

## **THE WEST COAST REGIONAL COUNCIL**

### **MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 AUGUST 2010, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.28 A.M.**

#### **PRESENT:**

R. Scarlett (Chairman), P. Ewen, A. Robb, T. Archer, D. Davidson, B. Chinn, A. Birchfield

#### **IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), S. Moran (Planning and Environmental Manager), C. Dall (Consents and Compliance Manager), T. Jellyman (Minutes Clerk), The Media

#### **1. APOLOGIES:**

There were no apologies.

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

There was no public forum.

#### **3. CONFIRMATION OF MINUTES**

**Moved** (Archer / Robb) *that the minutes of the Council Meeting dated 13 July 2010, be confirmed as correct.*

*Carried*

#### **Matters arising**

There were no matters arising.

#### **REPORTS:**

#### **4.1 PLANNING AND ENVIRONMENTAL MANAGER'S REPORT ON ENGINEERING OPERATIONS**

S. Moran spoke to his report and took it as read. He advised that substantial amounts of rock from the Inchbonnie quarry have been used recently for contracts in the Inchbonnie Rating District.

S. Moran drew attention to the finalised dates for the annual rating district meetings. Cr Chinn asked that the options for rock supply in the Harihari area for the Wanganui Rating District could be worked through before the rating district meeting in this area.

**Moved** (Ewen / Davidson) *that the report be received.*

*Carried*

#### **5.1 CORPORATE SERVICES MANAGER'S REPORT**

R. Mallinson spoke to his report advising that this is the provisional full 12 month financial results for the year. He advised that the total operating expenditure excluding the Greymouth Floodwall Upgrade is just over \$9M and total operating revenue was just under \$10M. The operating surplus before the Greymouth Floodwall Upgrade cost is \$962,000 with the total completed costs for the upgrade being \$3.296M. R. Mallinson reported that the Investment Portfolio showed a return of \$873,850 for the 12 months which more than recovers the losses in the 2008 / 2009 years. R. Mallinson advised that he is

now focusing on completing the 2010 Annual report for Audit NZ. Their audit is scheduled to start in early September. R. Mallinson reported on the use of the Council Seal during the reporting period.

**Moved** (Archer / Chinn) *that this report be received.*

*Carried*

#### **5.1.1 12 MONTH REVIEW – 1 JULY 2009 – 30 JUNE 2010**

R. Mallinson spoke to this report and offered to answer any questions from Council. Cr Archer asked if there is any intention to include some sort of additional performance measure to comply with the discount regulation provisions. Cr Scarlett stated that it is not in this report yet as the discount regulations are a new initiative. Cr Archer asked if there is a performance mechanism being considered for future reporting. C. Dall stated that these are Annual Plan targets and there will be an opportunity to review these in the next round of the Annual Plan review. C. Ingle suggested a financial reporting system could be implemented that compliments the current "percentage completed" reporting system to show if there has had to be any discounts paid out. R. Mallinson confirmed that this sort of reporting system could be put in place. Cr Ewen feels that Council has been a little tough on its self describing the performance target of holding two public meetings for the Regional Transport Committee as not achieved, as the outside agencies involved did not provide the necessary information to progress these meetings. Cr Scarlett agreed with this as the meeting would have been held if the information had of been to hand. Cr Archer suggested adjusting the performance target for next year to cover this. Cr Archer congratulated staff on their efforts in a good report. Cr Scarlett was in agreement.

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

*Carried*

#### **6.0 CHIEF EXECUTIVES REPORT**

C. Ingle spoke to his report advising that he attended the Environmental Court in Christchurch for the second Land and Riverbed Plan Wetlands hearing on the 9<sup>th</sup> and 10<sup>th</sup> of June. He also attended an IT workshop for Shared Services in June and the Mayors and Chairs Forum in June.

C. Ingle reported that he attended an Envirolink Governance meeting in Wellington on the 29<sup>th</sup> of July. He advised that this group directs funding we get from government for science funding, this group also ran a science road show, which visited us on the 4<sup>th</sup> of August. Staff members discussed priorities for science research for the West Coast region with NIWA and Landcare Research, GNS and ESR scientists. C. Ingle advised that the priorities that were noted were Lake Brunner science, natural hazards (with flooding and coastal erosion) mine site rehabilitation and subdivision developments. C. Ingle stated that this was a very good day.

