

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 8 SEPTEMBER 2020, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.

PRESENT:

S. Challenger (Chairman), A. Birchfield, P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin, J. Douglas, F. Tumahai

IN ATTENDANCE:

R. Mallinson (Acting Chief Executive), H. Mills (Planning, Science & Innovation Manager), H. McKay (Consents & Compliance Manager), R. Beal (Operations Director) via Zoom, N. Costley (Communications & Strategy Manager), T. Jellyman (Minutes Clerk), M. Schumacher (IT Support), The Media (via Zoom)

Cr Birchfield read the prayer.

1. APOLOGIES

There were no apologies.

PRESENTATION

There was no presentation.

2. MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting.

Moved (Coll McLaughlin / Magner) *that the minutes of the previous Resource Management Committee meeting dated 11 August 2020, be confirmed as correct.*

Carried

Matters Arising

Cr Birchfield stated that he had voted against the Grey Freshwater Group's recommendations. He stated he has had feedback from farmers who feel there has not been enough consultation with them when the recommendations were drafted. Cr Birchfield stated that in particular they are concerned about the ten year consent time as they feel this is too shorter a time for a water take consent, and it needs to be up to 25 years at least, especially if there is investment in infrastructure.

Cr Coll McLaughlin stated that she was of the understanding that the timeframe was more related to water takes and that after the 10 year timeframe some farmers may not have taken up their full take and a review of the consent could be an option. It may allow water allocation to be available to other farmers. Cr Coll McLaughlin stated that the ten year review period is also about assessing adverse effects. Cr Coll McLaughlin stated that she supports the work of the FMU group as it is possible to implement this in a way that balances more availability of economic opportunities for other farmers who have not got in first in first served as the FMU reflected. Cr Coll McLaughlin stated that it is important that there is adequate review opportunities.

Cr Birchfield commented that there is never likely to be a shortage of water on the West Coast.

Cr Magner noted that the main area of concern was where there are significant amounts of irrigation like Mawheraiti.

H. Mills confirmed that the minor typographical errors which Cr Ewen had drawn attention to have now been corrected in the final document.

Cr Hill advised that the Kawatiri FMU is not yet ready to bring their report to Council, and is hopeful that the report might be ready for next month's meeting. H. Mills advised that due to the Healthy Waterways package there are now some extra recommendations that will be included in the report. Cr Challenger

advised that after ten years' consideration can be given to how much water is being used and is the water take being fully utilised. He suggested that re-assessment of the consent itself might be considered.

3. PUBLIC FORUM

There was no public forum.

4. CHAIRMAN'S REPORT

The Chairman advised that he has nothing to report this month.

5. REPORTS

5.1 PLANNING AND OPERATIONS GROUP

5.1.1 PLANNING REPORT & HYDROLOGY REPORT

H. Mills spoke to his report and advised that Makaawhio's appeal on Plan Change 1 has been narrowed to Lake Kini wetlands on their land, and this means that all other boundaries can now be implemented.

H. Mills updated the meeting on the FMU Groups progress and stated that this will be covered further in his and H. McKay's joint report later in the meeting.

H. Mills reported that the National Climate Change Risk Assessment came out of the Zero Carbon Act, and was the first action out of this Act. He stated that there are no real surprises in this report.

Cr Ewen expressed concern with water takes now having to be reported daily to Council. He stated that this seems rather onerous given that amount of paperwork involved and seems ridiculous. H. Mills agreed and stated that there is unlikely to be any environmental benefit on the West Coast.

H. Mills answered questions from Councillors and advised that the National Climate Change Risk Assessment will feed into the One District Plan and partly into regional plans.

Discussion took place on consumptive water takes. H. Mills advised that this is been worked through to ascertain whether or not this relates to gold mining. H. McKay advised that alluvial gold mines are generally marked as non-consumptive at the moment.

