

## THE WEST COAST REGIONAL COUNCIL

### MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 14 JULY 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, T. Archer, D. Davidson, A. Robb, A. Birchfield, 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), A. Mahuika (Minutes Clerk)

#### **1. APOLOGIES**

There were no apologies.

#### **2. PUBLIC FORUM**

There was no public forum.

#### **3. MINUTES**

Cr Cummings drew attention to page 6 of the minutes where it states that Cr Cummings did not "like" the media article. Cr Cummings stated that he said he did not "write" the media article and he would like this changed. (see July minutes for the handwritten correction).

**Moved** (Scarlett / Robb) *that the minutes of the previous Resource Management Committee meeting dated 14 June 2011, be confirmed as correct with the correction to Cr Cummings statement included.*

*Carried*

#### **Matters Arising**

Cr Cummings asked if the monitoring of the quality of water in West Coast lakes is a waste of money if both Council and DoC are doing this. C. Ingle clarified that these comments relate to the lakes in the southern part of the region where they are not impacted by human activities. C. Ingle advised that his comments meant that this council would not bother doing water quality monitoring in these lakes as we know that they are clean. M. Meehan advised that some water quality monitoring has been done in these lakes and this has confirmed that the lakes are clean. C. Ingle advised that the two lakes that council is most concerned about are Lake Brunner and Lake Haupiri. Cr Birchfield stated he would like to see more monitoring done in lakes where there is no farming activity in the vicinity. M. Meehan responded that a lot more monitoring is now being done especially in Lake Haupiri and trend monitoring is now being started. M. Meehan advised that there are also control sites at Lake Mahinapua.

#### **4. CHAIRMAN'S REPORT**

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

**Moved** (Chinn /) *that this report is received.*

*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 the West Coast Waste Management Working Group reconvened on the 9<sup>th</sup> of June. M. Meehan reported that Cr Cummings attended this meeting and ideas for regional waste minimisation were discussed. It was also agreed to seek funding for analysis on the volume and type of waste that is brought to the three main landfills.

M. Meehan reported that the High Court's decision has been received on Council's appeal on the Environment Court's interim decision on ecological criteria for significance for West Coast Wetlands. M. Meehan reported that the Court did not accept council's legal arguments and has dismissed the appeal.

M. Meehan reported that work on surface water quality monitoring is continuing with an internal and external review of the draft State of Environment Report and he will be presenting this to councillors via a workshop once this task is completed.

M. Meehan reported that the Waiho River is continuing to go through flood warning alarms, this is not causing any major issues at the moment. M. Meehan advised that council staff are continuing to work with NZTA contractors regarding the raising of the bridge to ensure that council's flood warning services continue functioning properly.

Cr Birchfield asked if landowners involved in the wetlands case have been notified as to the current status. M. Meehan advised that this was an appeal on a point of law on the interim decision, and the wetlands case is still going ahead. C. Ingle advised that our Planner would be attending the Environment Court fixture on the 15<sup>th</sup> of August. C. Ingle advised that landowners would be notified once the court has made its decision.