Cr Chinn asked C. Ingle how he felt the wetlands hearing went. C. Ingle responded that it went well but he has not heard anything back apart from an email from our lawyer. C. Ingle stated that we are now waiting for the court to come back with a decision on what is ecologically significant in the region. He stated that the court has now had a good discussion with the Ecologists after the second hearing and now seem to have a much more balanced view. Cr Birchfield asked who the ratepayers were that C. Ingle met with earlier in the month and what were their concerns. C. Ingle stated that he would not name the people but their concerns were the affects of mining on the Waimea Creek and surrounding catchment. C. Ingle stated that this was a useful meeting.

**Moved** (Davidson / Chinn) *that this report be received.*

*Carried*

#### **7.0 CHAIRMANS REPORT (VERBAL)**

The Chairman reported that he has fielded quite a few telephone calls regarding the 1080 debate. Cr Scarlett attended the LGNZ AGM and conference in Auckland. He stated that there was a huge amount of discussion on the Auckland Super City issue. He advised that the Lord Mayor of Brisbane was in attendance and he spoke of the impact that coal and mining has had on this city. Cr Scarlett commented that it has been the energy sector that has built up this city. Cr Scarlett attended the Regional Affairs Committee meeting during the reporting period. He advised that there has been a lot of concern with the future of regional councils and the prospect of being merged with the EPA. Cr

Scarlett stated that it was noted that regional councils have a lot to offer in terms of freshwater and environmental knowledge and experience in their regions. He stated this needs to be put out there for the benefit of New Zealand and it is important that the profile of regional councils is lifted. Cr Scarlett reported that a draft strategic position discussion paper on freshwater management was put forward. Cr Scarlett stated that it is important that regional councils assist with the molding of policy for this as we have a lot to offer in this area. Cr Ewen drew attention to the high number of community boards in Auckland and stated that this will be problematic. Cr Ewen stated that he would be most concerned if regional councils were merged with EPA's. C. Ingle stated that Mr Guy Salmond who was one of the speakers at the Freshwater Conference that he attended in February, visited this council recently. C. Ingle advised that Mr Salmond had been a strong supporter of merging regional councils with the EPA but is now making an effort to become better informed of issues relating to regional councils.

**Moved** (Scarlett / Archer) *that this report be received.*

*Carried*

## **GENERAL BUSINESS**

Cr Birchfield stated that he wishes to make further comments relating to council resolving not to process the consent for New River / Saltwater Creek under emergency works. Cr Birchfield feels that council's refusal to act on a matter of potential flooding may come back on council if there is a flood and lives and or property is lost. Cr Birchfield feels this problem has been around for sometime and nothing has been done. Cr Davidson stated that if an emergency is obvious then the works could be implemented. Cr Archer is unsure whether Cr Birchfield is aggrieved with the outcome or if Cr Birchfield would rather discuss this further in an open forum. Cr Archer stated he would be happy to discuss this and the report relating to this in an open forum. Cr Birchfield feels that council should have made provision to let this water go in case there is a flood in the coming months rather than waiting to get the rain. Cr Robb stated that he takes issue with Cr Birchfield's comments that nothing has been done, as council has instigated public consultation, council has arranged for a report to be done on this area and has taken the necessary steps needed to begin to address this problem. Cr Robb stated that there are a considerable number of other areas on the West Coast that have had similar issues to New River / Saltwater Creek and they have been dealt with in the correct way. Cr Robb noted that there have been rating districts set up in the past to address local issues. Cr Archer stated that he would prefer that the report concerning this area is discussed in the open forum as there is nothing in the report indicating that it needs to be held in the confidential part of the meeting.

*(Note: This matter was on the agenda as a workshop item).*

**Moved** (Archer / Ewen) *that the report regarding the options for New River / Saltwater Creek be moved to the open forum of this meeting.*