Moved (Magner / Birchfield) *That the report is received.*

Carried

5.1.2 REEFTON AIR QUALITY SUMMARY

H. Mills advised that there have been no breaches of the NES for air quality in Reefton to date. Cr Hill asked why have aftermarket devices have been cast out, as they would improve air quality in Reefton and such like places. H. Mills advised that MfE as part of the proposed NES have a list of approved burners and aftermarket devices such as the OekoTube were not considered. The WCRC submission on the proposed NES Air Quality raised this as an issue.

Moved (Coll McLaughlin / Ewen) *That this report be received.*

Carried

5.2.1 CONSENTS MONTHLY REPORT

H. McKay spoke to this report and advised that two site visits were undertaken and ten non notified resource consents were granted during the reporting period.

H. McKay advised that staff are busy with resources consents, with approximately 20 more resource consents currently being processed compared to this time last year. Cr Cummings asked what type of industries are these consents related to. H. McKay advised that there are a wide variety but quite a lot of septic tank consent applications which are related to the current housing building occurring at the moment.

Moved (Cummings / Hill) *That the September 2020 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

H. McKay spoke to this report and advised that 142 site visits were carried out during the reporting period. She stated that 14 complaints or incidents were reported and eight incidences were reported that were determined to be non-compliant. H. McKay advised that six other complaints or incidents are still being investigated or have been determined to be compliant with provisions.

H. McKay reported that a complaint regarding a whitebait stand has been resolved. She advised that a breach to earthworks in a Schedule 2 Wetland has now been issued with an abatement notice with enquiries ongoing.

H. McKay advised that one infringement notice, and one abatement notice were issued during the reporting period.

H. McKay advised that five work programmes for mining were received and all five were approved during the reporting period.

Moved (Cummings / Birchfield)

1. *That the September 2020 report of the Compliance Group be received.*
2. *That the bond of \$6,000 for RC07077 Keown & Cain be released.*

Carried

5.2.3 FRESHWATER LEGISLATION – NPS, NES, STOCK EXCLUSION, WATER TAKE REPORTING

H. McKay advised that this is a shared report from herself and H. Mills. H. McKay spoke to the report and stated that staff engaged strongly in the consultation process with central government. She reported that final policies and regulations were released on 3 August and come into force on 3 September 2020. H. McKay advised that Council must now implement the new requirements, as they are now legislation.

NPS – Freshwater Management: H. McKay outlined requirements in this area and confirmed that extra staff will be required. She stated that extra consents and compliance staff will be required, and extra work will also be required.

National Environmental Standard: Freshwater Management & Stock Exclusion Regulations:

H. McKay advised that these are two significant pieces of legislation which are national rules and regulations which must be enforced by regional councils. H. McKay advised that extra consenting work will be required along with an impact on the compliance regime. H. McKay stated that it is likely that more staff will be required. Cr Coll McLaughlin asked if there is any indication on how Council will pay for this in terms of cost recovery from applicants versus potential rate increases. H. McKay stated that it is early days but advised that consenting is cost recoverable but staff costs are difficult to recover. H. McKay advised that the regional sector is working on this as every regional council is faced with the same dilemma that this council is facing. She advised that the regional sector is working together to try to reduce the burden on ratepayers. Cr Coll McLaughlin asked if the current plan would be amended or is a new plan required. H. McKay advised that the regulations, rules, NES and stock exclusion regulations have now taken effect. Cr Coll McLaughlin stated that 2024 is not far away and by then Council will have to have the Plan amended plan, or a new plan in place. H. Mills advised that the NES for Freshwater Management(NES-FM) has to be implemented before 2024, and Council is going through that analysis now to see what is required to get this in place.

