

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 14 AUGUST 2012 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,

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), M. Meehan (Planning & Environmental Manager), J. Adams (Consents & Compliance Manager), N. Costley (Regional Planner), T. Jellyman (Minutes Clerk)

1. APOLOGIES

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

1. MINUTES

Moved (Archer / Robb) *that the minutes of the previous Resource Management Committee meeting dated 10 July 2012, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

2. CHAIRMAN'S REPORT

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

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 the final decision on wetlands variation 1 has now been released by the Environment Court. He stated that a teleconference with the Court will be held next week and the next step will be to incorporate the decisions into the Land and Water Plan.

M. Meehan reported that five areas were chosen from seven areas that were recommended to the Ministers of Conservation and Fisheries by the West Coast Marine Protection Forum for Marine Reserves Applications for West Coast sites. M. Meehan advised that the marine reserves applied for are exactly the same location and size as what the Forum recommended except for the Ship Creek reserve which has been reduced at the northern end so it does not overlap with an adjoining proposed mataitai reserve.

Cr Archer asked in view of the amount of interim decisions released on the wetlands variation, now that the final whole decision is to hand, is the whole decision to be incorporated as a single document or will there be a whole lot of interim decisions. M. Meehan responded that staff are in the process of taking all the decisions from the Court through the Land and Water Plan. Cr Archer stated that it would be difficult for the layperson to pick up on a whole raft of interim decisions and try to ascertain just what the

outcome of the Court has been. C. Ingle stated that he feels that it is unlikely that the Court will tidy the process up for us, as the Court will want Council to tidy up the loose ends. C. Ingle advised that the appeals for the Water Plan need to be worked through next week and then Variation 2 needs to also be worked through. C. Ingle advised that careful consideration needs to be given to what the actual "loose ends" are and to make sure they are tidied up, as the wetlands process has been a very long process. He stated that it is important that Council does not stumble at the last hurdle and end up back in Court on some minor technicality. C. Ingle stated that this could take two to three months. Cr Birchfield asked if we now know where and what land has been locked up in the wetlands process. C. Ingle responded that the land area has not been calculated but this could be done. Cr Birchfield stated that this land has effectively been confiscated by the DoC. C. Ingle stated that this land needs to gain resource consent prior to any development taking place and DoC would be an affected party but this is not to say that it would be declined but it needs to go through the process of identifying wetland values and this involves an Ecologist's report at extra cost to the applicant. Cr Birchfield stated that this process locks land up because it makes it too difficult and costly for the owner of the private land to proceed with a resource consent. C. Ingle responded that these were the legal arguments that council presented but other parties put the opposite view and this is where the Court ended up. Cr Chinn asked M. Meehan if private landowners have been informed of wetlands on their properties. M. Meehan responded that staff are now working through this and hope to advise landowners shortly. Cr Chinn asked if a legal challenge is mounted by a private landowner, does this put Council in a difficult position for putting the wetlands into the Plan. C. Ingle responded that the Council did not put the wetlands into the Plan, as the wetlands were put into the Plan by an environment court process and the proposed wetlands were put forward by DoC and the court accepted the reasons for putting the wetlands into the Plan. C. Ingle advised that he is unsure how this would be appealed as the Court accepted the reasons for putting the wetlands in and unless you were party to the court case and then took the appeal to the High Court as council did, then you do not have any rights of appeal. Cr Scarlett queried if there grounds for a legal argument in the High Court. C. Ingle stated that he suspects that a lot of landowners are aware that they have wetlands on their properties and that there would be some rules around what they can do on those wetlands. Cr Birchfield stated that there are no provisions for compensations for these landowners. C. Ingle confirmed this and stated that he and Cr Scarlett visited the Minister regarding compensation for landowners and they did not get a response. Cr Birchfield believes this is confiscation of private property without compensation.