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

*Carried*

#### 5.1.2 REPORT ON FRESHWATER NATIONAL POLICY STATEMENT

M. Meehan spoke to this report advising that this NPS takes effect from the 1 July 2011 and councils planning documents must give effect to the NPS. M. Meehan advised that the NPS sets out the importance of managing water quality and quantity well to achieve the purposes set out in the RMA. M. Meehan stated that the NPS also requires councils to set freshwater quality limits and set environmental flows and levels for all water bodies. M. Meehan stated that through its Proposed Land and Water Plan, Council has already set limits on water quality in the Lake Brunner catchment. Council has also set aquatic and contact recreational standards as per the Third Schedule of the RMA for contact recreation sites and all other water bodies identified in the Plan. M. Meehan advised that the NPS endorses the role of regional councils in freshwater management and this can be seen as a vote of confidence in regional councils to manage this important resource. He also stated that the NPS allows council's to set their own water quality limits and environmental flows and acknowledges regional differences in terms of freshwater management requirements and options. M. Meehan stated that the NPS allows for the phasing in of changes to policy statements and plans. M. Meehan explained water quality and water quantity objectives and policies to the meeting. He advised that it would not be an efficient use of resources or time for council to undertake water sampling in every water body in our region and to set targets in every water body as there is no human activity in a lot of the water bodies in South Westland. M. Meehan advised that there is a policy included that requires councils to impose conditions on discharge permits and this requires the adoption of the best practical option to prevent or minimise adverse effects on the environment for any discharge. M. Meehan stated that this has been the case for the Lake Brunner catchment with council requiring the best practical option in this catchment with council moving towards low application rate effluent systems as opposed to discharges from pond systems. M. Meehan explained the objectives required for water quantity including for the efficient allocation of water whilst protect the life supporting capacity, ecosystems processes and indigenous species. M. Meehan advised that council has policies around these matters in our Plan. M. Meehan stated that given the West Coast has plentiful water, there may be only limited work to do in some catchments that have low flows and some abstraction during the summer months, particularly in the Grey Valley. M.

Meehan advised that water quantity is more aimed at regions such as Canterbury where water allocation is a major issue. M. Meehan spoke of the need for councils to manage water in an integrated manner, he stated that this is well recognised in our policy documents. M. Meehan drew attention to the objective to provide for the involvement of Iwi and hapu to ensure that Tangata Whenua values and interests are identified and reflected in the management of freshwater. M. Meehan advised that Policy E1 requires all regional councils to implement the policy as promptly as reasonable and that it is fully implemented by 31 December 2030. M. Meehan advised that council will work towards a timeframe of 31 December 2014 and if everything can be implemented by then council will not have to provide a timeline approach to the NPS. M. Meehan advised that this gives council 3 ½ years to fully implement the NPS unless it decides to adopt a programme of defined time limited stages. M. Meehan stated that the key implications for council would be the setting of water quality and water quantity limits for water bodies. M. Meehan stated that feedback to date reveals that this NPS is not aimed at the West Coast region as we have relatively good water quality. He advised that he is looking working closely with other regional council's to respond to the NPS's requirements, this involves the sharing legal advice.

Cr Chinn opened this for discussion. Cr Birchfield stated that he disagrees with the 6<sup>th</sup> bullet point in the report that says *"it would neither be an efficient use of resources to undertake sampling in every single water body in our region to set targets based on that particular water body's water quality. We do not monitor every water body in any case. The limits set in Lake Brunner have been established based on over a decade of intensive water sampling and monitoring."* Cr Birchfield believes it would be a good idea to test all water bodies in the region. Cr Birchfield feels that it would not cost a lot of money to test all water bodies. Cr Robb asked what defines a water body - is it the size based on a lake, river or stream? M. Meehan responded that the NPS says "any water body". He stated that to set limits on every water body on the West Coast would involve quite a lot of water sampling at quite a high cost. C. Ingle clarified that water body definition in the RMA includes wetlands as well. M. Meehan stated council would need to work out how many water bodies are actually on the West Coast, work out where sampling would be taken, what they would be sampled for and then go back and do general sampling to be able to set the limit in that catchment. Cr Robb stated that he understands Cr Birchfield's point in terms of having a comparison but Cr Robb is concerned about monitoring an area where there is no human activity, he asked if there are control sites that can be used. M. Meehan advised that there are control sites in some areas. Cr Scarlett asked if there is much variation in these sites where there is no human activity. M. Meehan confirmed that there is very little variation in these areas. T. Scott stated that benchmarks are needed but he asked where are the benchmarks and what are we benchmarking against. T. Scott stated that this would be a massive task; he asked if Lake Mapourika is monitored. M. Meehan responded that this lake is monitored. Cr Scarlett asked if monitored water bodies are tested over a long period of time and there is very little variation over this time, there is no human activity and the water body is pristine, could this information be extrapolated so that most water bodies that have had no human activities would be assumed to be about the same. M. Meehan advised that workshop on the State of Environment report would be most helpful and council's scientist at the workshop can answer a lot of these questions and show council where and why sampling is done and what the trends are in particular areas. Cr Archer stated that he seriously wonders on what basis do we come to an overall view that the quality of freshwater for the region can be maintained or improved if we don't specifically know what the water quality of individual water bodies is. Cr Archer stated that he is acutely aware that it is not a cheap exercise to continually monitor and evaluate every water body. Cr Archer feels that it might be unreasonable to make a bold statement to say that all natural water ways are the same even without human intervention. Cr Archer feels that a ballpark figure is needed on what the costs of this monitoring and the benefits before embarking on a monitoring programme. Cr Archer asked if there is a view on whether or not council will be able to meet the 2014 timeline to meet the NPS. M. Meehan advised that there is 3 ½ years before the 2014 timeline and during this time council will be working closely with other regional councils and also doing internal work to ascertain whether or not we have met the policies. M. Meehan stated that he would be reporting regularly to council on this work. M. Meehan stated that the NPS has been set in place to set water quality limits in catchments that are actually affected. He advised that the NPS will give councils guidance, he gave the example of the Waikato River where there are a number of discharges going into this river. If a limit is set then someone else applies for a discharge into the river if the river is at its limit then the discharge would not be allowed. He stated that there would be little point in setting limits in catchments that are unaffected by any discharges or human activity. Cr Robb agreed with this and stated that he feels that it would be pointless to set limits in catchments if there is nothing impacting on

