

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 13 MARCH 2012 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.32 A.M.

PRESENT:

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

IN ATTENDANCE:

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

1. APOLOGIES

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. MINUTES

Moved (Davidson / Robb) *that the minutes of the previous Resource Management Committee meeting dated 7 February 2012, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

4. CHAIRMAN'S REPORT

Cr Chinn reported that he attended the Councillors Budget Workshop on the 24th of February and on the 28th of February he chaired the Regional Land Transport Committee meeting which was hosted by Council.

Cr Chinn welcomed Cr Cummings back to the council table following his recent spell of ill health.

Moved (Chinn / Archer) *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 his report advising that four tenders have been received for the identification of areas of Outstanding Natural Character as part of the Coastal Plan review. He is currently going through the evaluation of these tenders with the district councils and the tender will be awarded next week.

M. Meehan reported that funding from Envirolink has been obtained to further investigate coastal hazards in the region. M. Meehan reported that NIWA will analyse this information for council and it will then be fed into the Coastal Plan Review.

M. Meehan reported that work has begun on the review of the Regional Air Quality Plan. He advised this plan has been operative for 10 years as of 31 July this year. M. Meehan advised that the main issue for council to look at is the Reefton Airshed.

M. Meehan reported that staff are in the final stages of finishing the recommending report for the Land and Water Plan submissions. He is hoping this will be completed by the end of the month with hearings scheduled for May / June.

M. Meehan reported that the Mt Frederick interference issue has now been resolved with the flood warning system being fully operational once again in the Buller region. Cr Birchfield asked M. Meehan how was this problem resolved. M. Meehan responded that the problem was a corroded aerial on the neighbouring Broadband site that was causing the interference.

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

Carried

5.1.2 CONTACT RECREATION REPORT

M. Meehan spoke to this report advising that these results are for the summer so far, but there are more results to come for March. He advised that overall the results are good but there are a few problem areas in the Buller river. Cr Davidson asked M. Meehan how serious is the water quality result in Lake Brunner as the result is moderate to high risk. M. Meehan responded that this is one result out of eight and it is a spot sample. He stated that on the day the sample was taken there could have been rain beforehand and runoff from subdivisions could have caused the spike. M. Meehan advised that the longterm monitoring trend is always looked at especially if there are several bad results in a row. He advised that each set of results is assessed with the results being passed on to the Compliance Team for further follow up if necessary. F. Tumahai asked if the results that are being analysed now would be reported back to the next meeting. M. Meehan confirmed that would be the case. Cr Cummings asked if the high results are related to the water temperature during the summer months. M. Meehan responded that high results are mainly linked to rainfall events and if rainfall has occurred a couple days prior to testing then this can flush contaminants through the waterways.

Cr Archer stated that Westport residents would have had an expectation that with the introduction and development of the new wastewater treatment system that the historically high readings from time to time in the Buller River would have improved. Cr Archer wonders what the cause of contaminants is in this area is. M. Meehan responded that the results from Shingle Beach and Marrs Beach have been passed onto the Compliance Team and they are linking these results with the work that Buller District Council does at the wastewater treatment plant. M. Meehan suggested he could look at providing a more detailed assessment of the Buller River sites at the next meeting.

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

Carried

5.1.3 CIVIL DEFENCE & REGIONAL TRANSPORT REPORT

C. Ingle spoke to this report advising that funding has been received from the Ministry to undertake the Public Preparedness Survey. He advised that the results of the survey would be reported back to the Coordinating Executive Group in April. C. Ingle reported that two new applications have been made to the Resilience Fund for 2012 / 2013 with first one being to make sure the West Coast has resilience for fuel. This will involve the hard wiring of emergency generators in service stations that do not already have this. C. Ingle reported that the second application is a joint one between Nelson and Marlborough to investigate providing a trainer for civil defence staff for the new information system software. C. Ingle advised that one staff member here and one at Grey District Council have been trained but it is important that everybody else is trained to use this software. C. Ingle reported that the national earthquake drill – Exercise Shakeout is schedule to take place at 9.26 a.m. on the 26th of September.

C. Ingle reported that the Regional Transport Committee met on the 28th of February. He advised that Cr Chinn chaired this meeting. C. Ingle reported that the Draft Land Transport Programme was approved at this meeting; this was notified last night for submissions. C. Ingle advised that the Hearing Panel has been appointed and consists of all the elected members from the four councils who are involved in this committee. C. Ingle advised that Cycleways were discussed at this meeting and also the need to spend the R Funding before it runs out in a couple of years time.

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

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to his report advising that staff have been visiting farms in the Lake Brunner catchment to make farmers aware of the various requirements under the new Plan provisions. C. Dall advised that these visits are likely to result in a number of consent applications to authorise existing activities such as stock crossings and effluent discharges.

C. Dall reported that to date there has been no downturn in consent applications with 6 or 7 applications being received yesterday alone.

C. Dall reported that the consent applications that Solid Energy NZ Ltd have lodged for its proposed Mt William North Coal Mine were publicly notified and at this stage a number of submissions have been received.

