

RESOURCE MANAGEMENT COMMITTEE

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Tuesday, 8 July 2008**

P. EWEN
CHAIRPERSON

S. MORAN
Planning and Environmental Manager
C. DALL
Consents and Compliance Manager

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2.1

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 10 JUNE 2008 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.33 A.M.

PRESENT:

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

IN ATTENDANCE:

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

1. APOLOGIES

Moved (Archer / Robb) *that the apologies from R. Scarlett and R. Barber be accepted.*

Carried

2. MINUTES

Moved (Archer / Chinn) *that the minutes of the previous Resource Management Committee meeting dated 13 May 2008, be confirmed as correct.*

Carried

Matters Arising

The Chairman advised that he met with Wayne Mapp and MP Auchinvole at his place of work and not at the Solid Energy Rescue Helicopter demonstration.

3. CHAIRMAN'S REPORT

The Chairman reported that he attended tender openings for works in the Karamea area. He attended a hearing with Cr Scarlett and a ministerial appointee regarding the oxidation ponds at Hokitika. He advised that this has been adjourned while further information is provided by parties to the hearing.

The Chairman along with some councillors met with the Board from Solid Energy. He attended the public meeting held for submissions for the Annual Plan process.

The Chairman tabled correspondence received from DoC regarding the Wetlands variation. This will be discussed with staff and the department over the coming months.

The Chairman advised that he has accepted an invitation to appear in a documentary regarding the mines inspectorate, though not in his role as Council Deputy Chairman. He stated that this would foster positive relationships in this area.

Moved (Ewen / Davidson) *that the Council receive this report.*

Carried

T. Scott asked what is the delay with the Wetlands variation. S. Moran advised that DoC have put in two approaches. Cr Ewen wrote to DoC asking them which approach they were looking at, a meeting then took place with DoC and council staff. S. Moran shared further information with T. Scott relating to timeframes. Cr Archer clarified timeframes required with T. Scott.

5. REPORTS

5.1. PLANNING AND ENVIRONMENTAL GROUP

5.1.1 PLANNING AND ENVIRONMENTAL MANAGER'S MONTHLY REPORT

S. Moran spoke to his report. S. Moran advised that there were in fact 14 submissions received for the Coastal Plan Change. Staff are currently preparing a summary of submissions which will be followed by notification for further submissions.

S. Moran reported that one year's funding has been obtained. Minor amendments have been made to the focus of service with input from the district councils. S. Moran advised that if the Waste Minimisation Bill goes through, a new waste levy would impact on the cost of waste disposal at landfills.

Civil Defence: S. Moran advised that following the latest CEG meeting all four councils have indicated that they are keen to participate in another civil defence exercise. This will be held in September or October 2009.

S. Moran reported that the ministry is to carry out a capability assessment for the West Coast. This will see how we compare with other CDEM groups around the country and where the work we do sits on the national scale. The result will be reported to council.

S. Moran advised that the Pandemic Roadshow is to visit the West Coast. This is a joint venture between Community & Public Health, DHB and CDEM. S. Moran advised that this is to get information and preparedness out to the community regarding pandemic outbreaks and other outbreaks of communicable diseases in general and not just bird flu.

S. Moran advised that the Get Ready Get Thru publication is to be put into the Messenger again shortly.

S. Moran reported that the Engineering Lifelines Group met on the 12th of May. This group has been one of the main drivers on the fuel study. Cr Birchfield stated that care needs to be taken with the amount of information released to the public in terms of locations of fuel storage locations in view of the cost of fuel.

S. Moran spoke of the meeting with GHD that he and C. Ingle attended. This relates to a study for Route Security on State Highway 6 that is being carried out on Transits behalf. Known areas that are prone to ongoing hazards and land slipping away or subject to known flooding were highlighted. T. Scott stated he is interested to hear what the options for the road around Bruce Bay are.

S. Moran reported that there have been three exceedences of the NES for PM₁₀ since the 27th of May. Cr Chinn asked what is the feeling of Reefton residents if the deadline for air quality of 2013 is not met. S. Moran advised that information has been circulated to the community via the Clarion. Staff are working with the community and various research schemes on this matter. Cr Archer spoke of the importance of working closely with the community and supporting the concept of the people being warm as well as working toward clean air. Cr Ewen stated that government has to come up with some subsidies for this purpose.

S. Moran advised that the State of Environment report which was due to be reported to this meeting is not available due to a delay from the external agency who have had staff resourcing issues. This has delayed analysis but will be available for the September meeting.

The work carried out by NIWA on tributaries around Lake Brunner is now available. The data relating to phosphorus and nitrogen relates to land use. S. Moran stated that the benefit of this work would show how the lake deals with the inputs coming in from the tributaries and what happens before it flows down the Arnold River.

Moved (Davidson / Birchfield) *that Council receive this report.*

Carried

5.1.2 FUEL STORAGE ON THE WEST COAST

S. Moran spoke to this report. He advised that through the West Coast Engineering Lifelines Group and CEG fuel storage on the West Coast has come up as a high priority. S. Moran advised that funding has been obtained from the Earthquake Commission and MCDEM to progress research in this area. An 81% response rate from the survey was achieved. S. Moran spoke of the need to start discussing this matter with the local services stations and fuel providers. Cr Ewen advised that too much emphasis should not be put on the alpine fault as Murchison and Inangahua earthquakes were on smaller fault lines.

Considerable discussion ensued on transportation options for fuel. Cr Ewen reiterated Cr Birchfield's comments regarding the security of fuel storage sites in view of the price of this commodity. Cr Archer applauded the authors and those that contributed to developing this strategy. He stated that this is timely and highlights the vulnerability we have in this area.

Cr Archer advised of the need for a procedure or policy on distribution control. Cr Davidson concurred with Cr Archer and stated that this report is a basis for WCRC to develop further. S. Moran spoke of work being done at a national level with fuel companies and also individual projects in Canterbury.

