

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 14 MAY 2013 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, A. Robb, D. Davidson, A. Birchfield, J. Douglas, F. Tumahai (arrived 10.38)

IN ATTENDANCE:

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

1. APOLOGIES

Moved (Birchfield / Archer) *that the apology from Cr Cummings be accepted.*

Carried

2. PUBLIC FORUM

There was no public forum

3. MINUTES

Moved (Robb / Davidson) *that the minutes of the previous Resource Management Committee meeting dated 9 April 2013, be confirmed as correct.*

Carried

Matters Arising

Cr Birchfield asked Cr Chinn if he had received further phone calls from affected wetlands owners. Cr Chinn responded that he had received a call from Jean Douglas at Fergusons Bush who phoned him on Thursday. Cr Birchfield asked M. Meehan if the Land and Water Plan is operative in view of there being an objection lodged to the Plan. M. Meehan confirmed that the only appeal yet to be settled is the grazing of riparian margins. The Plan is otherwise effectively operative. (C. Ingle noted the wetland rules relating to Schedule 2 wetlands took effect when the Land and Riverbed Plan was made operative in August 2012).

4. CHAIRMAN'S REPORT

Cr Chinn reported that he has nothing to report aside from Mrs Douglas's inquiry regarding wetlands.

Moved (Chinn / Archer)

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 a meeting of the Reefton Airshed committee was held on the 22nd of April. Mr Roger Best made a presentation on down draught burners at this

meeting. M. Meehan advised that Mr Best has worked with Ecan on these burners for a few years now and is currently trying to get his burners onto an approved list with the Ministry for the Environment. Mr Best spoke of testing which was done overseas which found that a down draught burner reduced emissions down 50 times cleaner than standard burners. M. Meehan advised that the costs are slightly more expensive but the burners last longer than traditional burners. M. Meehan reported that a meeting was held last night and it was agreed that a trial with chimney filters will be undertaken in Reefton. M. Meehan stated that MfE, the Ministry of Health and other funding sources will be approached for funding for this trial. M. Meehan stated that there is a lot of potential for the chimney filters. M. Meehan advised that community education on how best to use their fires will continue and to encourage the community to avoid outdoor fires over the winter. M. Meehan stated that the Reefton Airshed Committee is very positive and is working towards a solution to prior to the NES coming in in 2016. Cr Archer stated that the Swiss technology looks very promising. Cr Archer acknowledged the great contribution that council staff have made in facilitating the Reefton meetings, providing information to the committee and responding to the committee requests. Cr Archer stated that this contribution reflects on to the positive attitude coming from committee in finding a workable solution to the whole problem of air quality in Reefton. Cr Archer said if funding can be obtained to carry out a trial period with a measurable monitoring evaluation system then this could be very beneficial to the whole country. Cr Scarlett stated that the biggest problem is when everyone lights their fires at 5 pm and there is a huge amount of smoke initially until the fire warms up. Cr Scarlett stated that it seems that the fire has to be hot before the down draught actually works. M. Meehan responded that this is one of the aspects that the committee is looking into. M. Meehan responded that this is why the filters seem like the preferred option at the moment but a lot of the success will depend on the correct use of the filter.

F. Tumahai apologised for his lateness and his lack of attendance at the Reefton meetings as this is due to a prior engagement that he has each Monday night. F. Tumahai stated that he is in the email loop for the Reefton Airshed Committee so he is able to pass on any information he gets.

