christchurch. He stated that he travelled privately and stayed privately in Christchurch for this event.

Cr Ewen reported that he has had discussions with staff prior to the hearing next week on Spotters Creek, near Ross.

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. He advised that the two most interesting matters in the Government's Statement of Intent that was recently released are the progress on the second phase of RMA reforms and work on a National Policy Statement on Biodiversity. S. Moran reported that the new Waterways Centre in Christchurch has been opened by the Minister for the Environment. He advised that this would be watched to see if they are looking for regional council involvement or whether they will carry out their own research.

S. Moran advised that the first lot of Waste Minimisation funding has now been approved. He advised that this is the money that has been taken from every tonne of waste at the landfill and is part of the campaign to encourage farms to recycle or reuse plastic items such as farm wraps and plastic agricultural containers that are in use on farms. He advised that the collection point on the West Coast is based in Hokitika.

S. Moran reported that there was just under \$3000 available for distribution from the Honda Tree Fund this year.

S. Moran reported that there were no floods in any of the main rivers that council monitors during the reporting period. S. Moran advised that there have been 21 exceedences of the National Environmental Standard for PM¹⁰ in Reefton during the reporting period.

S. Moran reported that Jonny Horrox made a presentation to representatives of the Karamea Community Business Ltd on water quality in this area during the reporting period.

S. Moran drew attention to the information pamphlet called "How well is your Well" in his report. He stated that this pamphlet was put together with permission from Environment Southland using information from them and provides information on how to maintain water quality in your well.

Cr Davidson asked S. Moran if this council is going to be involved with the ETS. S. Moran responded that we would not be involved to any great degree. C. Ingle advised that a presentation on the forestry side of the ETS is coming to the September Council meeting so questions can be asked at this meeting. C. Ingle advised the meeting that the weed control presentation by DoC scheduled for today's meeting has been postponed.

Cr Archer stated that the whole issue of air quality is still under scrutiny from the Government; he asked S. Moran if there have been any developments with this. S. Moran responded a reports on both the review of the air quality standard and the submission on the biodiversity plan of action are still awaited.

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

Carried

5.1.2 ADOPTION OF PROPOSED PLAN CHANGE 2 – REGIONAL COASTAL PLAN

S. Moran spoke to his report. He advised that there were no appeals received on the Proposed Coastal Plan Change 2. S. Moran stated that once Council adopts the Plan Change it will then be sent to the Minister for Conservation to sign off on and then it will be in the Plan as a permitted activity. Cr Ewen stated that this is a good result with now around 50 rivers or creeks now being able to have their outlet cleared as a permitted activity. Cr Ewen stated that with no appeals being received this is good as it could otherwise have been a lengthy and arduous process to go through. He stated that a lot of communities would benefit from the Plan Change.

Moved (Davidson / Archer)

That the Council adopt the attached Plan Change 2 to the Regional Coastal Plan in accordance with Clause 18 of the First Schedule of the Resource Management Act 1991, and affix its seal.

Carried

5.1.3 END OF YEAR REPORT FOR THE TOTAL MOBILITY PROGRAMME

S. Moran spoke to this report advising that this passenger survey is required on an annual basis. He stated that a very good response to the survey was received with most users rating the service as good, very good or excellent. Cr Archer stated that this service is considered to be of very high value with two very small exceptions. Cr Ewen stated this transport service is beneficial to ratepayers as there is no public transport on the West Coast.

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

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to this report advising that there were a relatively high number of non-notified resource consent applications granted during the reporting period. C. Dall reported that there was a

prehearing conference in Christchurch for appeals in relation to the consents granted to TrustPower for its proposed Arnold Valley Hydro Scheme. C. Dall advised that a further court hearing has been set for the 13th of September and is likely to last a few days. He advised that the Environment Court stated in its interim decision that it is likely to uphold the granting of consent and this court hearing is just a matter of refining the consent conditions. C. Dall reported that the joint decision made by the West Coast Regional Council and Buller District Council to decline the consents lodged by Solid Energy NZ Ltd for its proposed Stockton Hydro Scheme has received an appeal from Solid Energy NZ Ltd. He advised that a number of other parties have joined as Section 274 parties including Hydro Development Ltd in opposition to the appeal and notice has been received from Meridian Energy Ltd to join proceedings in support of the Solid Energy appeal.

Cr Ewen asked C. Dall if the consent applied for by Seafield Resources Ltd for the removal of sand and shingle for mining from Karamea to Jackson Head would be compromised by the proposed marine reserves. C. Dall advised that Seafields Resources Ltd were required to complete the sampling that they intended to do under the original consent and this consent is a replacement of the original consent. C. Dall advised that he made the company aware of the marine reserve matter but how it is affected by the proposal is dependant on the outcome of the sampling which is unknown at this stage. Cr Ewen is concerned that if this area is included in the marine reserves then the company could be excluded from any prospecting by any party in the future once it is signed off. Cr Ewen stated that there is already 87% locked up on land and they could be a further percentage locked up on the foreshore. C. Dall stated this is still speculation and depends on whether the company locates any viable deposits in those areas that are subject to the marine reserve. Cr Archer advised that should consents be granted before the actual declaration of the marine reserve areas then these areas would take precedent. C. Dall advised that there could be some issue of compensation for this. Cr Birchfield stated that he feels it would be very unlikely that any mining would be allowed in these reserves and that this is just another lock up. Cr Ewen stated that this matter would be watched carefully.

