

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 12 FEBRUARY 2013 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.30 A.M.

PRESENT:

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

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), M. Meehan (Planning & Environmental Manager), J. Adams (Consents & Compliance Manager), A. Mahuika (Minutes Clerk).

1. APOLOGIES

There were no apologies

2. PUBLIC FORUM

Mr Laurie Drew from Notown spoke to the Councillors. He informed that a few years ago he put his property on the market due to health problems. He signed up and sold based on a sale and purchase agreement and a mining company moved in. He transferred the resource consent that he personally owned on the property to this company. Unfortunately he lost his son in the Pike River disaster and got diverted from things and didn't keep an eye on what he should have. He came back to the property, which was in a state, having no fences along DOC or Council boundaries. The sale fell through and the land has reverted to his ownership and he retained the deposit paid by the intended purchaser.

His question to the councillors is to ask why his property hasn't been restored back to the resource management act of the national standards. John Key personally has asked him to submit everything he has to Chris Finlayson (Attorney General) relating to what has been going on. Despite legal letters to the council asking what the position is, all he gets back is advice that he has to sue the person in court under an access arrangement. Today he is questioning why his property hasn't been restored. His second concern is that resource consents have been allowed to be worked that were illegal in a sense because when the contract on the purchase of the property ceased the resource consents immediately should have come back to the property owner. They haven't despite requests and legal requests.

Councillors questioned Mr Drew about the issue with Cr Scarlett suggesting that the best person to talk to would be John Adams, the Council's Consents and Compliance Manager. Mr Drew said he was liaising with him. He said his reason for being at the meeting was to be courteous because he is tabling the issue in Parliament because he had been asked to and the matter is being investigated further.

L. Drew left at 11.47

3. MINUTES

Moved (Archer/Davidson) *that the minutes of the previous Resource Management Committee meeting dated 11 December 2012, be confirmed as correct with the amendment of Cr Chinn as Chairman.*

Carried

Matters Arising

Cr Chinn spoke regarding an item in the Planning and Environmental Managers Monthly Report on wetlands. He read out a sentence in the report "There are some areas that are wetlands but it is arguable as to whether or not they are significant wetlands and therefore these wetlands will need an assessment from an ecologist". He said that landowners didn't know this was happening, and will Council be paying the bill for the ecologist to make sure that they are significant. He said they have been identified as wetlands but not as significant wetlands. M Meehan said that the way they were

approaching it at the moment is the wetlands co-ordinator is going out onsite and making assessments, but only on whether the area is a wetland or not, as the co-ordinator is not qualified to say whether they are significant or not. We are advising landowners that if they wish to do any earthworks which are beyond the scope of the permitted activity rules that they would need consent for that and they would need to get an ecologist report to accompany that consent application. The costs of the consent and ecologist report would be a cost on the applicant. C. Ingle said that they are working with an ecologist, the same one who worked with the Council during the court case and the preparation of the plan and he has done some assessments already. We are looking into ways of doing ecological assessment reports for a reasonable price and if we can organise landowners to do a few areas within a day or two for smaller wetlands it won't cost a lot. Cr Scarlett said the question arises if you have subsequently found some of these aren't wetlands, how is it possible for the courts to determine that they were wetlands in the first place. C. Ingle said they accepted the evidence from the ecologist from DOC which is now being proved to be wrong in some instances. C. Ingle said the DOC assessment that was done was based on aerial photography done in 2003, and they didn't go out onsite and visit them all. Some of them he did and those ones are fairly accurate and some areas are not accurate at all. There is also the possibility that the ecological assessments between one ecologist and another can differ.

Cr Scarlett asked what if our ecologist says that are not wetland, is it so obvious that this DOC ecologist will also agree, or will we get into an argument with the court about whether it's a wetland or not. M. Meehan said a report was going to be tabled to give an update regarding visiting wetlands at the April meeting. M. Meehan said it was acknowledged that due to the way the wetlands were mapped that there would be a need for a variation a couple of years, to exclude some areas that were included that are clearly not wetlands.

Cr Chinn said land classed as wetland was holding up farm sales as nobody wants to buy them and some people are getting to retirement age and can't sell their property. What right of appeal do these landowners have? Cr Scarlett's concern is around those areas marked in the plan as wetlands, which are not actually wetland, but if we have to wait another 2 or 3 years to get a variation completed, then in the meantime people who want to develop their land have to go through a consenting process which is a cost. Why can't we just get in now and say to the court, there are obvious errors here, why can't we make a variation now. M. Meehan said that a variation could be done every time one is found, but it would be messy, and staff would prefer to do a variation for the lot of them as a group. C. Ingle said it won't take two or three years, it should take only about 6 months.

Cr Birchfield asked whether Council were free to issue a consent, if our ecologist says it's not a wetland. C. Ingle replied that they could. Cr Birchfield asked if the landowners has to pay for it. C. Ingle replied they did. Cr Scarlett asked about risk to the council. C. Ingle said he felt there was a very small risk.

4. CHAIRMAN'S REPORT

Cr Chinn stated that he has fielded 3 calls regarding the wetlands issue.

Moved (Archer/Davidson) *That the Chairman's Report be received.*

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 he is currently working through appeals on the Proposed Land and Water Plan. Paul Elwell-Sutton's appeal has changed along the way; we participated in court-led mediation that progressed it along but following mediation new appeal points were produced by Elwell-Sutton. He said it has been quite a frustrating appeal to deal with but believes progress is being made on it. M. Meehan informed that the other appeal is from TrustPower. He had a teleconference with them and thinks we should have that one wrapped up soon. He informed the Council that once the appeals are resolved we will be able to make the Plan operative and we will be able to withdraw the three plans sitting behind the Land and Water Plan.

