

## THE WEST COAST REGIONAL COUNCIL

### **MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 10 OCTOBER 2017, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.**

#### **PRESENT:**

N. Clementson (Chairman), A. Robb, P. Ewen, A. Birchfield, T. Archer, S. Challenger, J. Douglas

#### **IN ATTENDANCE:**

M. Meehan (Chief Executive Officer), R. Mallinson (Corporate Services Manager), R. Beal (Operations Manager), G. McCormack (Consents & Compliance Manager), N. Costley (Strategy & Communications Manager), H. Mills (Planning Science & Innovation Manager), T. Jellyman (Minutes Clerk)

#### **1. APOLOGIES**

**Moved** (Robb / Archer) *That the apologies from Cr McDonnell and F. Tumahai be accepted.*

*Carried*

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

There was no public forum.

#### **3. MINUTES**

**Moved** (Challenger / Archer) *that the minutes of the previous Resource Management Committee meeting dated 12 September 2017, be confirmed as correct.*

*Carried*

#### **Matters Arising**

Cr Ewen asked if there has been any progress on the compliance matter at Ross. G. McCormack advised that the investigation has now concluded, a report has been given to the Chief Executive and a decision regarding prosecution will be made next week. Cr Ewen stated that he had asked if the operator had provided Council with a work programme and was informed that he had not.

#### **4. CHAIRMAN'S REPORT**

There was no Chairman's report.

#### **5. REPORTS**

##### **5.1 PLANNING AND OPERATIONS GROUP**

##### **5.1.1 PLANNING REPORT**

H. Mills spoke to this report.

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

*Carried*

### **5.1.2 PROPOSED REGIONAL POLICY STATEMENT - HEARING PANEL COMPOSITION**

H. Mills spoke to this report and advised that the purpose of the report is to agree on the composition of the hearing panel. Cr Archer stated that it seems a little silly to appoint a panel to sit through a whole hearing, decide an outcome and then Council can torpedo it without even participating in the process. M. Meehan agreed, but stated that ultimately Councillors have the decision making power. Discussion ensued and it was noted that the whole hearing and decision making process could take up to five weeks in total.

**Moved** (Archer / Robb)

*That the Committee agrees to appoint under s34A of the RMA, a hearing panel made up of two Councillors and three independent commissioners, including one commissioner with an understanding of tikanga Maori, to hear and make decisions on the submission on the Regional Policy Statement.*

*Carried*

### **5.1.3 REEFTON AIR QUALITY SUMMARY**

H. Mills spoke to this report and advised that to date there have been no exceedances of the NES for PM<sub>10</sub> in Reefton this winter. He stated that by May 2018 it is likely that there will be a firm direction from MfE on the new NES for air quality.

**Moved** (Archer / Ewen)

*Carried*

### **5.1.4 HYDROLOGY AND FLOOD WARNING UPDATE**

H. Mills spoke to this report and advised a moderately heavy rainfall event in the Buller district produced flood alarms on the some rivers along with a minor event on the Grey River on 18 September. H. Mills advised that the minor problem with the flood warning Twitter alert has now been resolved and is now up and running again.

**Moved** (Birchfield / Challenger)

*Carried*

### **5.2.1 CONSENTS MONTHLY REPORT**

G. McCormack spoke to this report and advised that 11 non notified resource consents were granted during the reporting period.

G. McCormack reported that all whitebait resource consents have now been received and are expected to be determined by the end of October.

G. McCormack advised that the Te Kuha Mine hearing has now been adjourned with a decision expected within the next two months or so.

**Moved** (Archer / Robb) *That the October 2017 report of the Consents Group be received.*

*Carried*

### **5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

G. McCormack spoke to this report and advised that 31 site visits were carried out during the reporting period.

G. McCormack reported that 37 formal warnings were issued, 35 of which were for gravel contractors who have not submitted their gravel volume returns. G. McCormack reported that four work programmes have been received during the reporting period.