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

Carried

5.1.2 HYDROLOGY AND FLOOD WARNING UPDATE

M. Meehan spoke to this report advising that there was a recent heavy rainfall event which seriously affected the Buller catchment and triggered flood alarms in the Karamea, Buller and Grey Rivers on the 14th and 15th of July. M. Meehan reported that the Grey River reached 5 metres at Dobson, which required a meeting of the flood committee, but the impact on the Buller River was far greater. M. Meehan reported that the Buller River peaked at 11.48 metres which works out to a one in 18 year return period flood. He reported that the Karamea River peaked at 5 metres. M. Meehan reported that during this event engineering staff flew over the area to gauge where water bodies were sitting and to identify potential flood protection plans for the future. M. Meehan reported that there was a lot of surface flooding in Westport with stormwater systems becoming overloaded. He advised that there were around six properties who reported significant damage but it was very fortunate that the river level did not go any higher and that it was daytime and the peak coincided with low tide. M. Meehan advised that there would be further discussions with Buller District Council about future flood protection works. Cr Archer stated that should the flood event have occurred at high tide there would have been a significantly different outcome for Westport. Cr Archer asked what is the status of the NIWA report on Westport flooding that was done three or four months ago. M. Meehan responded that the NIWA report has been rolled into a document put out by MfE relating to the effects of climate change on small towns. Cr Archer asked if this is a public report. M. Meehan advised that the information from the report is available on MfE's website. M. Meehan stated that he would circulate this information to councillors. M. Meehan stated that there are two other comparable floods around a similar level from the recent flood to the 1971 flood.

Moved (Cummings / Birchfield) *That Council receive this report.*

Carried

5.1.3 REEFTON AIR QUALITY SUMMARY

M. Meehan spoke to this report and advised that since this report was written there have been two more exceedences of the National Environment Standard (NES) for PM₁₀ in Reefton with the total now being 27 exceedences. M. Meehan reported that this is the highest year on record for exceedences with a couple of these exceedences being over double the allowed level. M. Meehan stated that exceedences would continue to be advertised publicly. He stated that generally there are no exceedences after August.

Moved (Archer / Davidson) *that Council receive this report.*

Carried

5.1.4 CIVIL DEFENCE & REGIONAL TRANSPORT REPORT

C. Ingle spoke to this report advising that a region wide exercise on pandemic scenario was held on the 19th of July. He advised that this exercise was led by the health sector and was held at the hospital. C. Ingle advised this exercise was a good opportunity to trial the Emergency Management Information System (EMIS) with the development of situation reports. C. Ingle reported that the South Island Exercise will be a major exercise will be held in May next year and will probably be based on the Alpine Fault rupture.

C. Ingle reported that there has been some success with the Canterbury Regional Land Transport Programme – Mingha Bluff to Rough Creek with several changes to the Canterbury programme being made but there still may not be any work done in this area as it is up to NZTA as to where money is spent.

Moved (Archer / Robb) *That Council receive this report.*

Carried

5.1.5 END OF YEAR REPORT FOR THE TOTAL MOBILITY PROGRAMME

C. Ingle spoke to this report. He stated that this is the annual report for the Total Mobility Programme and noted that the results are good. Cr Archer asked if there would be any follow up on the dissatisfaction for this service. C. Ingle responded that this is a confidential survey so there is no way of following up on the three people who are not happy with this service.

Moved (Robb / Scarlett) *That Council receive this report.*

Carried

5.1.6 TECHNICAL ADVISORY GROUP REPORT ON RESOURCE MANAGEMENT ACT 1991 PRICIPLES

M. Meehan spoke to this report advising that it is an update on the Technical Advisory Group Report (TAG) to the Minister for the Environment on changes needed to sections 6 and 7 of the RMA 1991 and any potential implications for council. M. Meehan stated that the full report can be viewed at www.mfe.govt.nz/publications/rma. M. Meehan advised that section 6 deals with 'matters of national importance' that must be recognised and provided for and section 7 deals with 'other matters' that particular regard must be had to when carrying out functions under the Act. These sections strongly influence how the RMA's purpose is given effect to through both planning and decision making processes. M. Meehan advised that the terms of reference for the TAG required it to focus on whether sections 6 and 7 could be improved. He stated that parts of these sections need to be modernised, as the RMA is now 20 years old.

