

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 10 MAY 2011 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.

PRESENT:

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

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

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. MINUTES

T. Scott drew attention to two missing words on page 2 of the minutes. The sentence should have read, "following the February earthquake in Christchurch". It was agreed that "earthquake in" would be added to this sentence. (see April minutes for the handwritten addition of these two words).

Moved (Archer / Scarlett) *that the minutes of the previous Resource Management Committee meeting dated 12 April 2011, be confirmed as correct, with the correction included.*

Carried

Matters Arising

There were no matters arising.

4. CHAIRMAN'S REPORT

Cr Chinn stated that he has nothing to report this month.

Moved (Chinn / Birchfield) *that the Council receive this report.*

Carried

5. REPORTS

5.1 PLANNING AND ENVIRONMENTAL GROUP

5.1.1 PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT

M. Meehan spoke to this report advising that planners have met in Wellington for caucusing for the Wetlands Appeal. He advised that a joint statement is being drafted and is due for completion on the 20th of May. The Environment Court date is now the 1st of August 2011.

M. Meehan reported that council has made a submission on the National Policy Statement on Indigenous Biodiversity which is attached to his report.

M. Meehan reported that a successful application for \$60,000 has been made to the Biodiversity Fund for fencing and planting at Lake Poerua. M. Meehan advised that further projects are being looked at for the Lake Brunner catchment. He stated that a good response was received from the article in the newsletter advising that council can provide assistance to other ratepayers to help them to access the Biodiversity Fund.

M. Meehan reported that the Marine and Coastal Area Bill has passed its final reading and will soon become law. The Bill will have little impact owners of coastal land on the West Coast; private freehold title landowners will be unaffected. M. Meehan advised that current consents, leases licences and permits will also continue unaffected. He advised that renewed or new consent applications would only be affected if customary title were sought for that particular area. M. Meehan advised that this has been discussed with Makaawhio but there has not been a response from Ngati Waewae on this matter.

M. Meehan reported that the National Policy Statement on Renewable Electricity Generation will come into effect on the 13th of May. M. Meehan advised that planning staff are working through what changes will be necessary as it is likely that changes will need to be made to the Regional Policy Statement and to our Plans.

M. Meehan reported that the National Policy Statement for Freshwater Management has now been released. He advised that council made a submission on this policy statement and it is looking as though there will be additional costs to council for monitoring and further plan changes. M. Meehan stated that Government is looking to target catchments and is looking to regional councils to set numerical water quality standards in each catchment, which could affect future consent applications. M. Meehan advised that a staff report would be provided for the next meeting on the potential implications on this NPS.

M. Meehan reported that funding has been received from Envirolink for new projects in Lake Brunner. M. Meehan reported that staff are working on the State of Environment report which is due on the 30th of June.

M. Meehan reported that the Waiho River is again causing issues with flood warning but it has not been as bad this month as previous months. He advised that council has commissioned a report into the longterm strategy for flood protection in the Waiho River.

T. Scott asked if the NPS for Freshwater Management has been released yet. C. Ingle responded that the NPS was released yesterday. The basic points are that it comes into affect on the 1st of July, it is based on the previous NPS that Council submitted on but the Minister has taken out some of the more controversial objectives and policies that would have made things difficult. The main costs would fall on regional councils. He stated that the new NPS is quite directive and tells councils what they must do and gives timeframes for changing regional plans which is about three or four years. Cr Archer asked C. Ingle if the original proposal for the NPS was to address and require to monitor and undertake study on every river to determine the quantity and quality of water is still in place. C. Ingle responded that he is yet to look into the detail but this matter is something that council may wish to speak to the Minister about when he visits on the 26th of May. C. Ingle stated that should this council be required to do three or four times the amount of monitoring and planning for the level of issues that we have with water quality then this would be an inefficient use of resources. Cr Archer asked M. Meehan if the NPS on Renewable Electricity Generation is retrospective from the point of view of current consents that are before the Environment Court, and are these consents before a decision is made, required to take into account the new NPS. C. Dall responded that the new NPS would need to be taken into account under Section 104, 1C of The Act. Cr Archer asked if there are any internal proposals and financial ramifications for compliance with the requirements of meeting the NPS being considered. M. Meehan responded that changes would be required for the Regional Policy Statement and the Land and Water Plan. Cr Archer asked if financial ramifications would need to be addressed for the Annual Plan and for the new financial year. M. Meehan responded that changes would not be required until May 2013, he stated that the Regional Policy Statement review would be held as a matter of course. C. Ingle advised that council's plans have already gone some way in this direction to enable small scale hydro schemes to go ahead although the plans had not gone as far as having a permitted activity rule for small scale schemes. He feels that this NPS is about encouraging council to carry on in the direction that they are going in.