H. Mills spoke of the key effects on Council with regard to the NPS-FM planning and monitoring. He stated that there have been significant changes to the NES-FM. He spoke of the key effects on Council that will have costing implications. H. Mills advised that the Grey FMU will need to be revisited and some of their recommendations will need to be revised. H. Mills advised that there will be six new parameters of water quality that has to be measured, and this will not be cost recoverable. He stated that the most concerning one is mapping of all wetlands on private land, which will be problematic due to the share volume, and significant wetlands took 10 years to assess and this is more prohibitive than the current wetland rules. H. Mills advised that work is starting and this will be brought back to Council. H. Mills advised that a plan change to both the Land and Water Plan and some parts of the RPS which has to be implemented and in the plans by 2026. H. Mills stated a lot of these matters will have minimal environmental benefit on the West Coast. H. Mills answered questions from Councillors. Cr Birchfield spoke of conversations he has had with other councils who have done assessments on staff requirements, and one council will need 130 staff to administer this. Cr Ewen commented that he has heard that DoC may not have the finance to do the mapping on their own land. Cr Ewen stated that there will be farmers in the same position yet they have to do this mapping. Cr Ewen stated that most of the wetlands are DoC estate and he asked how are they going to address the rules that have to be implemented where all deer and pigs have to be removed

from wetlands. H. McKay advised that the regulation is to exclude wild animals. H. Mills advised that this specifically applies to private land not DoC estate. R. Mallinson stated that this is the most massive impact on this and all regional councils since their creation in 1989. He stated that the effect on this council is going to be huge. Extensive discussion took place with H. Mills and H. McKay answering questions. Cr Magner advised that there has been some backtracking on legislation already, in terms of pugging depths, as some aspects of the draft are not enforceable and practical. Cr Birchfield advised that the estimate for this council's associated costs was approximately \$4M to administer this legislation. He noted that Council only rates for \$2.2M and there is no way Council can fund this. Cr Ewen stated that this is an example of Wellington coming up with a plan for the betterment of the environment that is not applicable to the West Coast. He stated that the West Coast does not have the numbers to pay this sort of amount that has been projected.

H. McKay spoke to the rest of the report and clarified various matters and answered questions from Councillors. She stated that the harvesting of sphagnum moss harvesting has come through as a permitted activity.

H. McKay clarified farming activities and stated that stand off pads will be a big issue for West Coast and will require resource consents. She stated that 200 – 300 of these on the West Coast which are likely to require resource consents. She advised that consent will be required from July 2021 and this will be a big resourcing impact. H. McKay answered questions and explained requirements for consents to the meeting. H. McKay advised that Council does have some discretion with regard to compliance and she anticipates taking an educative approach, and undertake enforcement action where necessary. Cr Magner expressed her concerned about environmental effects if standoff pads are not used. She also is concerned regarding the intensive winter grazing as pugging will be concerning. H. McKay answered questions relating to pugging and compliance concerns. Cr Magner stated that re-sowing will be very difficult on the West Coast and this is not doing anyone any favours and is nonsensical for the West Coast. H. McKay advised there will be significant impact on West Coast farmers. H. McKay provided further information on the resource consenting requirements and the processes around effects.

H. Mills advised that there will be a cost to consent holders with regard to Measurement and Reporting Water Takes and these costs will be significant as a logger, a water meter and some form of telemetry to get the data to Council will be required. He stated that Council will then have to have some form of a data base to receive the information. He stated there will be a part cost on the consent holder and a part cost on Council. H. McKay stated that it is expected that Council will have to report on this data to government or MfE.

H. McKay clarified matters relating to synthetic nitrogen fertiliser. She answered questions from councillors on the effects of this. F. Tumahai asked how will council know how much fertiliser is being provided. H. McKay advised that evidence of how much is used has to be provided to government agencies.

Stock exclusion regulations were further discussed. It was noted that setbacks have been reduced from five to three metres, and existing complying fences do not have to be moved back. Cr Birchfield stated that a lot of extra staff will be required to implement the new regulations. Cr Ewen expressed concern with daily reporting and the unreliable internet in some areas of the West Coast. He feels this has not been thought through. R. Mallinson stated that this has been a very daunting matter for H. McKay and H. Mills. R. Mallinson stated that both have done a huge and very capable job in engaging with central government in a positive manner. He noted that they have hosted officials on the West Coast and written submissions as well as participating in various sector forum to try to get better outcomes for the West Coast. R. Mallinson thanked H. McKay and H. Mills for their work in this area.

Moved (Coll McLaughlin / Cummings) *That Council receives this report.*

Carried

GENERAL BUSINESS

There was no general business.

The meeting closed at 11.40 am

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Chairman

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Date