the water quality, especially human activity as there is nothing that could be done anyway. C. Ingle advised that the NPS is targeting regions that have serious problems with water allocation and water quality. C. Ingle stated that the West Coast region has improving water quality. He stated that the 40 sites that are monitored and have been monitored for over 10 years are all showing trends of improving water quality, especially with parameters like bacterial measures, turbidity, water clarity and ammoniacal nitrogen levels. C. Ingle stated that it would be impossible to monitor every river and lake on the West Coast and it is not reasonable or cost effective to do this. C. Ingle advised that the sites selected represent things like acid rock drainage rivers, dairy farm impacted rivers, urban impacted rivers, and gold mining affected rivers which represent all the different land use types of human activity on the West Coast. C. Ingle advised that it is quite reasonable for council to use these 40 sites to measure on an ongoing basis as they represent all water bodies in the region. He stated that as long as council continues to measure these then targets can be set to ensure that they are being met. Cr Robb agrees with this and asked if it would be acceptable to the ministry. C. Ingle stated that he believes that it would be acceptable. C. Ingle reminded councillors of Dr Smith's recent visit when he advised that this council is doing a good job and he raised no issues that he is concerned about. C. Ingle offered to get costings for benchmarking to see how much it would cost to do more monitoring but it is not just about taking one sample on one day as a number of samples are required for each site, for statistical accuracy. Cr Birchfield clarified that he presumed water bodies meant lakes and he would like other lakes to be measured as well as Lake Brunner. M. Meehan advised the Jonny Horrox, council's Scientist, would present the State of Environment Report to the next council meeting and he will also cover water quality in West Coast lakes.

**Moved** (Archer / Robb)

1. *That Council receives this report*
2. *That Council notes that the National Policy Statement on Freshwater Management requires water quality limits and environmental flows to be set for all bodies of freshwater in the region.*
3. *That Council notes that the Council is required to fully implement policies of the National Policy statement by 31 December 2030 but if that is impracticable to fully implement those policies by 31 December 2014 then the Council may implement policy by a programme of defined time limited stages.*
4. *That Council notes that the majority of policies and objectives it would seem are already provided for in the Proposed Land and Water Plan.*
5. *That Council notes that further work will be undertaken on the requirements of the National Policy Statement on Freshwater Management for consideration by the committee.*

*Carried*

### **5.1.3 CIVIL DEFENCE & REGIONAL TRANSPORT REPORT**

C. Ingle spoke to this report advising that the Coordinating Executive Group met on the 17<sup>th</sup> of June. He stated that the installation of the satellite communications is almost completed, these will operate when phone lines and cell towers are down during a major event.