Cr Chinn asked councillors for their opinions on the submission on the Proposed National Policy Statement on Indigenous Biodiversity. Cr Scarlett stated that this is a very good submission and that staff should be congratulated on putting forward such a good submission. Cr Archer concurred with Cr Scarlett. Cr Archer asked if there was any likelihood of the success with the acceptance of the proposal to get a directive to protect at least 30% of wetland types that have

fallen below threshold. Cr Archer stated he supports the general principle and concept as it allows for the regeneration of these wetland types throughout the country. C. Ingle stated that he feels it is possible, as wetlands is a big part of the NPS for Freshwater Management as well, and the important function of large wetlands in drier regions where they maintain the base flows of rivers. He advised that wetlands are being looked at from a multifaceted perspective and it may be that in the interests of irrigation and land use in the future that the enhancement of wetlands is promoted quite strongly in other regions. C. Ingle stated that the Biodiversity NPS on wetlands did not have its thinking very clear on wetlands as there had not been enough research and homework put in. C. Ingle feels that our detailed submission could provide an opportunity to influence the final decision on this NPS. Cr Archer stated that if the status quo is to remain unchanged then the West Coast is going to continue to be the conservation conscience of New Zealand and we will be required to provide all the wetlands for the whole country. T. Scott stated that he feels there needs to be very tight controls on how wetlands are managed. C. Ingle reminded T. Scott that this council is currently going through a series of court cases to establish this. T. Scott expressed his disappointment that DoC is criticised in the submission. Cr Davidson stated that the DoC has a major impact on the West Coast with 83% of the West Coast being in the conservation estate and 30,000 people are trying to survive on the rest of the land. Cr Archer stated that the DoC and other likeminded people, make submissions on consents based on their perceptions and do not take into account the statutory requirements of the RMA as they address conservation and not matters such as the economic, social or cultural matters. Cr Archer stated that in future commissioners might ask these submitters what consideration they have given to these matters when making their submissions.

Cr Birchfield asked if consents applications could be processed if there is a customary title in the area relating to the Marine and Coastal Area Bill. M. Meehan responded that both Makaawhio and Ngati Waewae were approached to get an indication on whether there are any customary titles sought in the areas on the West Coast. Makaawhio indicated that this matter is not on their horizon and Ngati Waewae is yet to respond. Cr Birchfield asked for further clarification on what avoiding reverse sensitivity effects on consented and existing generation activities means in relation to the NPS on Renewable Electricity Generation. Cr Archer gave an example of reverse sensitivity, where development is allowed in a rural area, that development occurs and then a person then moves into the area and then doesn't like what they encounter (e.g. rural smells and noise).

C. Ingle advised that he applied the Council seal on the \$60,000 Biodiversity Funding grant which council now has to administer.

Moved (Scarlett / Robb) *that this report is received.*

Carried

5.1.2 CIVIL DEFENCE & REGIONAL TRANSPORT REPORT

C. Ingle spoke to this report advising that work is progressing well with the Weather Radar. C. Ingle reported that a further funding application is being made to the Resilience Fund for an opinion survey on the community's attitude towards preparedness. C. Ingle advised that staff have investigated the policy on government financial support in recovery from Civil Defence Emergency Management events as we may be able to use this fund to assist with the various recovery work that has occurred following the December 28th floods. This could include the proposal for works in the Saltwater Creek / New River catchments which possibly could be part funded by civil defence funding. C. Ingle advised that this funding opportunity is being pursued. C. Ingle reported that the hearing for the Regional Land Transport Strategy is scheduled for the 17th of May and will be chaired by Cr Chinn. C. Ingle advised that there would be a Regional Land Transport Committee meeting on the 27th of May to ratify the decisions made at the hearing and to finalise the Regional Land Transport Strategy for the next few years. C. Ingle reported that the Minister is currently working on a GPS for Land Transport Funding. He advised that it is unlikely that there will be any significant impact on the programmes on the West Coast.

