

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 14 DECEMBER 2010 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.30 A.M.

PRESENT:

B. Chinn (Chairman), D. Davidson, A. Robb, A. Birchfield, T. Archer, I. Cummings, T. Scott

IN ATTENDANCE:

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

1. APOLOGIES

Moved (Archer / Robb) *that the apology from R. Scarlett and F. Tumahai be accepted.*

Cr Chinn asked that all present stand and observe a minute's silence in respect of the Pike River Mine disaster.

2. PRESENTATION

Mr Robert Terry from Reefton spoke of the mining licence granted to Terronick Mining some years ago. Mr Terry advised that the land was then sold to Tai Poutini Polytechnic and they then took over the mining licence. This land is now used to teach students how to gold mine. Mr Terry stated that Terronick Mining were granted a special licence to mine through Carton's Creek. Mr Terry stated that every summer the water in this creek goes underground where the miner has mined through the creek bed. Mr Terry feels that the sale of the land was illegal and the land has not been reinstated correctly and he would like the mining holes filled in with topsoil to an acceptable standard. Mr Terry offered to answer questions from councillors. Cr Cummings asked Mr Terry what his involvement with this area is. Mr Terry responded that he is involved as a citizen of this country as some of this land is on the conservation estate. Cr Archer stated that his understanding was that the consent has either been terminated or expired and the bond has been repaid, he asked Mr Terry how he proposed to further this matter in view of this. Mr Terry stated that he is only presuming that the bond has been returned for the conservation block of land and he does not believe that the bond has been returned for the private land title. Cr Archer asked Mr Terry what mechanism is available to council in view of this situation. Mr Terry suggested Council could use its investment fund to rehabilitate the land. Cr Chinn thanked Mr Terry for his presentation and advised that staff would look into this matter and contact Mr Terry if necessary.

Cr Chinn welcomed M. Meehan to his first meeting in his new position as Planning and Environmental Manager and wished him well in his new role.

3. MINUTES

Moved (Archer / Robb) *that the minutes of the previous Resource Management Committee meeting dated 8th November 2010, be confirmed as correct.*

Carried

Matters Arising

Cr Davidson stated that F. Tumahai was to get back to council with maps for the customary fishing rights areas. He asked if these maps have been provided yet. T. Scott stated that there are maps available and offered to follow up on this with Cr Davidson.

4. CHAIRMAN'S REPORT

Cr Chinn reported that he received a call from a ratepayer advising him that they would be withholding the Animal Health Board portion on their rate demand. The caller advised Cr Chinn that this move was directed at the Animal Health Board and not the West Coast Regional Council.

Moved (Chinn / Birchfield) *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

M. Meehan spoke to his report and advised that the Environmental Protection Bill passed its first reading unanimously and they are now looking at rolling out the new authority on 1 July 2011.

M. Meehan reported that council has made a submission on the Draft Canterbury Regional Policy Statement 2010 regarding the importance of maintaining the regional link at State Highway 73.

M. Meehan advised that the Lakes Workshop was hosted recently by the West Coast Regional Council with Envirolink and DoC contributing to the funding of this workshop. M. Meehan reported that Federated Farmers, Fish and Game and jet boaters along with other interested groups attended this very useful workshop and he is hopeful of ongoing input from these agencies to achieve the best possible outcomes for our lakes. Cr Archer asked M. Meehan if he feels that the Environmental Protection Agency will be able to achieve what they set out to do in view of the composition of this new agency. M. Meehan responded that he is yet to have a thorough look at this but he will report back to council on this matter. Cr Archer is intrigued by the timeframes for decisions.

Moved (Robb / Birchfield) *That this report be received*

Carried

5.1.2 PROPOSED REGIONAL LAND AND WATER PLAN

M. Meehan spoke to this report and advised that this plan combines three of Council's resource management plans. He advised that 60 submissions have been received with two of these being late submissions. M. Meehan reported that staff are currently summarising the submissions and these will be notified publicly on the 10th of January with the closing date for further submissions being the 28th of January 2011.

Moved (Archer / Robb)

1. *That the Council receive this report.*
2. *That the Council accept the two late submissions.*
3. *That the Council agree to further submissions being open until 28 January 2011.*
4. *That the Council appoint all members of the Resource Management Committee as available, to hear submissions, make and release decisions on submissions on the Proposed Land and Water Plan.*

Carried

5.1.3 REGIONAL PEST PLANT MANAGEMENT STRATEGY FOR THE WEST COAST

C. Ingle spoke to this report and advised that this is the final stage for the Regional Pest Plant Management Strategy review. C. Ingle advised that there have not been any appeals to the Environment Court and therefore Council can now formally adopt and affix its seal to the strategy.

