

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 8 OCTOBER 2013 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.34 A.M.

PRESENT:

B. Chinn (Chairman), 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 (Robb / Davidson) *that the apologies from R. Scarlett, T. Archer and F. Tumahai be accepted.*

Carried

2. PUBLIC FORUM

There was no public forum.

3. MINUTES

Moved (Cummings / Robb) *that the minutes of the previous Resource Management Committee meeting dated 10 September 2013, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

4. CHAIRMAN'S REPORT

Cr Chinn reported that he attended the Wanganui, Franz Josef, Lower Waiho and Kaniere annual rating district meetings. Cr Chinn stated that he received another inquiry from an owner of a wetland in South Westland. Cr Chinn invited J. Douglas to speak to this matter. J. Douglas reported that Mr Brian Cadigan, a runanga member from Whataroa inquired about the historical Maori land packages that he is involved with. J. Douglas stated that she has contacted M. Meehan and H. Fairbairn to ascertain what the implications are for Maori reserve land in South Westland, specifically Karangarua and Bruce Bay areas. J. Douglas stated that the main wetlands in this area need to be identified prior to a meeting being arranged with Makaawhio.

Moved (Chinn / Birchfield)

Carried

5. REPORTS

5.1 PLANNING AND ENVIRONMENTAL GROUP

5.1.1 PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT

M. Meehan spoke to his report. Progress has been made with getting the Oeko Tube trial underway with \$5,000 received from Community and Public Health and the Ministry of Health for the trial. The Ministry for the Environment and the Coal Association of New Zealand have also been approached to provide similar contributions.

M. Meehan reported that he attended the Drought Committee meeting on the 16th of September. He advised that a summary of what happened during the drought was discussed at this meeting. M. Meehan advised that the drought committee has sent a letter to the Rural Support Trust and to council thanking these agencies for their support during the drought.

Cr Robb stated that council staff provided outstanding information to the Drought Committee and this was very well received by the committee. Cr Robb advised that he and C. Ingle met with the Minister after one of the drought committee meetings and the Minister was impressed with the level of information. Cr Robb stated that this shows the value of the contribution that staff made. Cr Chinn agreed with Cr Robb. Cr Chinn drew attention to the letter of thanks from Rural Support West Coast.

M. Meehan reported that Mr Elwell-Sutton's appeal on the Land and Water Plan is still before the Environment Court. He advised that a teleconference was held on the 19th of September and as a result of this teleconference the experts have been directed to take joint conferencing. M. Meehan explained that joint conferencing usually takes place between like for like experts where planning experts get together to talk about planning issues and in this case planning mechanisms need to be discussed in order to get what Mr Elwell-Sutton wants to get into the Plan. M. Meehan advised that Mr Elwell-Sutton has engaged an Ecologist against the directions of the Court, so joint conferencing of Ecologists and planning experts will be held to talk about the issues involved. A date and venue for this is yet to be decided.

M. Meehan reported that Council is submitting another funding application to MfE for the remediation of an historic mine site. He advised that the mine site is near the Alexander River in the upper Grey area. M. Meehan advised that DoC and MfE are funding this by 50% each with Council providing in kind support via Council's Environmental Scientist (J. Horrox) who will provide information. M. Meehan advised that if this application is successful it will be approximately \$1M worth of support that has been granted to the West Coast region this financial year.

M. Meehan reported that council lodged a submission in August in support of the Proposed Monitoring System for the RMA, he stated that council is in support of this if it is able to improve efficiencies with the RMA in particular around plan development and IT systems.