Moved (Archer / Davidson) *that Council receive this report.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to this report. He advised that three commissioners have been appointed to hear the applications for Meridian Energy's consent application which will take place in August. C. Dall is expecting this hearing to take four weeks and would be in at least two parts. T. Scott asked how is the selection process for the appointment of commissioners is arrived at. C. Dall advised that this is a two part process with the first being who should be on the hearing panel, then the appointment of the committee. This task of appointing the commissioners is delegated to the Chairman of the Resource Management Committee and the Chairman of the Council. This is based on staff recommendation, the complexity of the application, key issues and parties who have technical expertise or skills or knowledge in a particular area. C. Dall gave the example of the Mokihinui hearing where engineering and ecological issues were involved.

T. Scott asked what consideration is given to tangata whenua in being represented on the hearing panel. C. Dall advised that when looking for commissioners the submissions that are being lodged need to be looked at to see if there is any conflict of interest. He gave the example of Cr Scarlett being unable to be a council representative on the hearing panel due to his relationship with Westland Milk Products as they have lodged a submission. He advised that it is unwise to appoint someone to a hearing panel that has made a submission in case they are challenged at the hearing and may need to stand down. This could cause the size of the committee to be reduced.

Cr Ewen advised that in the past council has been criticised for not having local involvement. He stated that this council is one of the few in the country that has all councillors as hearing commissioners qualified or endeavouring to be so. T. Scott spoke of cultural expertise that can be brought to these panels. Cr Chinn stated that we are all one people and asked if Mr Scott is doubting the ability of the commissioners that have been appointed. T. Scott confirmed he is not doubting this but stated that there is a treaty stating that we are two people. C. Dall advised that he used the same model for selection as for the Trust Power hearing. Cr Birchfield reiterated that it is important that the best possible candidates are selected. The Chairman advised that we endeavour to participate and are an accommodating council for all parties. He stated that decisions made on this appointment panel are the right ones in view of the likelihood of it being quite a controversial hearing. The Chairman stated he has complete confidence in the hearing panel that has been appointed. T. Scott stated that as Iwi representatives they would be putting the pressure on for more Iwi members who are qualified to sit on these panels.

C. Dall advised that both Crs Ewen and Scarlett sat on the hearing panel for the Hokitika Oxidation Ponds. There hearing has been adjourned in order for further information to be gathered from the Westland District Council on water quality.

Moved (Davidson / Chinn) *that the June 2008 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall spoke to this report stating that there have been no specific issues. Staff attended a Partnering Workshop in relation to the Arahura Bridge replacement project. This is a proactive measure by OnTrack to include wide ranging parties who are affected by the proposal.

A further non-compliance has been received from Globe Progress Mine. This was above the consent limit and is being followed up.

C. Dall stated that given that the Pike River mine is getting to the stage of expecting coal, monitoring of the site has been increased.

C. Dall advised that it has been a fairly quiet month for complaints.

Cr Davidson asked of the possibility of council visiting the Pike River site. C. Dall recommended that a visit later in the year after coal has been won would be sensible. C. Ingle spoke of the recent visit he received from Pike River's new Relationship Manager inviting himself and councillors to visit the mine site.

Cr Birchfield commented on the recent abatement notice issued in the Jacks Road for illegal discharge of dust to air. He stated that he feels Grey District Council has made a bad decision in allowing residents into this area as it has been an industrial area for over 20 years. Cr Birchfield added that WCRC can expect more complaints in relation to this matter. Cr Chinn stated that the

farming community is experiencing similar issues with lifestyler's complaining about silage smell etc. This results from subdivisions being opened up in farming or industrial areas. He asked where does the regional council stand in these instances. C. Dall advised that if the consent is publicly notified then the regional council has the opportunity to make a submission but otherwise WCRC can only make a submission if identified as an affected party. Cr Archer advised that the key to the issue is to ensure that there is a buy in or an interest at the development of the plan stage.

Moved (Davidson / Birchfield)

RECOMMENDATION

1. *That the June 2008 report of the Compliance Group be received.*
2. *That the Council approves the release of the bond for Resource Consents RC06041 and RC07194.*

Carried

6. GENERAL BUSINESS

There was no general business.

The meeting closed at 11.35 am

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Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 8 July 2008
Prepared by: S. Moran Planning and Environmental Manager
Date: 26 June 2008

Subject: **PLANNING AND ENVIRONMENTAL MANAGER'S MONTHLY REPORT**

PLANNING

Staff have spent time assessing and considering a response to the Proposed National Environmental Standard on Ecological Flows and Water Levels. A separate report including a draft submission has been prepared.

TRANSPORT

Staff attended a meeting of the Regional Transport Committee Officials in Wellington hosted by LGNZ. The meeting provided an opportunity to further discuss the upcoming changes to the transport sector. The Bill is now expected to be enacted from 7 July.

A meeting for Regional Transport Committee Chairs has been arranged with the Minister Annette King for the 17th of July in Wellington to discuss the new legislation and its impact.

Regional Transport Committee

A new Regional Transport Committee (RTC - formerly the Regional Land Transport Committee) will need constituting. The RTC composition will be:

- 2 Regional Councilors – Chair and Deputy Chair
- 1 Councilor from each Territorial Authority
- 1 person from the New Zealand Transport Agency

6 representatives (speaking rights only) for:

- Economic development
- Safety and personal security
- Public health
- Access and mobility
- Environmental sustainability
- Cultural interests

Nominations will be sought for the representatives during July and these will be presented at the August meeting for Council to decide on. The RTC will have its first meeting under the new legislation on 28 August 2008.

Presentations were also received on integrating state highway plans into the new Regional Transport Programme, and discussion on the timelines for these Programmes. The Ministry of Transport will be holding a workshop to update the RTC on these changes at the start of the RTC meeting, and will provide further information and training for council officers in putting together the programmes at the end of the day.

Walking and Cycling Strategic Study

Following the initial consultation undertaken throughout May on walking and cycling, the Steering Group met on 18 June to work through the feedback gathered. A draft Strategy is now being prepared which will be taken to the RTC at its 28 August meeting for endorsement to go out for consultation. Council will have another opportunity to make comments on this document then.

