

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 13 AUGUST 2013 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.32 A.M.

PRESENT:

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

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

There were no apologies.

2. PUBLIC FORUM

There was no public forum

3. MINUTES

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

Carried

Matters Arising

There were no matters arising.

4. CHAIRMAN'S REPORT

Cr Chinn reported that he has fielded further enquiries regarding schedule 2 wetlands from constituents. He stated that he has liaised with M. Meehan regarding these queries.

Cr Birchfield expressed his concern with the mapping of wetlands. Cr Chinn advised that this will be covered later in the meeting.

Moved (Chinn / Scarlett)

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 staff from the Ministry for the Environment (MfE) visited council last month to inform staff of the Proposed National Monitoring System for the RMA. M. Meehan reported that Mr Elwell-Sutton's appeal on the Land and Water Plan is still before the Environment Court. He advised that Council and the DoC have made an application for security of costs. Mr Elwell-Sutton has opposed this and has now informed the Court that he has secured the services of an Ecologist to give expert evidence. M. Meehan advised that the Judge has released a memorandum stating that Mr Elwell-Sutton has to provide a full brief of evidence by 30

August and if this is not complied with then the security of costs will be dealt with on the papers already filed.

M. Meehan reported that follow up letters have been sent out to wetland landowners and so far there have been around six phone calls received from wetland landowners that have not contacted Council before. M. Meehan stated that he is expecting to get more calls from the wetland landowners over the next month.

M. Meehan handed out a document to councillors called the Resource Management Summary of proposals 2013. He advised that this document relates to proposed changes to the RMA. M. Meehan advised that he will be providing a report to the next council meeting on what these changes will mean for this council. He advised that the main focus is on efficiencies and trying to improve the system.

M. Meehan explained to councillors the method used to map wetlands. Council has found areas that were mapped incorrectly and he advised councillors that if they receive phone calls from concerned landowners, instruct them to contact M. Meehan or H. Fairbairn as soon as possible. M. Meehan advised that the court has accepted that there would be some areas that were mapped incorrectly and these areas can be corrected via a plan change which will be notified once feedback is received from the most recent mail out. C. Ingle advised that Mike Slater, the Conservator, understood that there would be mistakes in the mapping. C. Ingle stated that he agrees with Cr Birchfield in that the approach taken was to over map rather than under map. C. Ingle advised that DoC staff carried out the mapping at the request of the Court and this was an agreed approach by all the parties involved in the court case in order to get fine tuning of the evidence that DoC had put forward. C. Ingle stated that one of the wetlands in the Kumara area included the state highway and this was an example of some of the glaring errors that were fixed through the court process. He stated that not all errors were corrected and this is why a second look is being taken at this. C. Ingle advised that the wetlands that are being looked at now are ones that are a developed paddock and not a wetland. He advised that originally areas like this were compared to the Google Earth data which was out of date and now the regional council has better aerial photography available than when the original mapping was done. Cr Scarlett asked who would determine whether a piece of land is a wetland or not. C. Ingle advised that it would go through the planning process. M. Meehan advised that council has a list of areas that should be excluded from the plan and consultation with DoC has been done on this and agreement has been made on some of these areas. Extensive discussion ensued. C. Ingle and M. Meehan answered various questions from councillors. Cr Scarlett stated that he is mindful that DoC will appeal decisions and there will be another long and convoluted court process and considerable cost to council and ratepayers. M. Meehan stated that the areas that council is looking to exclude are the areas that are obviously not wetland, they have been developed or the landowner has already got a resource consent or there is an area of pasture that is not a wetland. He stated that there is a view from some people that it could be a wetland and this is where there is a bit of a grey area. Cr Robb asked if there was anything in the new RMA summary of Reform Proposals that could assist landowners of wetlands. C. Ingle stated that he has not yet had a chance to read through this as it was only announced over the weekend. Cr Robb stated that the whole wetlands process is around the wrong way and that DoC should have had to prove that these areas were wetlands before the court included them in the plan as wetlands. He stated that this is wrong because now the landowner has to prove that they are not a wetland and it is unfair. Cr Davidson feels it is a very poor deal as there is no compensation for landowners and this is unfair. Cr Cummings is in agreement and stated that this is going on and on and it the same as the SNA's that Grey District Council has had to deal with for the last 11 years. Cr Chinn stated that this is freehold land and if the landowner cannot do anything with it then the land has been virtually taken off them.