*Carried*

Cr Scarlett stated that currently we are hamstrung legally, as the opening of the mouth is not an emergency. Cr Scarlett advised that if we did this without consent council would be in breach of its own statute. Cr Scarlett stated that this would not be a good look as we ping other people for breaking the rules. Cr Birchfield stated that this is an exaggeration and council should not sit back and wait for a flood. Cr Scarlett advised Cr Birchfield not to put a guilt trip on him. Cr Scarlett stated that council would be acting illegally if they did what Cr Birchfield suggests when there is no emergency. Cr Scarlett reminded Cr Birchfield that council couldn't break the rules, that we need to set an example and cannot be cavalier about statutes as we are a statutory body. Cr Archer advised that there is some case law on this matter called immediacy and urgency. Cr Archer read to the meeting from the Act; "the law requires both immediacy and urgency for remedial works before the emergency powers provision is available. The disposal of sewage sludge on a golf course did not constitute emergency works when the council had known of the pending disposal problem for some considerable time". Cr Archer stated that this is exactly the same basis right now, we know there is an issue, everybody agrees that there is an issue that needs to be addressed but by proceeding down the pathway of some emergency, one of the things that Cr Birchfield is doing is depriving the community from having input and a say in the matter. Cr Archer drew attention to the Council engineer's report with three options, the previous report from Graeme Smart and council has already agreed to embark on a process of engaging the community into this. Cr Archer stated that W. Moen's report has a number of options and one of them is to do nothing. Cr Archer stated that to have meaningful outcome to this discussion then you would need to proceed down one of the paths mentioned in the report. Cr Archer stated he would be very reluctant to deprive the community of input into this as there is no immediacy or urgency or any infrastructure that the council or any utility operator has. Cr Archer noted that this has been put to the

vote in the previous meeting and it was voted down in the previous meeting. Cr Scarlett agrees that it is important that the community is consulted. S. Moran advised clarified to the meeting some of the points in W. Moen's report and noted that this report was put together as a follow up to Graeme Smart's report. S. Moran read out the various options to the meeting. S. Moran stated that W. Moen's report is very much a preliminary report, there are no costings in the report and it requires greater detail. S. Moran advised that there have been discussions with the local community over the past two years; there has not been any interest from the community to form a rating district. He stated that if a rating district is formed then the rating district pays for any works done. S. Moran stated that Mr Sutherland's (GDC) approach is more temporary approach and far less costly. He stated that it is unclear if the more permanent options would prevent the river from coming further north. S. Moran clarified that if the river blocked up tomorrow and Grey District Council felt that some of their infrastructure was at risk then they would be entitled to look at the emergency provisions and open up the mouth. S. Moran stated that there is nothing stopping anyone from applying for a resource consent to cut a channel through this area. Cr Scarlett asked why doesn't Grey District Council apply for the consent. S. Moran advised that Mr Sutherland's letter eludes to the fact that Grey District Council see this as a rural waterway and they take responsibility for urban creeks and drains. Cr Birchfield stated that it would cost Grey District Council for the consent and then they would have no money left to do the job. S. Moran advised that whoever undertakes emergency works then has to apply for a retrospective consent anyway so the costs will be similar. Cr Ewen stated he believes we have a good provision already in place by going through the coastal plan change 2 process as there is a trigger there at the culvert and the mouth can be opened any time without consent once the Plan appeal is signed off by the Minister. Cr Scarlett stated that we could request that the Minister signs off on the Coastal Plan Change 2 as a matter of urgency. Cr Archer stated that if someone in the community applied for a consent then the council would most likely bend over backwards to fast track the consent and at minimal costs so that a long term solution is found. Cr Ewen noted that there was no appeal from DoC during the Coastal Plan Change 2 process and he feels this will be dealt with fairly quickly. Cr Archer stated that he is not adverse to the regional council applying for the consent to spend the process up. Cr Davidson stated that he would like community consultation to take place and then assess the best option and get on with it. Cr Scarlett stated that it is looking like option 2 is the preferred option and costings are now needed so that the community can decide whether or not they wish to form a rating district. C. Ingle advised that the next step is to approach the landowner, which is DoC, and confirm that we have their permission to go ahead. The next step is to clarify with Grey District Council what they are prepared to spend. Costings would then be obtained and once all of this is in place the community would then be consulted. Cr Robb asked if this council would be an affected party and would council be involved as part of this. C. Ingle stated that if he were to draw a map of who is affected it would be from the Pony Club all the way back to the Paroa Hotel with everyone on this side of the highway affected. C. Ingle stated that those on the eastern side of the highway would not be affected as they are up a hill and not at risk. S. Moran explained how the percentages of a rating district are worked out.

**Moved** (Davidson / Archer) *that Management approach Paul Pretorius and Mel Sutherland from Grey District Council, get the costings for the options, seek approval from DoC then meet with the community to discuss options for New River / Saltwater Creek.*

*Carried*

Cr Scarlett stated that at the same time a letter would be written to the Minister for Conservation requesting that the Coastal Plan Change 2 is signed off as soon as possible. Cr Scarlett stated he would like this matter to be given some urgency as spring is approaching and high rainfall can be expected around this time.

The meeting closed at 12.25 p.m.

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Chairman

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Date