

## 2.1.1

### THE WEST COAST REGIONAL COUNCIL

**MINUTES OF A SPECIAL MEETING OF THE WEST COAST REGIONAL COUNCIL  
RESOURCE MANAGEMENT COMMITTEE HELD ON 20 FEBRUARY 2020,  
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH,  
COMMENCING AT 3.05 P.M.**

#### **PRESENT:**

S. Challenger, (Chairman), A. Birchfield P. Ewen, B. Cummings, D. Magner, J. Hill (arrived 3.06 p.m),  
L. Coll McLaughlin (via Telephone), F. Tumahai, J. Douglas

#### **IN ATTENDANCE:**

M. Meehan (Chief Executive Officer), H. Mills (Planning, Science & Innovation Manager) L. Sadler, A.  
Melrose (Planning Staff), T. Jellyman (Minutes Clerk)

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

There were no apologies.

#### **2. REGIONAL LAND AND WATER PLAN – PLAN CHANGE 1**

H. Mills advised that he recently sent out figures, at the request of Cr Birchfield, on the quantity of areas that are being removed from Plan Change 1. He stated that there are two main parts to the Plan Change (PC), with the first one being the corrections to designated wetland boundaries. H. Mills stated that there were some areas that physically were not actually wetland, such as roads or farmland. H. Mills advised that the EC directed Council to check these areas, this was done and is the main part of the PC. He stated that staff have spent a lot of time meeting with property owners and doing assessments on properties. H. Mills advised that the other key part to the PC was around the harvesting of Sphagnum Moss (SM). He advised that the definition of vegetation disturbance is being amended to permit Sphagnum Moss Harvesting in Schedule 2 wetlands. H. Mills stated that this allowed Council to create a permitted activity rule for the harvesting of Sphagnum Moss in Schedule 2 wetlands. H. Mills stated that landowners are waiting for this decision to be made as are sphagnum moss harvesters. H. Mills advised that there are 6,269 hectares of Schedule 2 wetlands classification on private land currently. Council is proposing, through this PC, to have just over 500 hectares coming out of both Schedule 1 and 2 designations, mainly Schedule 2, with the key fact being approximately 500 hectares coming out of wetland designation for property owners, and farm owners. He stated these farm owners have been through a rigorous process, and are waiting for this to happen in order to get on with their lives.

Cr Birchfield declared an interest, as he has an interest in Birchfield Coal Ltd, and some schedule 2 wetlands encroaches on his land, and Birchfield Coal Ltd were also a submitter.

J. Douglas declared an interest on behalf of the Te Rūnanga Makaawhio with regard to the scheduled wetlands in the Lake Kini area.

M. Meehan suggested the Council looks at this as simply getting these people out of the Plan Change process and for landowners such as Mr Friend, it is 100% of his land that will be getting the designation removed. M. Meehan stated this is significant for the sphagnum moss industry. M. Meehan advised that there could still be appeals if Council decides to accept this, and after this, Council looks at options should they wish to review the rest of the wetlands in the Plan. He stated that if Council wishes to consider the other issues, this should be done afterwards as by adopting the Hearing Panel's recommendations, Council would be providing relief to the landowners and the sphagnum moss industry. H. Mills advised that if Council does not accept the recommendations from the Hearing Panel, Council may need to go back to rehold hearings on the whole Plan Change, which will be a significant undertaking. Cr Birchfield stated everyone's land should come out, it should never have gone in as there was no proper assessment done, and landowners were never told. Cr Birchfield stated he wants the whole thing re-done, the boundary changes are not acceptable, everyone should get their land back, as there is still 5,700 hectares of private land with a wetland designation on it. F. Tumahai asked if there is any Maori land included in the wetland schedule. M. Meehan advised that Lake Kini is included. F. Tumahai stated that he will be following

Makaawhio's lead. Cr Cummings asked if sphagnum moss harvesters have to get resource consent. M. Meehan advised that during the EC court case, due to the changes made through the EC, the vegetation disturbance definition and the changes to it meant that sphagnum moss harvesting became an activity that resource consent was needed for. M. Meehan stated that during the Court case, Council tried to come up with a permitted activity rule but the Court said Council would need to have further hearings on this matter. He stated that at the time the decision was made to accept that and to move forward with a Plan Change to rectify this as there was no appetite to go to more Court hearings. M. Meehan stated that Council has not required sphagnum moss owners to get resource consent as this gets the harvesters back to where they were pre Court case. By proposing that sphagnum moss is harvested in line with the permitted activity rule, harvesters can get on with their lives. Cr Challenger stated that he has received phone calls during the week from affected landowners expressing their disappointment that Council did not make a decision at the February meeting as they have been left hanging since 2012, they can't do anything with their land, and they want a decision made. M. Meehan advised that by accepting the Hearing Panel's Recommendations, Council is not removing anyone's rights, but Council would be freeing up 500 hectares and providing relief to the sphagnum moss industry.