M. Meehan stated that the TAG recommend significant changes to sections 6 and 7. M. Meehan advised that a modernised version for section 6 is being sought. M. Meehan stated that TAG has taken a principles based approach to the redrafting of section 6. He advised that TAG consider NPS's and NES's to be more appropriate mechanisms to provide direction for national planning priorities rather than through the statute itself. M. Meehan stated that TAG notes that natural hazard issues are not reflected in either the current section 6 or 7.

M. Meehan advised a review of the Environment Court's role is included in the TAG report. M. Meehan explained key amendments and implications for council in detail. He stated that some of the changes expected could be quite positive especially changes around hearings and appeal and the length of time a plan goes from being notified to being operative which for wetlands, has been around eight years.

Cr Robb asked if plan hearings would also have independent commissioners. M. Meehan confirmed this and advised that a retired Environment Court Judge could be the chair of a hearing and depending on the type of hearing if it was a water plan then a water expert would be in attendance to give confidence to the process. M. Meehan advised that the big advantage would be not having to go to court with appeals. C. Ingle advised that another advantage will be to get the process through quicker so that if there is an issue that council wants to deal with through a change to the Plan it can be done within two or three years rather than eight years to get a final decision through from the court. C. Ingle advised that LGNZ are advocating for the change to the planning process and they are trying to retain a mix of elected members in these panels. C. Ingle and M. Meehan answered various questions from Councillors and clarified various points regarding the hearing processes that are proposed.

Moved (Archer / Robb)

1. *That Council receives this Report;*
2. *That Council continue with the review of the Regional Coastal and Air Quality Plans; and*
3. *That Council delay the review of the Regional Policy Statement until further clarification on whether the recommendations of the TAG Report will be adopted by Government through its Phase Two reform work.*

Carried

C. Ingle advised that he raised that matter of the implications of TAG on small councils who are not well resourced at a recent meeting. He stated that he very much supports what TAG has come up with as it cements in place the regional council way of looking at the world as they are now putting all of the decision making into our Regional Policy Statement. C. Ingle stated that it needs to be recognised that this is a vote of confidence in regional councils. He advised that although he supports the changes a realistic approach needs to be taken with regard to the costs that could be involved. Cr Davidson commented that these changes are to be made over a five year period but he is concerned with how is council going to cope with these costs. C. Ingle responded that most of this is to do with the regional policy statements and that they want areas of significance, biodiversity and habitats identified in the regional policy statements which means that the costs are on council and its ratepayers to pay for those processes. C. Ingle advised that if a new regional policy statement is required then council will need more staff resources. C. Ingle stated although it will cost money the benefits of having a more robust planning document that will have less appeals with save in the long term.

5.1.7 PROPOSED CANTERBURY REGIONAL POLICY STATEMENT

M. Meehan spoke to this report advising that notification has been received on the decisions on submissions to the Proposed Canterbury Regional Policy Statement. He advised that Council's submission on seeking an additional method to be added to Chapter 5 – Land use and Infrastructure, to provide a means of working with other regions where cross boundary issues arise. M. Meehan advised that this is primarily for the Mingha Bluff to Rough Creek section of state Highway 73. He advised that our submission has been accepted in part and hopefully this will give more weight to this matter.

Moved (Scarlett / Archer) *That Council receive this report.*

Carried

5.1.8 MARINE OIL SPILL NOTIFICATIONS

M. Meehan spoke to this report and advised that three oil spill notifications were received during the reporting period. He advised that the most major of these oil spills occurred in the Blaketown Lagoon on the 11th of July. M. Meehan reported that at the time of the notification he was in Westport meeting with staff from Grey Port, Westport Harbour and Maritime NZ, he then travelled back to Greymouth with Maritime NZ staff. M. Meehan advised that initially staff were unsure of the amount that they were dealing with. M. Meehan reported that it took a couple days to clean up this area. He stated that the investigation into the spill revealed that it occurred during the early hours of 10 July and between 500 and 1000 litres of diesel were spilt. M. Meehan stated this was a major spill for this area. 350 litres of diesel were recovered.