M. Meehan advised Councillors on the RMA Reform Bill. He said he has done some analysis of the Bill. The major change we see for our council is looking to introduce allowing regulations to be made requiring

local authorities to monitor specified environmental indicators. This is along the same lines as last year when they introduced an environmental reporting discussion document which we submitted on quite strongly and suggested that if the government wants to do this they should be funding it and not ratepayers. M. Meehan tabled a copy of the draft submission.

M. Meehan spoke on the Reefton Airshed Committee. He said that their last meeting for the year was on the 10 December 2012 where they had talked about numerous educational matters and monitoring sites. The next meeting is on the 18 February 2013.

M. Meehan informed Councillors that there is a meeting of the Lake Brunner Catchment Landcare Group on 15 February 2013. They have received funding and will talk about it in next report. He said the group was working quite well. Farm planning work is well under way, it is critical part in achieving what was set out in our Land and Water Plan in improving Lake Brunner.

Cr Scarlett questioned the RMA changes, asking if the Council is going to liaise with other Councils, as they will also have same problem and try and get some unity. He said M. Meehan letter was good but he would also quote 5.1 in the "towards better local regulation" draft report, as it just reinforces the argument. M. Meehan said local government NZ is preparing a submission on this as well and we are in support of their submission. He said it will affect us more than other councils, he said he doesn't know the details of what they are trying to introduce. Cr Robb said 7.10 in the "towards better local regulation" draft report backs it up as well. We need to get on board with this and push it. Cr Scarlett said it had the potential to cost a lot.

Cr Birchfield commented on the climate change impacts saying he would be very sceptical about this report. They can't even get the weather forecast right for a week here. He fails to see how they can make prediction on the climate out a hundred years. I wouldn't be wasting my time looking it up on the internet to read it. J Douglas agreed with Cr Birchfield.

Cr Chinn questioned whether the Land and Water Plan was operative or just not operative on the points not appealed. M Meehan said just on the points not appealed.

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

Carried

5.1.2 LAKE BRUNNER FUNDING

M. Meehan informed that \$200,000 has been secured from Ministry for the Environment to undertake some remediation work in the Lake Brunner catchment. He said there were two pools of money, \$20,000 available to the Landcare Group to undertake community activity that will have benefits for freshwater in the catchment. The second part of the project is \$180,000 to farmers to implement part of their farm plan. He said it was good news that we have got money from the government for this and the Deed of funding set to expire on 20 December 2014, so Council has till then to work through projects. J. Derks and K. Glasgow will be working with farmers. Cr Scarlett asked how much money Council is contributing. M. Meehan said Council are co funding farm plan work with Westland Milk Products, but not contributing to remediation work, just staff time. R. Scarlett said he was unsure about Council funding this, farmers chose to farm in the catchment area so the burden of complying should fall on them. M. Meehan said main reason Council received funding from government was because of in kind contribution with staff time. C. Ingle said he sees this more of a short term transitioning, to bed new rules in, which are being enforced quite quickly onto these farmers, so he thinks its only fair to give them helping hand. At the moment, some of them are facing very high costs. Cr Robb said in terms of council time and funding we defend a wetland plan in court that cost ratepayer's money, yet it only affects a few farmers; to me it is the same sort of principle, this is a new set of rules and Lake Brunner is a lake that the whole region gets benefit from. He thinks it's a good idea. Cr Archer questioned how many farms in the Lake Brunner area and what percentage opted to join in development of farm plans. M. Meehan replied that there are 22 dairy farms and 100% of them want farm plans.

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

Carried

5.1.3 HYDROLOGY & FLOOD WARNING UPDATE

M. Meehan spoke on this report. He informed Councillors that the Cropp River recorded 1808mm of rain in 48 hrs on 1 - 2 January 2013, which is the highest 48 hour rainfall total recorded.

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

Carried

5.1.4 BATHING BEACH WATER QUALITY SAMPLING UPDATE

Moved (Robb/Birchfield) *That Council receives this report.*

Carried

5.1.5 CIVIL DEFENCE EMERGENCY MANAGEMENT

C. Ingle spoke to this report advising on the Emergency Management Information System training and the Exercise Te Ripahapa. He spoke on the West Coast Controllers Forum, who meet on a quarterly basis. Cr Davidson asked what role did civil defence play in the Wanganui Bridge washout. C. Ingle informed that they didn't have a major role. Cr Davidson said it shows how a community could become isolated, if the southern access road had also been cut off.

Moved (Archer/Birchfield) *That Council receives this report.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

J. Adams spoke to his report advising that 3 site visits were carried out during the month and 34 non-notified resource consents were granted and 10 variations being received. He informed that the Environment Court has signed off on the Trustpower Consents.

Moved (Robb/Cummings) *That the February 2013 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report advising that over a two month period. There were 106 site visits. 22 resulted from complaints and enforcement action was taken on 5. There were 34 complaints. 19 infringement notices and 4 abatement notices.

J. Douglas said she would like to note the concern of her runanga regarding certain Councillors, with all due respect to those involved, receiving infringement notices. The latest one was in January which was well documented.

Moved (Archer/Robb) *That the February 2013 report for the Compliance Group be received.*

Carried

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.35 a.m.

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Chairman

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Date