Moved (Robb / Archer)

That Council adopt the Regional Pest Plant Management Strategy 2010 for the West Coast by affixing the seal of the Regional Council to the Strategy as per section 79F(2) of the Act.

Carried

5.1.4 SUMMARY OF THE 2010 NEW ZEALAND COASTAL POLICY STATEMENT

M. Meehan spoke to this report advising that Council made a substantial submission to this policy statement. He stated that the new policy statement is better structured and its policies are more specifically targeted to coastal issues. M. Meehan advised that Council should be aware that some of the requirements may incur additional costs when reviewing the regional policy statement and coastal plan and in particular the requirement for natural character and hazard identification. M. Meehan reported that our submission to withdraw the requirement to have Restricted Coastal Activity status in Regional Coastal Plans was successful, and this will make the consent process for applicants much more straight forward. Cr Archer asked if management has had the opportunity to consider what the likely costs are for the identification of coastal hazards and is there a timeline requirement under the policy statement to achieve the outcomes in the policy statement. C. Ingle advised that staff have not yet had the opportunity to investigate costs involved but these requirements would be looked at when the Coastal Plan Review takes place in February. C. Ingle commented that the Minister has done consent applicants a favour by taking out the restricted coastal activities but she has now put a burden on the ratepayers of the region at the same time by requiring hazard studies and natural character studies at the plan review phase. He stated that he is awaiting advice and guidance from the Coastal Planners forum on this matter. Cr Archer commented that he is not sure if this is a function exclusively for regional councils or if it is a district council matter.

C. Ingle agreed that District Councils would need to be involved. C. Dall advised that advice would be taken from central government on these matters especially regarding hazard identification. Cr Cummings drew attention to page 2 of last month's minutes when S. Moran had advised that a tougher line would be taken for coastal settlements in terms of discouraging seawalls. Cr Cummings asked if anyone has been told that they cannot erect a seawall. C. Ingle responded that the Minister is looking making the process to get a seawall consent a lot simpler but they are still saying that the building of a seawall should not be looked at as the first option for coastal erosion as often seawalls can actually cause adverse affects to neighbouring properties and can make beaches steeper. C. Ingle stated that the seawall at Punakaiki has been very successful. M. Meehan stated that all consent applications would be treated on a case by case basis.

Cr Archer drew attention to the statement in the document "*the natural darkness of the night sky*", he expressed both concern and amusement at this.

Moved (Archer / Robb)

1. *That this report be received.*
2. *That Council notes the requirements for natural character and natural hazard assessments for next year's Coastal Plan Review.*

Carried

5.1.5 REMOVAL OF RCA'S FROM REGIONAL COASTAL PLAN

M. Meehan spoke to this report and advised that usually the removal of rules from a Plan would have to go through a formal plan change submissions process but the new policy statement allows for a more straightforward approach. T. Scott expressed concern that once the plan becomes operative it will be a long time before there are changes. C. Dall clarified that those activities that were formerly restricted coastal activities now become discretionary activities and council still has the discretion to decline or approve consent. He advised that one positive aspect is that the public notification process is no longer required and these matters can now be dealt with as a non- notified application or a limited notified classification. C. Dall gave an example of how this could be dealt with under the new legislation.

Moved (Archer / Davidson)

1. *That this report be received for information.*
2. *That the Council set 14 January 2011 as the operative date for removing the Restricted Coastal Activity provisions from the Regional Coastal Plan for the West Coast.*

Carried

5.1.6 AQUACULTURE LEGISLATION AMENDMENT BILL (NO 3)

M. Meehan spoke to this report. He advised that currently there is only one aquaculture operation on the West Coast, which is in Jacksons Bay. M. Meehan advised that Council does not see any major implications

to this legislation for the West Coast. He suggests that Council staff make a brief submission supporting the removal of the requirement for aquaculture to take place only in Aquaculture Management Areas identified in coastal plans. M. Meehan advised that if someone applies for a new marine farming operation they would still need to go through the consenting process.

Cr Archer asked if the submission does not gain the support of the Select Committee then what ramifications or implications might there be for Council. M. Meehan advised that if this legislation doesn't go through then there is still the opportunity for council to review its coastal plan and identify these areas. C. Ingle advised that this was looked at some years ago when the Bill was put in place by the previous government. C. Ingle stated that council engaged some consultants at this time and the consultants recommended that Council do nothing, as there weren't any developers interested in this region at the time. C. Ingle noted that the Jacksons Bay marine farm consent application went through a very robust consenting process.