M. Meehan reported that on the 22nd of July a notification was received from Maritime NZ that the HMNZ Taupo while on routine inspections of foreign fishing vessels had sighted two oil spills 27 nautical miles west of Hokitika. He advised one slick was around 100 metres in diameter and the second slick was 50

metres in diameter. M. Meehan reported that council staff carried out an aerial inspection of this area but could not locate the spill. M. Meehan reported that Maritime NZ was notified and they are now following up with vessels that were in the area at the time.

M. Meehan reported that a cray fishing boat, the Albacore, sunk three nautical miles off the coast of Cascade Point in South Westland. There were approximately 400 litres of diesel involved.

M. Meehan confirmed that the source of the spill in Blaketown was a fishing boat. Cr Archer asked if the Albacore has now sunk or is it a shipping hazard. M. Meehan responded that the Albacore has sunk but Maritime NZ did warn shipping in the area at the time. Cr Scarlett asked if there has been any further results from HMNZ Taupo regarding the oil spill they sighted. M. Meehan responded that he has not heard anything more about this event. Cr Scarlett asked if diesel was released from the Albacore sinking. M. Meehan confirmed that it would have been released but given the local landscape it was quickly dispersed.

Moved (Scarlett / Archer) *That Council receive this report.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

J. Adams spoke to his report advising that three Consents site visits were carried out during the reporting period and nine notified consents granted during this time. J. Adams reported that there were eight changes granted to consent conditions and one limited notified consent granted during the reporting period. J. Adams reported that the decisions on the consent applications for TrustPower Ltd's for the operation and maintenance of the Kaniere Forks Hydro Electric Power Scheme and McKay's Creek Hydro Electric Power Scheme have now been released. He advised that the appeal period for these consents closes on the 16th of August. J. Adams reported that the consent applications for Grey District Council's proposed new Wastewater Treatment Plant at Preston Road were publicly notified on 30 of July with submissions closing on the 27th of August. J. Adams reported that evidence was exchanged for the upcoming Environment Court hearing for outstanding matters relating to the appeals on the consents granted to Buller Coal Ltd for its proposed Escarpment Coal Mine.

Cr Davidson declared an interest in RC11083. Cr Chinn declared an interest in RC10223.

Moved (Robb / Archer) *That the August 2012 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report and advised that 34 site visits were undertaken during the reporting period with 12 of these visits related to resource consent monitoring, two dairy shed inspections and 20 related to mining compliance and bond release. J. Adams reported that during July Compliance staff undertook the annual dairy inspection flights with the majority of dairy farms on West Coast flown over to check compliance with the regional rules. J. Adams reported that as a result of these flights a number of investigations are being followed up in relation to possible breaches. J. Adams reported that the flight revealed that one of the alluvial gold mining operations was dewatering by pumping sediment into a local water body source which had then become polluted. J. Adams stated that photographs were taken at the time and enforcement action is pending. J. Adams reported that 18 complaints were reported during the month with the vast majority of these complaints being unsubstantiated once checks were carried out. J. Adams advised that one of the complaints related to a gold mining operation that was operating without consent but resource consent has since been obtained. J. Adams reported that two abatement notices were issued during the reporting period, one for Duffers Creek which as the alluvial gold mining operation that was noted during the aerial inspection and second abatement notice was for the unauthorised gold mining operating. He advised the second abatement notice was withdrawn as consent was obtained a few days later. J. Adams reported that three formal warning were issued with one for unauthorised gold mining and two for gravel extraction which were in breach of consent conditions. J. Adams reported that seven work programmes were completed during the reporting period and two have been completed since the writing of his report. J. Adams reported that two bonds were received during the reporting period. Cr Chinn declared an interest in RC10223 in the work programme and in the bonds received.

Moved (Robb / Archer) *That the August 2012 report for the Compliance Group be received.*

Carried

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.43 a.m.

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Chairman

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Date