

## THE WEST COAST REGIONAL COUNCIL

### **MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 9 JULY 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), T. Archer, A. Robb, 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), T. Jellyman (Minutes Clerk)

#### **1. APOLOGIES**

**Moved** (Archer / Birchfield) *that the apologies from R. Scarlett and F. Tumahai be accepted.*

*Carried*

It was noted that Cr Scarlett has been delayed due to road conditions. F. Tumahai was stranded in Arthurs Pass, also due to road conditions.

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

There was no public forum

#### **3. MINUTES**

**Moved** (Davidson / Robb) *that the minutes of the previous Resource Management Committee meeting dated 11 June 2013, be confirmed as correct.*

*Carried*

#### **Matters Arising**

There were no matters arising.

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

Cr Chinn reported that he attended the attended the Hokitika joint working group meeting involving Westland District Council and this council regarding the Hokitika Beach erosion on Sunday. Cr Scarlett, C. Ingle and Cr Davidson also attending this meeting. Cr Chinn reported that he received a phone call from a Franz Josef resident on Sunday morning regarding the breaching of the Lower Waiho stopbank. Cr Chinn advised that he then contacted C. Ingle who advised that urgent works were taking place in this area.

**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 and advised that MfE are currently consulting on the Proposed National Monitoring System for the RMA. He advised that staff from MfE will be here tomorrow to consult with us. M. Meehan advised that MfE is seeking better information on decision making compared with the two yearly survey information that is currently used. The current system tracks information to do with consent processing, plan information and enforcement action but MfE is now seeking more detailed information from councils. M. Meehan stated that some of the previous two yearly surveys have led to changes with consent processing, such as the introduction of penalties for those councils who are not processing consents within the timeframes. M. Meehan stated that the providing more information will show how long plans are taking to get through and what the hold ups are. M. Meehan advised that MfE are looking long term and are hoping to have an automated reporting tool to speed things up and to avoid duplication and for councils to be able to provide information in a more efficient way. M. Meehan stated that this new system is looking good and once the consulting is complete council will then know what new systems need to be put in place.

M. Meehan reported that on the 11<sup>th</sup> of June Local Government and the Select Committee reported back on the findings on the RMA Reform Bill. He stated that one of the recommendations that they made was that they support the inclusion of two new clauses allowing regulations for environmental monitoring to be drawn up and requiring local authorities to provide monitoring data to central government. M. Meehan stated that council submitted strongly on this matter due to the potential costs to us if we are required to do additional monitoring. M. Meehan advised that the Committee's report noted that the Government's intention is for councils and other stakeholder groups to be involved in the development of the monitoring regulations and the factors such as costs, the capabilities of councils and existing monitoring systems would be taken into account. M. Meehan advised that a change to the wording of Section 32, which requires an assessment of economic, social and cultural impacts of proposed new or changed plan or policy statement, is also recommended.

M. Meehan reported that the Reefton Airshed Committee met on the 12<sup>th</sup> of June. He stated that work is progressing with the field trial of the OekoTube emission reducing device. Crown Public Health who submitted to council during the Annual Plan process have advised that they are prepared to help with this.

M. Meehan reported that a second letter to wetland owners is ready to go out once the maps have been printed the letters will be sent out to landowners.

M. Meehan reported that since writing his report a teleconference with the Court has been held in relation to Mr Paul Elwell-Sutton's appeal on the Land and Water Plan. M. Meehan advised that Council has applied for Security of Costs, along with DoC. He advised that Federated Farmers have supported this. M. Meehan advised that Mr Elwell-Sutton has until mid-July to make a response.

Cr Robb asked if Government would take notice of what the Select Committee findings of the RMA Reform Bill are and if this will alleviate our concerns in this area. C. Ingle advised that he believes that the intention is for MfE to work with councils to figure out what is reasonable rather than impose requirements using regulations under the RMA to force us to do things were there is no regional benefit. C. Ingle stated that the Minister will be careful to ensure that there are benefits both regionally and nationally if extra ratepayer costs are involved. It was noted that there has been no detail released by the Ministry as yet. Cr Archer asked if there is any indication of the scope of the additional requirements that MfE will be seeking in this area. M. Meehan responded that he is hoping for a clearer indication on environmental monitoring requirements following tomorrow's MfE workshop.

Cr Birchfield asked if councils are ranked on their performance with regard to the processing of resource consents and how often are these figures released. M. Meehan responded that councils are ranked on resource consent processing every two years. C. Ingle advised that the system is being expanded to take into account plan processes, the EPA and the courts as well. C. Ingle stated that this could become quite a powerful measure not just of councils but all RMA processes. He advised that Environment Court cases are sometimes taking up to ten years.