Cr Ewen drew attention to Westland Milk Products proposed ocean outfall pipeline from the Hokitika River out to sea. Cr Ewen stated this would avoid previous problems with discharges into the Hokitika River. C. Dall advised that the proposed pipeline would be around 200 metres in length.

C. Dall confirmed to Cr Davidson that there has been a change to Westland's main effluent discharge consent several years ago, which required the company to look at different options for the discharge, which is what they have been doing. C. Dall stated that this would be a similar system to the sewage discharge system at New Brighton but not on the same scale as this one is an extension to existing infrastructure.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall spoke to this report advising that July has been a relatively quiet month. C. Dall reported that there were some problems with the Westport Wastewater Treatment Plant during the month, which this council and Buller District Council have been working through. C. Dall reported that a formal warning letter was issued to ensure the management of the plant and systems are operating properly to ensure there is backup in the event of a system failure.

C. Dall reported Compliance staff have been monitoring the aerial 1080 operations in South Westland, responding to complaints and information requests relating to these aerial operations.

C. Dall reported that 24 complaints or incidents were received during the reporting period. He advised that most of these complaints related to dairy grazing and unauthorised black sand mining operations that will be required to obtain consents. C. Dall reported that one infringement notice was issued during the reporting period which was related to the contravention of an earlier abatement notice. Cr Ewen asked if the complaints picked up from the aerial inspection in the Cronadun area were all different enterprises. Cr Scarlett asked if it is considered that the heavy dairy grazing is likely to have a run off affect into streams. C. Dall responded that the main concerns with heavy grazing are the proximity of water courses and the potential to pug or compact the soil which increases the chance of run off of sediment laden stormwater and effluent into waterways. Cr Scarlett requested that a description of reason for the complaint be added into the report as heavy dairy grazing per se is not a problem provided it is not near a waterway. Cr Davidson asked how long has council been using aerial monitoring and is this going to be done more frequently. C. Dall responded that aerial inspections have been used for many years with two main aerial inspections being carried out each year. C. Dall stated that these inspections cover a wide

area and a range of activities are looked at. He stated this is a very cost effective way of keeping an eye on what is going on in the region and in this instance quite a few matters needing follow up were brought to council's attention. Cr Ewen stated that Stockton Mine covers 2000 hectares and is an obvious area where aerial inspection is very practical. C. Dall stated that aerial inspection gives a very good appreciation of this mine site and allows for aerial photographs of inspection areas to be taken.

Cr Ewen asked if the gravel extraction operation in the Taramakau River is north, east or west of the bridge as there have been concerns in the past about excessive gravel take west of the bridge. C. Dall confirmed that this is downstream of the bridge. Cr Ewen asked that this area be monitored carefully due to these past concerns. Cr Birchfield stated that prior to the RMA gravel was extracted from all of our rivers and the control for this was common sense and this worked well. Cr Birchfield is concerned that council is turning gravel extraction into a major bureaucratic exercise administering this. Cr Birchfield feels we should be encouraging people to make as much gravel from our rivers as they can. Cr Ewen agreed that there is plenty of gravel for all and advised that prior to 1958 the local authority received a royalty on gravel but this was taken away in the 1958 budget. Cr Ewen would like to see a royalty reinstated so that some of the monitoring costs that ratepayers are paying could be supplemented. Cr Ewen is mindful of the consenting issues in this area in the past with different parties. Cr Scarlett spoke of some rivers in the Karamea area where people can take up to 100 cubic metres without a resource consent. Cr Archer concurred with Cr Scarlett and stated that permitted activity gravel takes are well defined in the regional plans. He stated that council has a responsibility to ensure that there are compliance elements to the Plans.

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

Carried

6.0 GENERAL BUSINESS

Cr Birchfield stated that he wishes to bring up the matter of Saltwater Creek / New River outlet and wishes that it be discussed in the public forum due to the public interest in this matter. Cr Birchfield feels that there is a potential flooding risk from the build up of New River and Saltwater Creek because the outlet to the sea is moving north and not letting the creek and river get out. Cr Birchfield drew attention to the letter from Mel Sutherland of Grey District Council. Cr Birchfield feels that the clearance of the mouth should be done under RMA emergency works provisions in view of spring coming and heavy rain likely before the end of this year. Cr Birchfield stated that he would like to move a motion that the consent is approved under emergency work.