C. Dall reported that he attended a Pre Hearing Conference for appeals against the consents that Buller District Council and West Coast Regional granted to Buller Coal Ltd for its proposed Escarpment Mine. C. Dall advised that Judge Newhook is currently sorting out a timeframe for appeals but one of the issues is declaration, which involves applying to the Environment Court and asking a series of questions, which are then answered by Court, based on the legal submissions put to it. C. Dall stated that the matter relates to whether or not the effects of burning coal (on climate change) are a matter that can be considered in the consent applications. C. Dall advised that Council's views and the views of the applicant were that they cannot be, whereas a number of the parties such as Forest and Bird will argue that they should be considered in the consent applications. C. Dall stated that this has wider ramifications on coal mining in general and as of yesterday, Forest and Bird and West Coast Environment have lodged their own declaration proceedings asking exactly the opposite questions to Solid Energy Ltd and Buller Coal Ltd so they are now assessing that and the declaration may be publicly notified which would mean that anyone in the country could join proceedings. Cr Archer stated that there are some fairly significant issues that may come out of this and in the unlikely event that this was successful then this could be the end of coal mining in New Zealand. C. Dall stated that the Judge made it very clear to the appellants that it would take a lot of convincing for him to change his mind. C. Dall stated that the Judge appreciates the urgency of the matter and therefore the declaration is due to be heard on the 27th of March. C. Dall stated that the effects of burning coal on climate change has been raised in numerous submissions on the Mt William North proposal. C. Dall advised that unfortunately even if the Judge does make the call that it should not be considered, that does not necessarily mean an end to the matter as that decision can be appealed to a higher court. This would mean that council could be up for ongoing costs in responding to these matters. Cr Birchfield stated that he cannot imagine this happening politically as the country is so dependant on coal, especially in the dairy industry which is the backbone of the country. Cr Scarlett stated that no other country is doing this. Cr Scarlett stated that there are no legal conventions in the world about climate change and they are just signalling that it is happening and something needs to be done at some stage. Cr Birchfield stated that this is being done through the carbon tax. C. Dall stated that the carbon tax applies to the burning of coal in this country and that is one of the arguments, that this would be double dipping. Discussion took place on the seeking of court costs on this matter. C. Ingle stated that to ensure that there is a link back to the Ministry for the Environment who are promulgating changes to the RMA, maybe this is something they could fix quite quickly while they carry out the rest of the changes they are looking at. C. Ingle asked C. Dall if he has a contact at the Ministry that he could contact to progress this matter. C. Dall confirmed that he is progressing this matter. Cr Archer stated that he is confident there will be a change in legislation in this area.

Moved (Robb / Davidson) *that the March 2012 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall spoke to this report advising that 26 dairy sheds were inspected and only one was rated as significantly non-compliant.

C. Dall reported that staff are still working their way through a problem at the Stockton Mine and a formal warning was issued.

C. Dall reported that Spring Creek Mine has now recommenced mining operations and an inspection of this mine revealed that there are adequate environmental practices in place. C. Dall reported that the company's environmental staff are actively looking into ways of minimising the impact of this type of operation further.

C. Dall reported over recent month's there has been an issue with a number of alluvial gold mining operations which relates to paperwork and making sure the miners who have been granted consents are

meeting all the consent requirements. This includes making sure they have a work programme and making sure they have necessary bonds in place before they begin mining. Cr Birchfield stated that the new role that VCS are playing would help considerably in this area.

C. Dall reported that there has been a typical range of complaints during the reporting period.

C. Dall reported that five infringement notices were issued during the month with one farm being issued two infringement notices, one to the farm owner and one to the farm manager.

C. Dall reported that there are two bonds recommended for release with one of them being replaced immediately with a replacement bond by the new consent holder.

C. Dall advised that staff are continuing to provide support to the Rena Operation in Tauranga. Cr Archer asked how long this is likely to continue for. C. Dall advised that it likely that this will continue for at least another month. M. Meehan advised that Maritime NZ is very happy with the assistance from our staff.

Cr Scarlett asked if it is necessary to get a contractor to remove a carcass from the Karamea River and would it not biodegrade. C. Dall advised that this is decided on a case by case basis depending on accessibility, whether or not it is near a public place, but there are times when it is not necessary to retrieve a dead carcass.

Cr Birchfield stated that there have been three visits to Awatuna during the reporting period. He stated that all of the complaints were unsubstantiated complaints. Cr Birchfield stated that he has been contacted by the person that they are complaining about and the complaints are now getting to the stage of becoming malicious harassment. Cr Birchfield stated if these complaints were coming from Karamea then staff would not be sent up there three times. Cr Birchfield stated that this person is being victimised because he is so handy to this office. C. Dall stated that he has been in regular contact with the person who the allegations have been made against and the latest allegations the person being complained against actually requested that staff visit, to confirm that the complaints did not have any validity. C. Dall stated that these complaints are not being treated as urgent or high priority but if someone is in the area they will check on things. Cr Scarlett asked if it is the same person complaining. Cr Birchfield stated that it is the same two people. C. Dall agreed with this.

Moved (Archer / Tumahai)

1. *That the February 2012 report for the Compliance Group be received.*
2. *That Council release the bond held for Resource Consents RC03120 (lodged by Solid Energy NZ Ltd) and RC07219.*

Carried

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