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

*Carried*

### 5.1.2 REEFTON AIR QUALITY SUMMARY

M. Meehan spoke to this report and advised that eight exceedances of the NES for air quality have been recorded so far this winter. M. Meehan advised that one of his staff is looking at meteorological conditions and how it relates to exceedances throughout the year.

**Moved** (Robb / Birchfield) *that the report is received.*

*Carried*

### 5.1.3 FLOOD WARNING UPDATE

M. Meehan spoke to this report and stated that a heavy rain event during the first week of June resulted in the alarms being triggered on the Grey, Hokitika and Waiho Rivers.

**Moved** (Davidson / Robb) *that the report is received.*

*Carried*

### 5.1.4 PROPOSAL TO ESTABLISH SALMON FISHERY IN BULLER RIVER

C. Ingle spoke to this report. Cr Archer declared an interest in this agenda item. He removed himself from the council table.

C. Ingle reported that correspondence has been received by the Kawatiri Anglers Association. He advised that Fish and Game are the lead agency in this area. C. Ingle advised that the anglers are seeking council's support in principle for the release of salmon smolt into the upper reaches of the Buller River, or one of its tributaries. C. Ingle stated that should this be successful then there could be an increase in visitor numbers to the Buller district. Cr Chinn invited Cr Archer to address the meeting. Cr Archer offered to answer questions from his fellow councillors.

**Moved** (Robb / Davidson)

*That Council agree to support the proposal in principle provided due process is followed regarding any potential environmental impacts of the release of salmon smolt in this area.*

*Carried*

### 5.1.5 CIVIL DEFENCE REPORT

C. Ingle spoke to this report. He noted that most of the content had been reported verbally at the last meeting.

**Moved** (Robb / Birchfield) *that the report is received.*

*Carried*

### 5.2.1 CONSENTS AND COMPLIANCE GROUP

J. Adams spoke to this report. He advised that ten non-notified resource consents have been granted; two changes of consent conditions and one limited notified consent have been granted.

J. Adams reported that the appeal to the Sullivan mine is now finished with the High Court finding in favour of Buller Coal Ltd. J. Adams reported that Forest and Bird Inc have applied for Leave to Appeal. He stated that there will be a meeting with the Judge on Friday to decide if this will go through to the Court of Appeal. J. Adams reported that a decision is expected next week on the consents for the Cypress Mine Solid Energy Ltd. He stated that the Biodiversity Defence Society Inc are saying that the consents are null and void because the consents haven't been activated and therefore Solid Energy need to reapply for the consents for the Cypress Mine. J. Adams said that there will be a teleconference in the morning and if the Judge decides that this matter is going to go to Court then this will be held on the 24<sup>th</sup> of July in the Environment Court. Cr Robb asked how long have the consents been in place that the Biodiversity Defence Society are appealing against. J. Adams responded that the RMA states that if a consent hasn't been acted on in five years then the consent expires. He advised that Solid Energy have applied for extensions and have them in place until 2015. J. Adams advised that the haul roads have been

put in but coal is yet to be taken out. He stated that Biodiversity Defence Society is saying that the consents have been given for mining and Solid Energy is yet to start mining. J. Adams stated that the argument is when is a consent activated and when is it not. He advised that mining is due to start on the 19<sup>th</sup> of August. It was noted that members of the Biodiversity Defence Society appear to be the same people who were members of the former Save Happy Valley Incorporated Society. Cr Robb stated that this legal process will incur further costs to our ratepayers. J. Adams stated that he has done the paperwork for the Environment Court rather than use lawyers to save money. Cr Robb stated that these legal appeals are a continued cost to our community. He feels that something at a national level needs to be done about these types of groups being able to cause costs on councils, incur debt and then walk away from it by winding up their incorporated society. Cr Archer stated that in terms of the consents, council believes they have been activated. J. Adams agreed with this statement. Cr Archer added that there is substantial case law on when consents have been activated. He stated that there are provisions under the RMA to seek security of costs. Cr Archer feels some of these appeals are frivolous and without merit and he feels council should be making a strong move to seek security of costs when council appoints representation to defend our position.

**Moved** (Archer / Robb) *that for any future appeal matters to the Court, that Council instructs its legal counsel to seek security of costs.*

*Carried*

C. Ingle stated that at this stage Council has not appointed a lawyer to deal with the Cypress Mine consent appeals. He advised that it could cost Council money to apply for security of costs if they are not engaging a lawyer. Cr Archer stated that his view is that security of costs would only be sought when engaging legal counsel.

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

*Carried*

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

J. Adams spoke to this report advising that 48 site visits were carried out during the reporting period. Of these 28 were compliant and 20 were non-compliant. J. Adams stated that plans are in place for those who were found to be significantly non-compliant. J. Adams reported that four abatement notices and three infringement notices were issued during the reporting period.

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

## **6.0 GENERAL BUSINESS**

There was no general business.

The meeting closed at 11.07 a.m.

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Chairman

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Date