RESOURCE SCIENCE

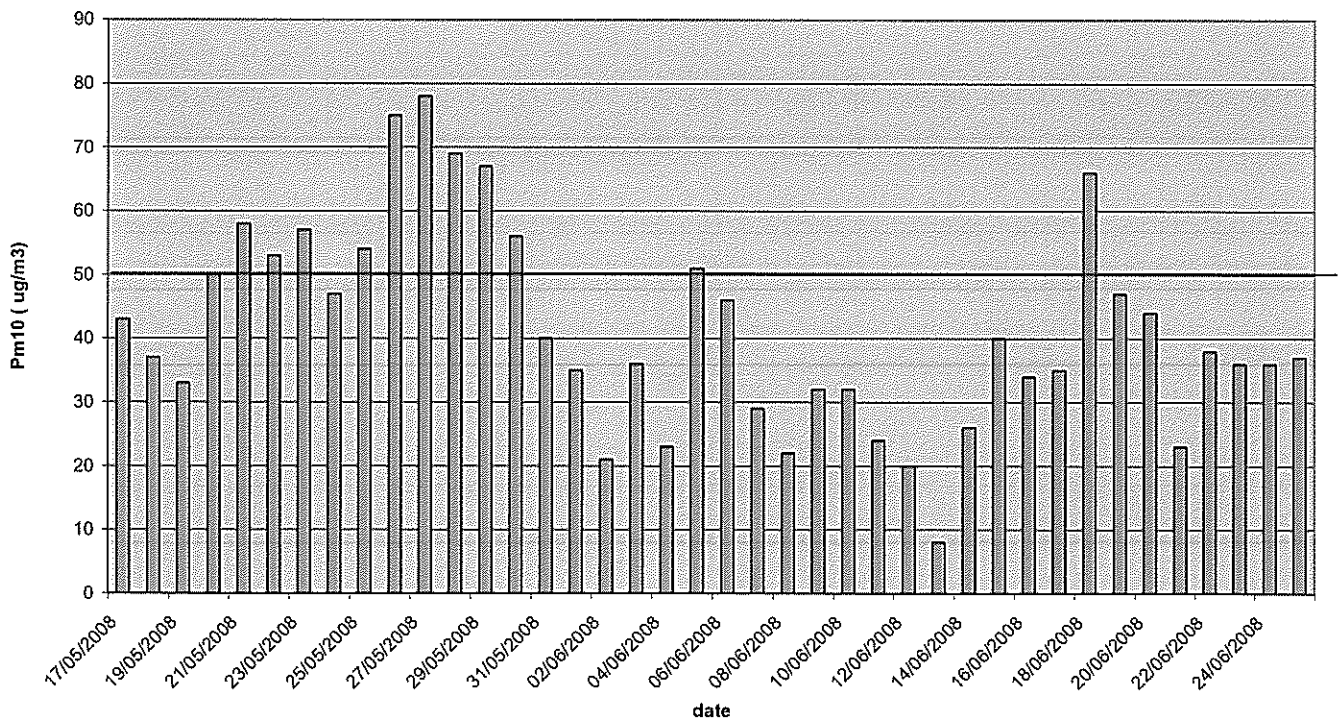
Hydrology / Flood Warning

No floods for the period

Air Quality (as of 26 June 2008)

Continuous Air Quality monitoring in Reefton showed exceedences of the National Environmental standards for PM₁₀ on twelve occasions so far this winter. The highest recorded figure was 78ug/m³ for a 24 hour average, on the 27th of May. All data presented should be treated as preliminary data at this stage. June has had less exceedences than previous years due to unsettled weather patterns which usually means less temperature inversions have been forming.

Reefton Particulate Data Winter 2008



Water Quality

Staff recently gave a lengthy seminar to the Tai Poutini Conservation Board on the topic of general water quality. Our SOE monitoring was discussed along with issues relating to mining and dairy consenting.

Resource Science assisted Compliance with investigating the potential effects of land development in the Kawhaka Creek catchment, looking specifically at water clarity and management of sediment runoff. Continuous water quality measurements were taken at 30 minute intervals for approximately a month. Despite several major rainfall events during the period, no significant changes in water clarity were caused by the land development.

ENVIRONMENTAL INFORMATION

Honda TreeFund

Honda NZ has allocated \$5006 for WCRC to dispense to community projects who fulfill terms of Honda TreeFund grants. Applications close July 31st. We have advised those who had registered prior interest and advertised in the Messenger.

Natural Hazard Envirolink Research

Staff have been successful in securing funding for two Envirolink projects both of which will be done by GNS. They are:

1. A medium size grant (\$20,000) to establish zones of risk along those parts of active faults (primarily the Alpine Fault) where there is already development, or it is projected there will be; and
2. A small grant (\$5000) to undertake a literature search to gather all the relevant information pertaining to landslides for the West Coast in an effort to widen knowledge of this risk.

RECOMMENDATION

The report is received.

Simon Moran
Planning and Environmental Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 8 July 2008
Prepared by: Nichola Costley – Regional Planner
Date: 26 June 2008

Subject: **Ministry for the Environment - Proposed National Environmental Standard for Ecological Flows and Water Levels**

PURPOSE

To ask Council to approve the appended draft submission on the Proposed National Environmental Standard for Ecological Flows and Water Levels.

BACKGROUND

The Ministry for the Environment (MfE) released the Discussion Document on the Proposed NES on Environmental Flows in May. According to MfE, the intent of the proposed NES is to promote consistency in the ways decisions are made to ensure sufficient variability and quantity of water flowing in rivers, lakes, ground water systems, and wetlands.

Two of the key effects of the of the NES would be:

- To set interim limits on the alterations to flows and/or water levels for rivers, wetlands, and groundwater systems that do not currently have limits imposed through regional plans.
- To provide a process for selecting the appropriate technical methods for evaluating ecological flows and water levels in rivers, lakes, wetland, and groundwater systems.