Cr Birchfield expressed concern regarding the letters sent out to gravel contractors for failing to submit their gravel returns. G. McCormack advised that gravel returns must be submitted as this is a consent condition. He stated that Council needs to understand how much gravel has been taken from each river. M. Meehan stated that resource consents cannot be processed without knowing how much gravel has been taken from a particular river as Council must keep an accurate record otherwise it could be assumed that the contractor has taken the amount allowed in their consent conditions. This could then mean that another applicant is declined. Cr Birchfield stated that he would like to see gravel extraction become a permitted activity with rules.

Cr Birchfield moved that gravel extraction becomes a permitted activity. Further discussion ensued, M. Meehan spoke of the considerable work that has been done in this area and spoke of prosecutions that have been taken in relation to gravel extraction. Cr Archer called a Point of Order as there was currently a motion on the floor which has not been seconded. Cr Ewen seconded the motion. Cr Archer stated that to make gravel extraction a permitted activity is a huge step too far and he does not support the recommendation. Cr Birchfield stated he would like a report from staff on this matter. Cr Ewen agreed that this needs to be workshopped first. M. Meehan suggested that a workshop is held prior to the December Council meeting. G. McCormack advised that there are two issues; whether or not gravel extraction should be a permitted activity, and also the costs to the contractor. He stated that the cost to the contractor could be dealt with via the Long Term Plan.

Cr Robb moved an amendment to Cr Birchfield's motion.

**Moved** (Robb / Archer)

*That the Council conducts a workshop to work through the issues relating to RMA charges for gravel extraction in the Long Term Plan.*

*Carried.*

Cr Ewen asked for an update regarding the complaint about cows in a waterway at Barrytown. G. McCormack offered to follow this up after the meeting.

Cr Challenger asked for maps relating to the opening of Hou Hou Creek. It was agreed that these would be supplied.

Cr Birchfield stated that Crescent Creations Ltd prosecution should have been sorted out on site, as this was a day's work on a digger. Cr Birchfield expressed his concern at what this could cost. G. McCormack responded that Crescent Creations elected to have a jury trial, this then became a Crown matter and the Crown bears the costs. There were some Solicitors costs but they were less than the \$17,000 fine. G. McCormack advised that even though Crescent Creations elected a jury trial, they then decided to plead guilty and a lot of the costs were associated with their own work which they decided to do. G. McCormack advised that Council offered Crescent Creations a resolution, which they then accepted a year later, which was to plead guilty and the charges against Mr Wang would be dropped but at the time, they decided not to do this. He stated that Crescent Creations then spent a lot more money on investigations and solicitors fees, this was their choice, and then ultimately they pled guilty to exactly the same terms that G. McCormack wrote to them with this time last year. G. McCormack stated that Council was very reasonable over this case. M. Meehan advised that this matter has now been dealt with in accordance with the Enforcement Policy and the rules that Council works with. He stated that the company has ended up pleading guilty and they now want to go through mediation. Cr Ewen stated that G. McCormack has clarified the issue, and this could have been resolved 12 months ago. Cr Archer stated that Council is an enforcement agency and has no option but to enforce its plans. He stated that Council proposed a reasonable process to resolve this matter and the offender chose to ignore this and go through an extended legal process, which is their right. Cr Archer stated Council's last option is legal proceedings and in this case Council has gone through exactly the right processes.

**Moved** (Archer / Challenger)

*1. That the October 2017 report of the Compliance Group be received.*

2. *That the bonds for RC98024, RC-2016-0037 Blakely Mining Ltd and RC-2015-0030 Alluvial Mining (No 2) are released.*

*Carried*

**GENERAL BUSINESS**

Cr Clementson acknowledged that today is G. McCormack's last day. He thanked G. McCormack and S. Jones for their work and wished them both well for the future.

The meeting closed at 11.12 a.m.

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Chairman

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Date