C. Ingle reported that he has been informed that the second application for funding to undertake a West Coast wide preparedness survey for civil defence has been successful. C. Ingle reported that an exercise would be held in November for a Vanuatu tsunami scenario which will involve the district councils and will test our monitoring systems.

C. Ingle reported that the Monitoring and Evaluation assessment of the West Coast Civil Defence Emergency Management Group is still awaited. He advised that the recent Canterbury earthquakes have hampered this but the West Coast is ranked in the middle of the table out of the 15 civil defence groups. C. Ingle reported that he sent a letter out to the four main fuel companies regarding fuel storage on the West Coast but he is yet to receive a reply.

C. Ingle reported that the proposed changes to the Land Transport Management Act Amendment have not caused too much concern as council already uses a very streamlined approach with our transport committee meetings and policy documents and processes. C. Ingle reported that the NZ Transport Agency Proposals for Targeted Changes to Funding Assistance Rates is of major

concern. He advised that complete removal of this grant equates to around \$57,000 per year loss of revenue to the West Coast Regional Council. C. Ingle stated that the loss of the in kind donation component for road safety also threatens the viability of the programme. C. Ingle stated that this proposal has major implications for council's ability to continue to do our regional land transport tasks and road safety unless rates are put up. C. Ingle stated that since the writing of this report a draft submission to the NZ Transport Agency has been circulated to councillors and if councillors are happy with this submission it would be sent off tomorrow. Cr Chinn stated that he feels this submission was very well put together.

**Moved** (Scarlett / Archer) *that this report be received and the submission be approved.*

*Carried*

## **5.2 CONSENTS AND COMPLIANCE GROUP**

### **5.2.1 CONSENTS MONTHLY REPORT**

C. Dall spoke to this report advising that a number of the non-notified resource consents granted relate to roading and rail structures that are requiring maintenance. C. Dall reported that Buller Coal Limited's consent applications for its proposed Escarpment Mine was adjourned, then reconvened last week and adjourned once again. Cr Archer advised that the applicant has indicated that they will do a right of reply on the 22<sup>nd</sup> of July. C. Dall reported that he has completed Council's evidence in relation to the Pike River Royal Commission and the Commission has requested further information. C. Dall reported that since writing this report he has been asked to give evidence at the hearing in a couple of days time.

**Moved** (Archer / Davidson) *that the July 2011 report of the Consents Group be received.*

*Carried*

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

C. Dall spoke to this report. He advised that staff are currently following up on some issues regarding operations at OceanaGold's Globe Progress Mine and at Solid Energy's Stockton Coal Mine. C. Dall advised that he would report back on these matters at next month's meeting. C. Dall reported that there is an ongoing increase in gold mining activity around the region. He stated that the media had requested further information on this matter and he has provided a comparison of the number of mining application activities processed five years ago compared to how many were processed last year and this has revealed that numbers have almost doubled.

C. Dall reported that five abatement notices were issued during the reporting period with some of them relating to the same problem. C. Dall reported that the sentencing hearing for the prosecution of Mr David Marsh's illegal discharge from his gold mining operation was held during the reporting period. T. Scott asked what is the smell in relation to OceanaGold's gold mining operation. C. Dall responded that this odour is related to the chemicals used to treat the mine water.

Cr Birchfield stated that he is concerned about the \$28,000 that Mr Marsh was fined. He stated that criminals don't get fined at this level and these are honest hard working people. Cr Birchfield feels that this should be managed in house. T. Scott commented that it is not for council to comment on and that the courts make the decisions and that there are processes that people can go through to appeal such as the High Court. T. Scott feels that there should not be "mates rates" for breaches of compliance orders.

**Moved** (Archer / Robb)

1. *That the July 2011 report for the Compliance Group be received.*
2. *That Council release the bond held for Resource Consent RC04021*

*Carried*

**6.0 GENERAL BUSINESS**

There was no general business.

The meeting closed at 11.27 a.m.

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Chairman

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Date