Currently the Council has limits set for surface water, but limited work has been conducted on groundwater, as the work that has been undertaken has identified no risk to this resource. Wetlands have been assessed through the identification of significant wetlands and can be adequately managed through that planning process. If enacted, the proposed NES will have a significant impact on groundwater take activities on the West Coast whereby significant cost will be incurred by the Council to ascertain water resources and having to put in place a regulatory framework to manage this.

Submissions are due by 5pm on Thursday 31 July 2008.

A copy of the submission is appended to this report.

RECOMENDATION

That Council approves the draft submission.

Simon Moran
Planning and Environmental Manager

SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD ON ECOLOGICAL FLOWS AND WATER LEVELS

This is a submission by the West Coast Regional Council (the Council) on the Proposed National Environmental Standard on Ecological Flows and Water Levels (NES). The Council has considered the proposed NES, and is opposed to the application of the NES in this region.

The Proposed NES for environmental flows sets out a reasonably robust tool set for the management of water resources on a national level, however this does not efficiently nor effectively translate to every region. The primary concern is that the West Coast is a water rich region with very little likelihood of allocation pressures. Applying the interim measures to the West Coast would be unjustifiable in any section 32 analysis, particularly as the cost of resourcing such a programme would be extremely high for the relative benefit.

We do agree that in water short regions where there is allocation pressure, more guidance and regulation may be sought and that this NES provides a reasonable approach to provide some guidance where gaps in the current framework exists.

The Council disagrees with the rationale of the Proposed NES that considers the absence of an allocation framework as meaning the Council has not considered the issue and by default needs one. This Council carefully considered groundwater allocation at the time of preparing our water plan and decided that in keeping with section 32, it would not be efficient to implement a groundwater allocation framework because we have very high water tables, abundant recharge, and very low demand. This means that no limits were set in the Plan but Council does do regular monitoring in keeping with the scale of the potential issues in conjunction with GNS and using Envirolink funding for advice as needed. We have a groundwater SOE report on our website at www.wcrc.govt.nz that demonstrates why abstraction pressure is not an issue and do not want an NES implemented, which trumps the work that has already been completed on this issue. The Council has not implemented limits on groundwater because it has been found that it is simply not an issue.

Allocation limits to trigger minimum flows have been set for surface water as there are a number of smaller streams on the West Coast that could be affected by surface water takes and uses. We understand that because a framework is in place for all West Coast surface waters the proposed NES has no effect in that area. Please advise us if that is not the case.

Section 4.1.1 of the Discussion Document claims that the inclusion of the interim limits through the NES is a more cost effective and expedient manner to put limits in place than the regional plan process. While it is correct that the process can be quicker, the ongoing costs to regions have been ignored. The current wording of the Proposed NES will place significant workload pressures on councils that do not have allocation policies in their plans. It must be remembered that polices are subject to the section 32 test and this Council has only included ones relating to allocation where they are appropriate. Where appropriate, water allocations have been set, and the Council is not going to implement limits where it is simply unnecessary. Our ratepayers will deeply resent having to pay more for data gathering and analysis that has no environmental benefit.

Decision Requested

1. Council requests that exemptions for water rich regions are incorporated into the Proposed NES or an alternative option is adopted, which does not catch regions where water allocation is not an issue. This will enable regions such as the West Coast to maintain the status quo where there is no risk, or a very low risk, to the resource.
2. That the NES recognises that the absence of an allocation regime may be a conscious decision that does not need to be 'fixed' by the interim measures in the Proposed NES, particularly for groundwater.

3. We seek further clarity around the explanations of the Proposed NES. What constitutes 'not clearly' in "*The interim limits will apply only to those water bodies for which there is no environmental flow or water level set through the regional plan process, or to those that have an environmental flow or water level set in a plan that does not clearly specify the available water.*"

Interim Flows and Water Levels

Specific comments on the interim flows and water levels are discussed below.

Surface Water

It is likely that most of the rivers and streams in the region will fall into the low end or low to medium end of the spectrum. However, Council has identified potential issues in regards to the takes from rivers and streams and addressed these through its water planning process.

Decision Requested

Council's water plan is on the website at www.wcrc.govt.nz/plans/water/. We request clarification that the policy framework we have used is sufficient to avoid the Proposed NES having effect for the surface water takes in the region.

Groundwater

The intent of the interim limits for groundwater appear to prohibit any further consents from being granted where an allocation level has not been set. We consider this to be unnecessary and totally unreasonable for the West Coast where there is not the pressure on the current resource for any further takes to be prohibited.

Groundwater monitoring has indicated that there are no abstraction/allocation issues. The level of monitoring is therefore not a priority as in other areas. Yet in order to achieve the intended aims for even the low end of requirements of the Proposed NES the Council would need to build a programme including:

- Continuous data from groundwater bores;
- Delimitation of groundwater resources;
- Better lithographical/hydroecological maps;
- Identification of likely recharge sources;
- Identification of inter-aquifer transfers;
- Recharge rates calculate (from river/rainfall); and,
- Groundwater volumes calculated.

This would incur significant cost for little benefit given the water rich nature of the West Cost and the absence of allocation pressure. Council budgets cannot stretch to meet the additional costs and the Council would almost certainly be unable to comply.

Decision Requested

1. We request justification from MfE as to why the interim limits for groundwater appear to prohibit any further consents from being granted where an allocation level has not been set, and particularly for regions where there are no allocation pressures.
2. Ensure appropriate exemptions are incorporated in the NES provisions for groundwater (and surface water), which do not catch regions where water allocation is not an issue.

Wetlands

We agree that hydrology is an important function of wetland areas and that takes of any size may have an impact on the site itself. However, the Council does not believe the Proposed NES should refer to 'wetlands' in this form, which are defined in accordance with section 2 of the RMA. Council has gone through a plan process to identify and protect 'significant' wetlands within regions. This is particularly relevant on the West Coast where a large

proportion of land, as a result of frequent and/or heavy rainfall, arguably meets the Section 2 criteria, yet cannot be considered to be a wetland with any significant values.