F. Tumahai asked M. Meehan if the landowner has a black and white case and if both DoC and council agree then surely the landowner would not be held up in the court process. M. Meehan agreed with this and stated that some of these areas are humped and hollowed paddocks and they are definitely are no longer a wetland. M. Meehan advised that there are a couple that there may be a difference of opinion on and a decision will need to be made when the variation is taken to the Resource Management Committee as to whether council wants to proceed with removing those or not. M. Meehan advised that council now has a lot of good information on these sites and staff have also undergone training to identify these sites. C. Ingle advised that it is important now that the second letter has gone out to landowners, that council does get all landowners involved who want to be part of the process to get this tidied up, that they contact council so that their land can be removed from the plan if it has been put in wrongly.

C. Ingle offered to contact the Conservator to advise him that council is entering into this process and to advise him that council does not want to end up in a lengthy court process. C. Ingle is confident that DoC will agree that this would not be productive for anyone.

J. Douglas requested that runanga are provided with copies of the maps in relation to any other Maori reserve land at Bruce Bay and Karangarua.

Cr Archer asked for an update as to where H. Fairbairn (Wetlands Coordinator) is at with his investigations. M. Meehan responded that H. Fairbairn has contacted all landowners who contacted council following the first mail out and he has visited all the sites. There are around 15 of these sites that could be excluded from the plan but more information is required. The second letter has now gone out and H. Fairbairn has received around six phone calls but more are expected. M. Meehan advised that more information needs to be collected from the first mail out and he will then visit those who contact council after the second letter has been received. H. Fairbairn is also assisting landowners who wish to make a land exchange with DoC or a sale. DoC staff have been on site at some properties where they would like to look at making a land transfer.

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

Carried

5.1.2 FLOOD WARNING UPDATE

M. Meehan spoke to this report and advised that a new flow recorder has been installed at Waipuna, this replaces the equipment that was damaged during the November 2011 floods.

M. Meehan reported that satellite communications have been added to the Waiho River flood warning site. He stated that this will be very useful during times like when the Wanganui Bridge is washed out and when other forms of communication may be lost. M. Meehan advised that no floods were recorded during the reporting period.

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

Carried

5.1.3 REEFTON AIR QUALITY SUMMARY

M. Meehan spoke to this report and advised that 13 exceedances have been recorded during the reporting period. M. Meehan that currently the recordings are tracking under what has been recorded previous years and he is hoping now that the weather is improving there won't be any further exceedances. M. Meehan reported that the Reefton Airshed Committee is working with funders to gain funding for trials. He reported that the committee visited Dispatch and Garlick last week to inspect a down draught burner running. He stated that foundry staff are working with Ecan to get funding for this. M. Meehan advised that the Reefton Airshed Committee will be providing a report to the next council meeting to outline their recommendations.

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

Carried

5.2.1 CONSENTS AND COMPLIANCE GROUP

J. Adams spoke to this report and advised that 22 non-notified resource consents were granted during the reporting period. J. Adams reported that the decision on the hearing for the RC12212 is due out at the end of this week.

J. Adams advised that the appeal by the Biodiversity League against the Cypress Mine was heard in the Environment Court on the 22nd of July. He advised that a decision is yet to be released. J. Adams reported that Solid Energy are due to start mining on Monday morning. J. Adams reported that Forest and Bird have been refused leave to appeal to the Court of Appeal and they have now appealed this decision. He advised that Forest and Bird are seeking a judicial review on the DoC access agreement with Bathurst Mining Ltd.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report advising that 41 site visits were carried out during the reporting period. He advised that 14 of the site visits were found to be non-complaint and some of these were the results of complaints. J. Adams advised that periodically monitoring is being done in the Franz Josef area to ensure that further household rubbish is not dumped in this area. J. Adams reported that 10 infringement notices and five abatement notices were issued during the reporting period.

Moved (Archer / Birchfield) *That the August 2013 report of the Compliance Group be received.*
Carried

6.0 GENERAL BUSINESS

Cr Archer raised the matter of a letter councillors had received regarding a complaint about white baiting structures on banks of the Mokihinui River. It was agreed that Cr Scarlett and Cr Archer would discuss a response to this matter with J. Adams after today's meeting.

The meeting closed at 11.10 a.m.

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Chairman

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Date