Cr Hill stated he agrees with Crs Magner and Challenger and will be voting in favour of the Hearing Panel's findings. H. Mills advised that this decision would be giving back some of landowners rights.

Extensive discussion took place with all present expressing their views. Cr Challenger advised that by accepting the Hearing Panel's recommendations Council can sort out the 500 hectares and can then work on the rest. Cr Challenger warned of the costs associated with going back to a re-hearing if the recommendations from the Hearing Panel are not adopted. M. Meehan stated that if a decision to accept the Hearing Panel's recommendation is not made today, then the only way that Council could affect what they are asking to do is to do another plan change. He stated that this could be done in addition to adopting the Hearing Panel's Recommendation, as this does not lose anything, it does not accept the decision from the Environment Court, but does give relief to the landowners whom have been in this for eight years, working alongside and making submissions, and the sphagnum moss industry as it benefits this group. M. Meehan advised that by accepting the Hearing Panel's Recommendations, Council is not accepting the Environment Court case. Cr Magner stated that this would save money as there is 500 hectares of wetland designation that will be removed from the Plan.

Cr Birchfield stated that everyone should get their land back and not just a few. F. Tumahai stated that everyone either gets their land back, or everyone sticks together and fights. Cr Hill advised this is a small win and is worth taking. Cr Coll McLaughlin advised that if Council votes against this, then all the work that has been done has been lost. She stated that Council can vote for the recommendations, then make it clear that Council is aiming for more, but this is a rung on the ladder that Council is climbing. Cr Coll McLaughlin agreed with Cr Hill and said that this is a win, and turning this down is not doing anyone a favour. Cr Challenger stated that Council would be better off accepting what they have got in the Recommendations rather than throwing everything out and starting over again. M. Meehan advised that Council would need to be clear on what they are going to go back to the sphagnum moss industry with. Cr Coll McLaughlin stated that Council needs to be pragmatic, she asked if Council is throwing away a win for a principle. She asked if, realistically, is Council going to get more than this if Council goes through another plan change? Cr Challenger stated that land which is identified as Schedule 1 & 2 has already been designated but by agreeing to the recommendations, Council is getting some land back. It was suggested that a statement is included with words advising that by accepting the Hearing Panel's Recommendations, Council is not accepting the Environment Court case.

L. Sadler addressed the meeting and advised that the plan change process is set out in the Resource Management Act and is a legal process. She stated that the Court directed Council and DoC to go through the process of correcting the errors in the wetland boundaries and then make the changes in the Plan which goes through a plan change process. L. Sadler advised there is a legal obligation for this process to be completed. She suggested that a written statement could be attached at the front of the decisions document that outlines issues discussed at today's meeting. The decisions could then be released, with the statement included. H. Mills confirmed that Council would have to go through the Plan Change process again if the Hearing Panel's Recommendations are not adopted. Cr Coll McLaughlin asked M. Meehan what this process has cost to date. M. Meehan responded that this is eight years of time, not just with this government but previous governments and starting in 2002 and is nearly two decades. Cr Hill advised that he feels Council is better to take a small win as all or nothing is not going to get what Council is seeking. Cr Coll McLaughlin stated that this is an Environment Court process, and central government cannot interfere. M. Meehan stated that the chance of success in removing all wetlands in the Environment Court is virtually nil. M. Meehan advised that the compensation conversation has been going on for two decades without success. He advised Councillors to think of a strategy to achieve this and how to go about it. He advised that getting wetlands removed through the Environment Court will have a zero chance of success but Council could apply pressure to the Government to encourage the conversation regarding compensation. H. Mills advised that Council pushes this with every submission that they do. The recommendation was put.

**Moved** (Challenger / Magner)

1. *That the report is received.*

2. *That the Resource Management Committee adopts the Hearing Panel's Recommendations as the Council's Decisions on Submissions to the proposed Plan Change 1 to the Regional Land and Water Plan.*

*Crs Birchfield, Ewen and Cummings, F. Tumahai & J. Douglas Against*

Crs Hill and Coll McLaughlin were also in favour. The motion was lost.

M. Meehan stated that Council is in a legal process so will now seek legal advice. M. Meehan stated that Councillors will need to work out who will be the spokesperson on this as there will be a lot of questions from landowners.

The meeting closed at 4.02 p.m.

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Chairman

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Date