Decision Requested

To ensure consistency with the regional planning framework we suggest that this interim limit is reworded to apply to those wetlands identified as 'significant' within a region, or if a region has not undertaken this process, then wetlands within the region as defined by the RMA. This provides further certainty and consistency to councils and plan users and avoids overriding expensive and lengthy court processes already undertaken to identify critical wetland resources in the region.

Section 32 Assessment

Council is concerned that a section 32 assessment has not yet been fully undertaken for this Proposed NES. The section 32 assessment needs to very carefully review the necessity of having such a regulatory framework applying to all regions. This Council has already gone through that process, and has put in place the necessary framework to best suit the level of resource and allocation pressures and reflect the community requirements. The NES should recognise that the absence of an allocation framework can be a conscious decision of Council for entirely valid reasons.

Decision Requested

Council recommends that when MfE goes through a thorough Section 32 process, consideration of the use of some form of exemption for water rich regions be included to ensure the practicality of the NES.

Timeframe for implementation

Regional plans have a lifespan of 10 years and we do not consider that it is necessary for Councils to have to review plan provisions before this time if not required. There may be no need for a council to develop catchment-specific or regional default flows if there are minimal allocation pressures on the resource. This is particularly relevant on the West Coast where water resource allocations fall into the low end or low to medium end of the spectrum.

Decision Requested

Council requests that timeframes for review remain as the status quo; incorporated into the current planning review framework.

The selection of technical methods and inclusion of new methods

Obviously the achievement of consistency in the selection of technical methods for assessing ecological values is the ideal situation for MfE and provides a more defensible position for councils who use the same approach. However, if this is to be applied there is a requirement for the necessary caveats/exemptions and/or assistance to make it work for regions with less resources if the chosen consistent approach is beyond the capacity of some. In addition, every region is different, with a unique set of allocation issues and resource quantities and it may therefore be more relevant to have a guideline document to assist with providing a range of methodologies across the cost scale.

Any new methods should be able to be incorporated into the suggested guideline document, by reference. Having a 'living' document aligned with this process will ensure that any new developments can be recognised and applied without having to repeat the drafting and consultation phases. It would be expected that consultation with regional hydrologists and water experts would be required before incorporating to ensure that these best practice approaches should be included.

Decision Requested

1. Council requests the necessary caveats/exemptions and/or assistance be made readily available to enable all regions to apply the Proposed NES where appropriate.

2. Council requests MfE consider whether a guideline document may be a more practical tool than the Proposed NES to provide guidance to regions with water allocation issues while allowing water rich regions, such as the West Coast, to continue to manage resources, where appropriate, through current best practice methods.
3. That consultation is undertaken with regional hydrologists and water experts to confirm new methods and best practice approaches before incorporating into any guideline document or NES.

Cost of implementation

A cursory examination of the costs and benefits have been undertaken in the Discussion Document, however we do not believe that any additional costs to Councils business processes should occur where they are not warranted. The Council has already been through an expensive and time-consuming process of drafting a Proposed Water Management Plan. It is considered that the resultant Proposed Plan promotes a sound integrated approach to water management on the West Coast and is enabling in terms of addressing the social, cultural, economic, and environmental aspirations of West Coast communities. Resource allocation issues are not standardised throughout the country. The "one answer fits all" solution offered through the proposed NES will not provide additional benefit to regions struggling with water allocation issues, nor assist regions with an abundance of resource and few allocation pressures. Where appropriate, water allocations have already been set (surface water), where it was considered unnecessary they were not (ground water), and where wetlands with significant values have been identified the implementation of the NES should be confined to these.

Thank you for the opportunity to make a submission on the Proposed NES on Ecological Flows and Water Levels. We appreciate your consideration on how to apply this Standard for all regions in an efficient and effective manner.

Prepared for: Resource Management Committee
 Prepared by: Colin Dall - Consents & Compliance Manager
 Date: 27 June 2008

Subject: CONSENTS MONTHLY REPORT

CONSENTS

Consents Site Visits from 27 May to 24 June 2008

DATE	ACTIVITY, NAME & LOCATION	PURPOSE
29/05/08	RC08082- River diversion, Kynnersley Farm Ltd – Inangahua River	To view the area for potential river diversion to determine likely issues and affected parties.
13/06/08	RC08083 – Stone removal, J Henderson, Wanganui River	To investigate the site and gain a better understanding of the proposed stone removal.
17/06/08	RC08094 – Forestry activities, Forest Management Ltd, Omoto Valley	To investigate the site and gain a better understanding of the proposed forestry activity.
19/06/08	RC05091/31v – Gravel extraction, Ferguson Brothers Ltd, Big Grey River	To investigate the proposed extraction site and assess the available gravel resource.
19/06/08	RC08096 – Gravel extraction, Ferguson Brothers Ltd, Little Grey River	To investigate the proposed extraction site and assess the available gravel resource.
19/06/08	RC08097 – Gravel extraction, Ferguson Brothers Ltd, Rough River	To investigate the proposed extraction site and assess the available gravel resource.
20/06/08	RC08093 – Flipping and humping and hollowing, Bold Head Farm Ltd, Bold Head Road (south of Ross)	To help assess the environmental effects of the proposed farm development earthworks and affected parties.
24/06/08	RC08021 – Humping and hollowing, Landcorp Farming Ltd, Weka Farm (Bell Hill)	To discuss buffering areas within the Lake Brunner Catchment area for a humping and hollowing consent.