Moved (Archer / Birchfield)

That the Resource Management Committee approve making a brief submission on the Aquaculture Legislation Amendment Bill (No. 3) supporting the removal of the requirement for aquaculture to take place only in AMA's identified in regional coastal plans.

Carried

5.1.7 CIVIL DEFENCE & REGIONAL TRANSPORT REPORT

C. Ingle spoke to this report. He advised that staff have assisted with the Pike River Mine incident and have assisted Grey District Council in a Civil Defence role. He stated that field staff are still involved in laying cables and cutting tracks through bush to assist with the recovery operation. C. Ingle reported that the West Coast CDEM Group have won their bid for \$60,000 worth of funding for the purchase installation and maintenance of satellite dishes for the four local councils.

C. Ingle reported that the Group meeting was held yesterday. He advised that Mayor Kokshoorn was once again appointed as the Chair of the Civil Defence Group for the next three years. C. Ingle reported that the review of the Constitution was also approved at this meeting.

C. Ingle reported that the Regional Transport Committee is due to meet in early February. He advised that Iwi are yet to advise of their representatives for this committee, he requested that T. Scott follow up on this matter.

Moved (Birchfield / 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. He reported that the end is near regarding the appeals relating to the TrustPower Arnold Valley Power Scheme. C. Dall advised that the remaining parties have signed a joint memorandum in relation to the latest decision from the Environment Court. He advised that agreement has now been reached on all outstanding matters, and final sign off from the court is now awaited.

C. Dall reported that the appeals relating to the consents granted for Hydro Developments Ltd hydro scheme on Stockton Plateau have now been resolved so this scheme can now go ahead pending approval from the Minister for Conservation for the ocean outfall component.

C. Dall reported that appeals for Solid Energy's Ltd alternative proposal for Stockton Plateau's power scheme have been refined. He advised that additional information has been provided and mediation is being looked into to see if an agreement can be reached relating to this appeal.

Cr Cummings declared an interest in RC09163, Amalgamated Mining Ltd.

Cr Birchfield asked C. Dall if HDL and Solid Energy Ltd are arguing over the same water. C. Dall agreed that both parties want to use the same resource. Cr Birchfield asked how would the decision be made. C. Dall advised that the RMA is based on the first in, first served principle and in this case HDL was first in line. C. Dall reported that currently there are no alternative mechanisms to deal with cases like this but one way around it is to give HDL time to get their consents up and running and if they don't achieve this then Solid Energy Ltd would be next in line to utilise the resource. Cr Birchfield asked if a time has been put on HDL for this purpose. C. Dall responded that there is a clause in their consents called a lapsing period which is ten

years. C. Dall clarified that HDL has priority to proceed. Cr Archer asked if there is scope for the mediation outcome to actually grant consent. C. Dall advised that in principle Council cannot grant consents that will derogate from HDL's ability to exercise its consents but if HDL were not able to start its scheme then the resource is still available.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall reported that the consent holder for gravel extraction at Organs Island was asked to cease extraction due to the resource being significantly depleted. C. Dall reported that a joint inspection of whitebait stands on some rivers has been carried out with the DoC. C. Dall advised that quite a few issues were identified including large huts with chimneys in the coastal marine area. He stated that the relevant parties have been asked to either relocate or remove these structures. Cr Cummings asked what is the difference between removing the hut and relocating it. C. Dall said that they need to be moved to above the high water level. C. Dall advised that one hut would require a building consent from the district council due to its large size and he doubts if consent would be granted.

C. Dall reported that staff are following up on a dust nuisance complaint at the Ngakawau Coal Handling Facility. C. Dall advised that a number of complaints were received towards the end of the reporting period and that is why they are still under investigation.

C. Dall reported that two abatement notices and three infringement notices were issued during the reporting period.

C. Dall gave all councillors a copy of the sentencing notes relating to the prosecution of OceanaGold for the unauthorised discharge of sediment to Devils Creek. He advised the company was fined \$23,000 for this offence. C. Dall reported that a dairy farm in the Whataroa area was fined \$12,000 for unauthorised discharge of dairy effluent. This fine was reduced because the court took into account the poor financial situation of the company.

C. Dall reported that around half of the work programmes for mining operations were approved during the reporting period. He advised that some of the work programmes require more work prior to being approved.

Cr Cummings asked if the court considers the ability of the person to pay their fines in every case. C. Dall responded that under the sentencing act it is now mandatory that the party / parties has to provide a financial statement.

Moved (Archer / Robb)

1. *That the December 2010 report of the Compliance Group be received.*
2. *That Council release the bond held for Resource Consent RC09092*

Carried

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.40 a.m.

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Chairman

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Date