Cr Ewen requested that discussion takes place prior to any motion and he asked C. Ingle to explain the legal situation with emergency works. C. Ingle responded that Mr Sutherland has made the suggestion in his letter that this council may well be able to justify rivermouth opening works under Section 330 sub section 1D, E or F. C. Ingle advised he has since had a look at Section 330 and it clearly needs to be an emergency and there also needs to be infrastructure under threat therefore normally a network utility operator such as Transit or Telecom or a District Council who the runs the road in this area. C. Ingle advised that the District Council might be able to use emergency works if it was a genuine emergency but Regional Council cannot use this as they do not have any infrastructure in this area would use section S330. C. Dall advised that the Act talks about local authority, consent authority or network utility operator or someone that maintains the state highway. He stated that the regional council does not have any public work in this area. C. Dall advised that before the work is done there needs to be some immediacy or urgency in doing the works and with regard to this area it has been known for sometime that the river mouth has been migrating northwards. C. Dall stated that this does not fall into the category of emergency works as it is well established and is foreseeable and if work is to be done then the appropriate way is to obtain consents to do the work beforehand rather than relying on emergency works during a storm event. Cr Scarlett asked what would happen if Grey District Council re-sited the mouth under emergency works. C. Dall responded that they would potentially be liable for enforcement action by this council and also third parties as to whether or not the work was done legally. C. Dall asked that if this work was undertaken during a period of calm weather then what is the emergency? Cr Ewen advised that there is already a process in place as part of the Coastal Plan Change 2 on this specific river which has a trigger on a culvert. He stated that with the passing of the permitted rule with no objections, once the Minister signs it off then we have an emergency re-opening process covered with the culvert trigger. Cr Ewen stated that with this in place the mouth can be released at any time without going through the consenting process therefore there is no cost. Cr Chinn stated there is community concern out there and he is prepared to second Cr Birchfield's motion as he feels this

council needs to lead the way here and put the cut through before there is an emergency and before people get flooded out. Cr Ewen reiterated that we enter into negotiation with the Minister of Conservation to get 47 or 48 rivers in to the permitted rule and this river is one of them. Cr Ewen stated that if Councillors circumvent what is not yet signed off by the Minister none of the other 47 will be signed off, as council would be bypassing the process we have gone through. Cr Ewen stated that those councillors who attended the Coastal Plan Change 2 workshops and were part of the process know what the story is. Cr Ewen advised that he would be very cautious of going down this track when the permitted rivermouth opening rule has not been signed off by the Minister. Cr Birchfield asked how long it would take to be signed off. S. Moran replied that given the DoC was very closely involved with the whole process he feels this would not take long at all but the process does not have a statutory timeframe. Cr Ewen stated that he would hate to see this jeopardised for all the other locations and localities throughout the West Coast. Cr Archer stated that in its current form the motion is ultra vires and in his view there is no emergency at the present moment. He stated that nobody has mentioned what infrastructure is being protected therefore Cr Archer wishes to stress in the legislation, this section of the Act for emergency works cannot be used and Cr Archer will be voting against the motion. Cr Davidson asked how long is it likely to get the consents for a new opening put through. C. Dall advised that this would depend on whether it needed to be limited notified and if the council was satisfied that the effects of the activity were no more than minor it would still need to ensure that the applicant had obtained written approval from all the potentially affected parties. C. Dall stated if that didn't happen it would take longer than 20 working days and then a limited notification process would need to be arranged. S. Moran advised that all this would depend on the proposed works and where the cut was proposed and what the effects are. C. Ingle advised that Mr Sutherland's proposal is to use a small amount of the money that the district council has for this type of situation which is a few hours of digger work to open the mouth at another location around Gladstone. C. Ingle advised that Mr Sutherland does not address what he is going to do with the existing river channel and how he is going to stop the water just carrying on where it is going now. C. Ingle stated that our staff need to meet with Mr Sutherland to discuss what he is proposing as he has the bare bones of it but not the detail. C. Ingle advised Cr Birchfield that we do have some precedent here in terms of emergency work as when there was a major storm event a few years ago at Punakaiki the Buller District Council invoked emergency works then. He stated that in this situation there was property damage and buildings were practically falling into the sea. Cr Scarlett spoke of a similar situation when the Karamea River blocked. C. Ingle stated that in both situations it was the Buller District Council who used the emergency powers and not the Regional Council. Cr Archer stated that in both these occasions it was road reserve that was the infrastructure that was under threat and therefore the emergency works provision is available. C. Dall advised that one of the issues of concern is access to the land and those who own the land or administer the land would need to be consulted with. Cr Birchfield stated that DoC has given permission for access to this area. Cr Birchfield stated he feels there is risk to infrastructure and life and he feels this is covered by the legislation and we have to have the courage to step up and do it. Cr Ewen reiterated once again that as it stands at the moment there is no emergency at the moment and therefore this does not meet the criteria to proceed. Further discussion ensued. C. Ingle advised that Mr Sutherland's letter and W. Moen's report are very different from each other with Mr Sutherland's letter really just talking about a few hours of digger work that might only be done once a year; whereas W. Moen's report offers long term solutions with rock work that would be permanent. C. Ingle suggested that Cr Davidson is talking about longer term permanent options and Cr Birchfield is more about the emergency works side of things.

Cr Ewen stated that there is a motion on the table with a mover and seconder.

Moved (Birchfield / Chinn) *that the West Coast Regional Council approve the resource consent under emergency works for Grey District Council to move the mouth of New River to the 1960 previous outlet.*
The motion was lost.

The meeting closed at 11.28 a.m.

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Chairman

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Date

Corrected
in September
RMC Minutes