Non-Notified Resource Consents Granted From 27 May to 24 June 2008

CONSENT NO. & HOLDER	TYPE AND PURPOSE OF CONSENT
RC04125 G & M Lange	To discharge effluent from a stand off pad to land where it may enter water (Doughboy Creek).
RC07140 P Fletcher	To undertake earthworks at Holland Street Rapahoe, adjacent to the Coastal Marine Area for the purpose of forming a building platform. To discharge treated effluent to land at Holland Street Rapahoe, via an effluent disposal system.
RC07210 Timberlands	To disturb land, including land of slope greater than 25 degrees, associated with the harvesting of exotic forest and land preparation; constructing new sections of road; constructing log processing sites and hauler pads; in Mawhera Forest (East). To disturb land in Erosion Prone Area One and on Non-erosion Prone Areas, outside riparian margins, associated with the harvesting of exotic forest and gravel extraction; in Mawhera

	Forest (East).
	To discharge stormwater containing sediment to land from roading; construction of log processing and hauler sites; harvesting and land preparation; in Mawhera Forest (East).
	To discharge sediment to water as a result of forest harvesting activities and crossings; in Mawhera Forest (East).
RC08043 Fulton Hogan Nelson	To disturb the dry bed of the Fox River within the Coastal Marine Area for the purpose of removing gravel.
	To disturb the dry bed of the Fox River immediately upstream of the Coastal Marine Area for the purpose of removing gravel.
RC08052 Diamond Gully Mining	To undertake earthworks and land disturbance for the purpose of alluvial gold mining activities adjacent to Brick Road, Dunganville.
	To take surface water from unnamed tributaries of Eight Mile Creek for use in mining activities.
	To discharge water containing sediment to ground via mining settling ponds, where it may enter water.
RC08056 Forest Management Ltd	To disturb land, including land of slope greater than 25 degrees, associated with forestry activities at Marsden Forestry Block.
	To discharge stormwater containing sediment to land in circumstances where it may enter water, as a result of forestry activities at Marsden Forestry Block.
RC08062 M & K Galbraith	To discharge treated domestic sewage effluent to land at Rutherglen Road, via an effluent disposal system.
RC08065 Arnold Contracting	To disturb the Coastal Marine Area for the purpose of removing sand, shingle and stones, Okarito Beach.
RC08066 N Oates	To disturb the dry bed of the Fox River within the Coastal Marine Area for the purpose of removing gravel.
	To disturb the dry bed of the Fox River immediately upstream of the Coastal Marine Area for the purpose of removing gravel.
RC08069 SB & S Blakeburn	To disturb the bed of the Hokitika River to construct rock protection works.
RC08073 Timberlands	To disturb land, including land of slope greater than 25 degrees, associated with the harvesting of exotic forest, constructing new sections of roads; constructing log processing sites and hauler pads; in Hochstetter Forest, Lake Terrace and Granite Ridge Blocks.
	To disturb land in Erosion Prone Area One and on Non-erosion Prone Areas, outside of riparian margins, associated with the harvesting of exotic forest in Hochstetter Forest, Lake Terrace and Granite Ridge Blocks.
	To discharge stormwater containing sediment to land from roading; construction of log processing and hauler sites and harvesting in Hochstetter Forest, Lake Terrace and Granite Ridge Blocks.
	To discharge sediment to water as a result of log hauling across unnamed tributaries of Nelson Creek, Hochstetter Forest, Lake Terrace and Granite Ridge Blocks.
RC08075 Fulton Hogan	To discharge contaminants (dust and products of combustion) to air associated with an asphalt manufacturing plant, Sids Road, Greymouth.
RC08076 Dept of Conservation	To disturb land for the purpose of removing sand, shingle and stones, Gillespie's Beach.

RC08077 R Scarlett	To undertake earthworks associated with the flipping of land, Karamea.
RC08078 Grey District Council	To disturb the dry bed of the Grey River for the purpose of gravel extraction.

Changes to Resource Consents Granted During the Reporting Period

CONSENT NO. & HOLDER	TYPE AND PURPOSE OF CONSENT
RC98022 Talley's Fisheries Ltd Westport	To allow processing of meal offal in the Company's fishmeal plant.
RC07036 Fulton Hogan Nelson Organs Island (Buller River)	To increase the volume of gravel that can be extracted.

Limited Notified Resource Consents Granted During the Reporting Period

CONSENT NO. & HOLDER	TYPE AND PURPOSE OF CONSENT
RC07129 Southbrook Holdings Ltd	To undertake earthworks associated with coal mining activities, Charleston. To take water from within Mining Permit 41690 for coal mining activities at Charleston. To discharge mine water to land in circumstances where contaminants may enter an unnamed tributary of Darkies Creek. To discharge mine water from a treatment pond to an unnamed tributary of Darkies Creek.

No publicly notified consents were granted during the reporting period.

Notified Consents Updates

The hearing for TrustPower's consent applications for its proposed Arnold Valley Hydroelectricity Power Scheme was reconvened on 25 June and adjourned on 26 June. It is likely that the hearing will be closed after TrustPower provides some further information to the Hearing Committee. The Decision on the consent applications is expected sometime in October or November.

Powelliphanta Augustus Incorporated (formerly Save Happy Valley Coalition Incorporated) Outstanding Costs Awards

I provide the following update on this matter:

The High Court and Environment Court ordered Powelliphanta Augustus Incorporated to pay costs to both the West Coast Regional Council and the Buller District Council in relation to the Society's failed court actions relating to Solid Energy New Zealand Limited's (SENZ) Stockton Coalmine. Both Councils are owed \$3,750 each in relation to the Environment Court action and \$2,460 each in relation to the High Court action, making the total amount of debt owing to both Councils \$12,420.

It is unlikely that the Society is going to have the funds to pay these costs and it is even less likely that they have the funds to pay these costs and the costs it also owes to SENZ.

Our legal advice is that there are two options available at this stage, other than to do nothing:

1. Order for Examination

An Order for Examination can be applied for at the District Court. The Society would be sent an Order from the Court ordering it to attend the Court for an examination at the time and place stipulated. The Society must produce any books, or documents in its possession or power containing particulars relating to the Society's property or means. The Court can then ascertain whether or not the Society is in the position to pay the debt or whether any arrangements to pay the debt off can be made. A representative for each Council can also attend. The focus would be to come to an agreement that both parties are happy with. If that was not possible then it is likely the Court would make its own decision irrespective of the parties wishes.