M. Meehan reported that there is one remaining appeal on the Land and Water Plan from Mr Paul Elwell-Sutton. M. Meehan reported that through mediation and a strike out application Mr Elwell-Sutton's appeal has been reduced from 10 appeal points to two. The two appeal points relate to livestock access to riparian margins within wetlands and provisions in Rule 11 which protect areas from grazing which might meet the criteria for inclusion as a Schedule 2 wetland. M. Meehan advised that council submitted a memorandum to the court last week and participated in a teleconference with the Judge on the 8th of May. He advised that the Court has accepted what Council said in the memorandum and has taken the unusual step of requiring the appellant to submit his evidence before everyone else. M. Meehan stated that the other parties are now waiting to see what Mr Elwell-Sutton has in regard to evidence and then council will be able to respond. Cr Chinn stated that he is concerned about which way the Judge will go as they are talking about Schedule 2 wetlands when originally the landowners of Schedule 2 wetlands were locked out by the same Judge. Cr Chinn feels this is horribly wrong. C. Ingle said that Mr Elwell-Sutton is almost seeking to relitigate some of the wetlands matters which is very uncomfortable for Council and the other parties because everyone came to an agreement in the end which reflected the court decision last year. C. Ingle advised that there is nothing stopping landowners of Schedule 1 and 2 wetlands becoming a party of this current appeal by lodging a 274 Notice to the Court saying that they are affected potentially by this new appeal and that they would like to be part of the process. Cr Birchfield feels that everyone that is affected should know that they can actually become parties to the appeal and that they should be written to informing them of this. M. Meehan advised that landowners are not able to remove their wetland from the Plan through this process. He stated that these landowners can join as a party and to oppose the proposal that Mr Elwell-Sutton has to restrict grazing on riparian margins within wetlands. M. Meehan stated that the other parties that are involved in this appeal are DoC, Federated Farmers and Friends of Shearer Swamp. He stated the Solid Energy Ltd and TrustPower withdrew once the appeals got down to two. Cr Archer clarified that the appeals that Mr Elwell-Sutton has made are not on the current classification of the wetlands, so nobody can join the matter now and start debating whether or not their wetland should be removed from the schedule. It was noted that the scope of the appeal points are only about grazing on wetlands. Cr Chinn is keen to move that wetland owners are written to informing them of the opportunity to join the appeal as a party. Cr Scarlett stated that it is important the letter is very clear so that the landowners are not confused by how they join the appeal and what the scope of the appeals are. Cr Archer feels that landowners should be advised that should they wish to join then they need to seek their own independent legal advice.

Moved (Chinn / Davidson)

That Council writes to the Landowners of Schedule 1 & 2 wetlands informing them of the opportunity to apply to the Environment Court to join as Section 274 party to Mr Elwell-Sutton's appeals on the Land and Water Plan.

Carried

M. Meehan reported that the Exclusive Economic Zone and Continental Shelf Act comes into force in June. He advised that staff are currently reviewing the Coastal Plan to see if there are any cross boundary issues that need to be amended prior to the review scheduled for later this year.

M. Meehan reported that the National Environmental Standard on Contaminated Land has increased council's communications with the district councils. The district council now have new obligations under this standard for people that are seeking consent for subdivisions or land development with the district councils now having access to our Hazardous Substances database.

M. Meehan reported that autumn Surface Water Quality sampling round commenced in March and good progress is being made.

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

Carried

5.1.2 DROUGHT REPORT

M. Meehan spoke to this report and advised that report focuses on the February / March 2013 drought. M. Meehan advised that the very unusual spell of weather during this time resulted in the Minister of Primary Industries, Hon Nathan Guy, declaring a drought in the Buller and Grey districts. M. Meehan stated that NIWA advised that this was a one in 80 year drought. He stated that this was a significant event which had a major impact on the agricultural sector. M. Meehan reported that there were no major impacts on the ecology of waterways that were investigated. M. Meehan reported that information that was collected during the drought will help with the processing of future resource consents applications to take water.

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

Carried

5.2.1 CONSENTS AND COMPLIANCE GROUP

J. Adams spoke to this report. He reported that one site visit was carried out during the reporting period. He advised that there were 13 non-notified resource consent applications granted and of these there were a number of consent applications for groundwater takes. J. Adams reported that there were three limited notified consent applications granted during the reporting period.

F. Tumahai commented that he attended a further meeting in relation to Bathurst Mining Ltd's resource consent applications. He stated that he feels Forest & Bird are hard to work with and are not in a frame of mind to cooperate with Bathurst.

Cr Birchfield stated that sediment should not be seen as a contaminant, as it naturally occurs during a flood event.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report advising that 94 dairy farm inspections were carried out during the reporting period. He stated that five of these dairy farms were graded as significantly non-compliant with most non-compliance being related to poor maintenance of dairy effluent ponds. J. Adams advised that there are 29 sheds yet to be monitored. J. Adams reported that there were 12 incidents or complaints reported during the month. Two abatement notices were

issued. J. Adams reported that following an aerial flight, stock was found to be in waterways in the Lake Brunner catchment. He stated that the three landowners concerned were issued with formal warnings. F. Tumahai asked J. Adams what is done about effluent ponds that are found to be non-compliant. J. Adams responded that the farmer is instructed by council staff on what he needs to do to improve his effluent system. The farmer is then given time to make repairs or improvements prior to being re-inspected by staff. All five of the significantly non-compliant farms have been re-visited and all are now compliant.

Moved (Davidson / Birchfield) *that the May 2013 report for the Compliance Group be received.*
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