Cr Birchfield stated that he has been approached by some landowners that have been affected by the Wetlands decision. Cr Birchfield advised that these landowners are considering funding a legal opinion on the feasibility of making an appeal on the wetlands decision. Cr Birchfield stated that he would like council to fund the legal opinion. Cr Birchfield advised that he has a lawyer in mind to do this work as he has already done some work with private landowners. Cr Chinn stated that he is mindful of the fact that Schedule One landowners were consulted with and were able to make submissions whereas Schedule Two wetland owners did not get this opportunity. Cr Chinn stated that he feels this matter is open for challenge. Cr Robb asked Cr Birchfield if he has any idea of what the costs involved might be. Cr Birchfield advised that he has been given a quote of \$5,000. C. Ingle stated that Council's lawyer informed him that if council seeks a legal opinion, then the lawyer is working for the council and there is a subtle difference between that and working for the landowners. Cr Robb feels that more information may be needed in the first instance but he is in support of this. Cr Birchfield stated that he thinks each bridge should be crossed as they come to it and if an opinion is sought then that will reveal whether or not an appeal is likely to succeed. Cr Chinn feels that this council needs to take a lead as it will end up in Council's plan. Cr Birchfield stated that this matter will be dealt with by the new council.

Cr Davidson asked if the landowners would then have any say in the direction that the lawyers may have. Cr Robb stated that the opinion will reveal if it is viable to pursue this and then it will be up to the new council or individuals as to whether or not they take up the challenge.

Moved (Birchfield / Cummings)

That Council fund a legal opinion on the feasibility of challenging the wetlands decision on behalf of Schedule 2 wetland landowners.

Carried

5.1.2 HYDROLOGY AND FLOOD WARNING UPDATE

M. Meehan spoke to this report and advised that the heavy rainfall event of the 10th and 11th of September affected the Hokitika, Grey, Buller and Karamea Rivers. He advised there was also a further heavy rainfall event on the 28th of September which affected the Karamea River.

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

Carried

5.1.3 REEFTON AIR QUALITY SUMMARY

M. Meehan spoke to this report. There were 15 exceedances of the NES for Air Quality in Reefton this winter. M. Meehan advised that highest exceedance was 87 micrograms/m³ on 11 July. He advised that last year there were a lot more exceedances with a couple of them up in the 120's. M. Meehan stated that it is hard to know if the improved results for this year are climatic or as a result of the work the Reefton Airshed Committee has been doing. He stated that the committee has been doing some good work around education and this could have contributed to the improved results.

M. Meehan advised that the Envirolink funded report which is awaited, looks at how the meteorological conditions affect air quality in Reefton, he hopes that the report may answer these questions.

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

Carried

5.2.1 CONSENTS AND COMPLIANCE GROUP

J. Adams spoke to this report and advised that five consent visits were carried out, seven non-notified resource consents were granted and there were two changes to consent conditions granted. J. Adams advised that last month the Biodiversity League appealed the court's decision regarding the Cypress Mine consent. He advised that a teleconference between all the parties will be held tomorrow to try to get a date for court. J. Adams advised that Solid Energy Ltd have applied for costs but this has been put on hold.

J. Adams reported that the Supreme Court found in favour of Buller Coal Ltd in relation to the Greenhouse Gas Appeal with three of the Judges in favour of Buller Coal Ltd and one in favour of Forrest and Bird. J. Adams advised that this ruling reconfirms that Greenhouse Gases do not have to be taken into account when issuing consents.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report advising that 65 site visits were carried out during the reporting period. He advised that the dairy season has started well and due to the very mild winter there have been very large volumes of milk processed at Westland Milk Products.

J. Adams reported that inspections of whitebait stands have been made on the Hokitika, Waiatoto and Turnbull rivers. He stated that inspections were carried out on the Buller River after receiving complaints regarding the legitimacy of whitebait stands in this area from DoC. J. Adams advised that two formal warnings were issued to whitebaiters for building stands in the bed of the river. He stated that there are no registered whitebait stands on the Buller River. J. Adams reported that five formal warnings were issued during the reporting period along with one abatement notice and 15 infringement notices of which 14 were to the same company.

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

Carried

6.0 GENERAL BUSINESS

There was no general business.

Cr Chinn thanked his councillors for their time on council and wished them well for the elections to be held this Saturday.

The meeting closed at 11.00 a.m.

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Chairman

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Date