The Councils would be bound by any Order for payment made by the Court. If the Society defaulted on the order, then the Council could take other steps.

The timeframe for this is approximately four weeks.

A risk here is that the Society winds itself up afterwards.

2. Liquidation

The Councils can wind the Society up. This would involve the Councils issuing a statutory demand to pay. The Demand would give the Society 15 working days to pay. If the Society failed to pay (which is likely) then the Councils can apply to the High Court to liquidate the Society. All of the rules of the Companies Act essentially apply to winding up a Society.

The timeframe for this is approximately 8 to 10 weeks.

Winding up is a more aggressive approach than an Order for Examination. We cannot do both options, unless the Society defaulted on the Order. However, there would be nothing stopping the same group of people who formed the Society reforming essentially the same Society under a different name.

Order for Examination is a cheaper option than winding up.

It is important to note that members of an Incorporated Society are not personally liable for the society's debts. Nor does the Environment Court have the power to order a party to give security for costs under Section 284A of the Resource Management Act.

I understand that the Buller District Council favours seeking an Order of Examination.

RECOMMENDATION

- 1. That the July 2008 report of the Consents Group be received.*
- 2. That the Council apply together with the Buller District Council for an Order of Examination of Powelliphanta Augustus Incorporated's property or means, subject to both Councils agreeing to share the legal costs of taking this action evenly.*

Colin Dall
Consents & Compliance Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
 Prepared by: Colin Dall - Consents & Compliance Manager and Michael Meehan
 Compliance Team Leader
 Date: 27 June 2008
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Staff

Four Compliance Officers attended a three-day Resource Management enforcement course held in Ashburton.

Site Visits

A total of 62 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits	Fully Compliant (%)
Resource consent monitoring	10	70
Dairy shed inspections	29	72
Complaint response	10	80
Mining compliance & bond release	13	85

Specific Issues

- **Dairy Effluent Discharges:** Farm visits were undertaken in the Lake Brunner, Grey Valley, Kokatahi, Kowhitirangi and Whataroa areas during the reporting period.

Of note is that Compliance staff continued to find some non-compliant dairy sheds during the non-milking period, however, 72% of farms visited were considered to have fully compliant discharges.

Compliance staff are following up on all the non-compliances found and will be inspecting more dairy sheds in the next reporting period.

- **Blaketown Beach & Karoro Beach Gravel Extraction – Westroads:** Westroads had taken 2,915 m³ of gravel off the mining licence site at the time of writing this report, which is no change from the last reporting period.
- **Arahura Bridge Replacement Project:** OnTrack is revising the Site Environmental Management Plan for the project and will submit it to the Council in the next reporting period.

Compliance staff are undertaking monthly site visits with key contractors and consultants, to ensure compliance with the resource consent conditions.

The next partnering workshop will occur the second week of July, which compliance staff will attend.

- **Taramakau River:** The Council recently received a number of enquiries from whitebait stand owners on the lower Taramakau River, regarding the gravel extraction from the beach. A Compliance officer has met with the gravel extractor, and it is expected that the state of the beach will be appropriate for erecting whitebait stands by the start of whitebait season.
- **Globe Progress Mine – Oceana Gold:** The Company is currently raising the height of Fossickers dam to increase its operating freeboard to two metres as required by Resource Consents RC00323/24 to RC00323/26. The works are expected to be completed by 14 July 2008.

A site visit was carried out on the 17 June 2008 to meet the new Acting Environmental Coordinator and new Environmental Officer. A site operations tour and compliance meeting was also undertaken.

- **Solid Energy Consent and Licence Monitoring:**

Compliance staff carried out the following visits to Solid Energy sites:

- Stockton Opencast Mine	1
- Ngakawau Coal Handling Facility	1
- Terrace Mine	1
- Spring Creek Underground Mine	1
- Rapahoe Coal Handling Facility	1
- Rocky Creek Coal Handling Facility	1
Total	6

Stockton Opencast Mine

Results of the Council's routine monthly water quality sampling showed discharges to be within compliance limits at the time of sampling.

The reporting of daily sampling in the Mangatini Stream has now changed to a 30-day cycle. However, SENZ still undertakes sampling on a daily basis and, if the "trigger limits" established for the site are exceeded, it notifies the Council within 48 hours of this happening.

No exceedances of the trigger limits were reported during the last month.

Ngakawau Coal Handling Facility

The Ngakawau Coal Handling Facility was not discharging at the time of the last sampling visit.

Terrace Mine & Reefton Coal Handling Facility

The results of the Council's June round of water quality sampling showed the discharges to be within compliance limits at the time of sampling.

Spring Creek Underground Mine, Rapahoe & Rocky Creek Coal Handling Facilities

The results of the Council's June round of water quality sampling showed the discharges for most sites to be within compliance limits at the time of sampling, except at sampling site "RP9" at the Rapahoe Coal Handling Facility. SENZ Environmental staff have been contacted and asked for an explanation.

Complaints Received Between 1 May 2008 and 28 May 2008

There were only 13 complaints being received during the reporting period. A summary of these is as follows:

Activity	No. of Complaints	Description	Location	Action/Outcome
Discharge to Land	1	Offal pit too close to river	Kokatahi	Issued formal warning letter
Discharge to Land	1	Diesel spill on Hau Hau Road	Hokitika	Unable to locate source
Land Disturbance	1	Complaint regarding stock access to river	Kotuku	Compliant with relevant rules
Discharge to Land	1	Septic tank complaint	Rutherglen	Referred to GDC
Discharge to Water	1	Drain clearance	Rotomanu	Compliant with relevant rules
Discharge to Land	1	Stand off pad too close to neighbouring property	Kowhitirangi	Mitigation works required

Erosion	1	River eroding property	Waimea	Natural erosion occurring
Discharge to Air	1	Nuisance smoke from stack	Gladstone	Still under investigation
Discharge to Water	1	Dirty water runoff from gold mining operation	Kapitea Creek	Abatement and infringement notice issued
Discharge to Water	1	Riverbed disturbance	Springs Junction	Still under investigation
Riverworks	1	Alleged illegal stopbank	Kokatahi	Still under investigation
Discharge to Water	1	Stand off pad discharging to drain	Kowhitirangi	Abatement notice served and under further investigation
Discharge to Land	1	Alleged dumping of asbestos on site	Greymouth	No asbestos found and no non-compliant activities identified