Cr Archer advised that management from Buller District Council requested that he pass on how very impressed they had been with the Regional Council's response to the Christchurch earthquake and in particular the quick and timely sharing of information to other councils. M. Meehan in particular was mentioned for his good work.

Cr Cummings asked if there has been any contribution from NZTA for the works at Saltwater Creek. M. Meehan responded that there will be a contribution and NZTA is contributing to the current work that the district council is carrying out.

Cr Chinn asked if the funding being applied for from Civil Defence could be used for private works that have sustained flood damage. C. Ingle responded that the government criteria state that it has to be council owned infrastructure, and the proposed new protection works at Saltwater Creek / New River would need to apply for special policy.

Cr Davidson asked if we now have adequate radio communications to cope in a civil defence emergency should there be a major disaster. C. Ingle responded that the satellite dishes give councils a large amount of comfort even if telephones and cell phone towers are down. Cr Davidson stated that he does not feel that there is sufficient energy and fuels or storage on the West Coast. He feels that should there be a major disaster fuel is going to be a high priority. Cr Birchfield stated that there is difficulty with fuel supply at the moment and should there be an earthquake we would run out within a few days. Further discussion took place on fuel availability and fuel storage on the West Coast. Cr Davidson feels that fuel storage should be a high priority for civil defence. C. Ingle advised that the Lifelines Group who is part of Civil Defence put out a study on fuel storage on the West Coast but he noted that it was difficult to get information from these who have fuel storage capacity. Cr Davidson requested that a report on fuel storage on the West Coast is brought to the next meeting.

Moved (Scarlett / Cummings) *that the Council receive this report.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to this report advising that the main issues during the reporting period have been the granting of a limited notified resource consent for a large treatment dam on the Stockton Plateau relating to Solid Energy's Ltd Stockton Coal Mine. C. Dall advised that this area is upstream of the consents that were granted for Hydro Developments Ltd operations. Cr Birchfield asked if HDL Ltd is ready to go. D. Dall responded that HDL's consents were confirmed in the Environment Court and they can now be implemented.

C. Dall reported that he has been busy collating information for the Royal Commission on the Pike River Coal Mine tragedy.

Moved (Archer / Robb) *that the May 2011 Consents report be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall spoke to this report advising that staff are continuing with dairy effluent inspections. He drew attention to a number of infringement notices that have been issued to farms who have not completed remedial work as requested by council previously.

C. Dall reported that there continues to be an increase in alluvial gold mining operations around the region with some issues being identified in relation to water management.

C. Dall advised that he has one change to his report, which relates to a bond release for RC07186, the bond holder is DH Mining Ltd. C. Dall proposes that the release of the bond is recommended once a replacement bond for the same amount has been lodged with the council. This bond release is expected this week.

Moved (Archer / Scarlett)

- 1. That the May 2011 report of the Compliance Group be received.*
- 2. That Council release the bond for RC07186 held by DH Mining Ltd once a replacement bond for \$6,000 has been lodged with Council.*

Carried

Cr Scarlett asked C. Dall for further information on site visits, under the activity heading, where the complaint response of six visits and 100% fully compliant rate. Cr Scarlett assumes there were six complaints and every one of these complaints was found to be compliant. C. Dall responded that sometimes a complaint is received and upon investigation it is found that an activity is happening but it may be complying with the relevant rules, or it may have stopped by

the time the officer arrives on site. C. Dall advised that the term "compliant" means that at the time of inspection, staff did not find any non-compliance with the relevant rules or resource consent conditions. T. Scott asked if resource consents are available to complainants. C. Dall advised that resource consents are readily available to anyone who requests them. Cr Birchfield noted the standard two complaints received in the Stafford area.

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.14 a.m.

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Chairman

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Date