Enforcement

The following 5 abatement and 2 infringement notices were issued during the reporting period:

Notice	Activity	Location
Abatement	Dairy effluent discharge to land where it may enter water	Kowhitirangi
Abatement	Dairy effluent discharge to land where it may enter water	Franz Josef
Abatement	Dairy effluent discharge to land where it may enter water	Kowhitirangi
Abatement	Dairy effluent discharge to land where it may enter water	Kowhitirangi
Abatement	Discharge to water from gold mining operation	Kapitea Creek
Infringement	Discharge to water from gold mining operation	Kapitea Creek
Infringement	Non-compliance with abatement notice	Franz Josef

MINING

Work Programmes

The Council received the following six mining work programmes over the reporting period, four of which were approved (shown in italics):

Date	Mining Authorisation	Holder	Location
<i>26/5/08</i>	<i>MP41826, RC04021</i>	<i>Daryl Oats Contracting</i>	<i>13 mile</i>
<i>3/06/08</i>	<i>MP41977</i>	<i>Ray Thomas</i>	<i>Ross</i>
<i>12/06/08</i>	<i>MP50 461, RC07219</i>	<i>Barry Foster Contracting</i>	<i>Kapitea Creek</i>
<i>17/06/08</i>	<i>MP41845, RC08052</i>	<i>Diamond Gully Mining</i>	<i>Dunganville</i>
<i>23/06/08</i>	<i>MP41870, RC05172, RC07067</i>	<i>Peter Fielding</i>	<i>Hart Creek</i>
<i>24/06/08</i>	<i>MP41521, RC98002, RC06058</i>	<i>Darrin Hampton</i>	<i>Blackball</i>

Bonds Received

No bonds were received in the reporting period.

Bond Releases

No bonds are recommended for release this reporting period.

OIL SPILL RESPONSE

No marine oil spills were reported in the reporting period. One minor diesel spill on land (road) was reported.

RECOMMENDATION

That the July 2008 report of the Compliance Group be received.

Colin Dall
Consents & Compliance Manager

COUNCIL MEETING

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that an **ORDINARY MEETING** of the West Coast Regional Council will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Greymouth on **Tuesday, 8 July 2008** commencing on completion of the Resource Management Committee Meeting.

A.R. SCARLETT
CHAIRPERSON

C. INGLE
CHIEF EXECUTIVE OFFICER

<u>AGENDA NUMBERS</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
1.		APOLOGIES
2.		PUBLIC FORUM (if required)
3.		MINUTES
	1 – 3	3.1 Minutes of Council Meeting 10 June 2008
4.		REPORTS
	4 – 6	4.1 Planning and Environmental Manager's Report on Engineering Operations
	7	4.2 Vector Programme Manager's Report
	8 – 16	4.3 Corporate Services Manager's Reports
	17	4.3.1 Setting of Rates for 2008 / 09
5.		CHAIRMAN'S REPORT (VERBAL)
6.	18 – 23	CHIEF EXECUTIVE'S REPORT
7.		GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 JUNE 2008,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,
GREYMOUTH, COMMENCING AT 11.35 A.M.**

PRESENT:

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

IN ATTENDANCE:

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

1. APOLOGIES:

Moved (Ewen / Archer) *that the apology from R. Scarlett be accepted.*

Carried

2. PUBLIC FORUM

There was no presentation.

3. CONFIRMATION OF MINUTES

Moved (Archer / Chinn) that the minutes of the Council Meeting 13 May 2008 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. Cross section surveys for Waiho River, Waitangitaona River, Inchbonnie, Punakaiki and Nelson Creek have now been organised. River analysis requirements for Waiho River, Waitangitaona River, Kowhitirangi, Taramakau and Nelson Creek will be completed by the end of this month. The asset management plans will be updated. S. Moran advised that the committees from the rating districts were asked if they wanted to have this work done at the last round of AGM's and a number of these committees have been keen to progress this work. Cr Birchfield asked if the rock from the Camelback quarry is for the Arahura Bridge replacement. S. Moran confirmed that this rock is for the guide banks for the river training route.

Moved (Archer / Robb) that the report be received.

Carried

4.2 VECTOR PROGRAMME MANAGER'S REPORT

C. Ingle spoke to this report on behalf of C. Pullen who is currently attending tender evaluations for next year's programme. There were no questions relating to the report. C. Ingle updated Councillors on the community meeting held in Karamea recently. This meeting was well

attended. A local RHAC member chaired the meeting. The concerns of local residents were heard. They were advised that the aerial drop would proceed.

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

Carried

4.3 CORPORATE SERVICE MANAGER'S REPORT

R. Mallinson spoke to this report. It is the ten month report to April and is consistent with reports from previous months. R. Mallinson reported that there has been a turnaround in our investment portfolio's fortunes during May and most of the losses at the end of April have been recouped. R. Mallinson advised that there are still quite positive budget variances in a number of areas and this is expected to continue towards the end of the financial year.

Cr Ewen stated it is good to see that the turnaround has come for the investment portfolio and is hopeful of this continuing.

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

Carried

4.3.1 LONG TERM COUNCIL COMMUNITY PLAN 2009

R. Mallinson spoke to this report noting that once every three years all councils are required to prepare a ten year LTCCP. This process is due again and is subject to audit in draft and final stage. R. Mallinson stated that this project takes substantial effort by the management team and senior staff and councillors also to complete this project.

Moved (Robb / Archer) *that Councillors note and adopt the LTCCP Project Plan.*

Carried

4.3.2 RISK MANAGEMENT

R. Mallinson spoke to this report. He stated that the Office of the Auditor General put out a report in March 2008 advising that if councils do not have an audit committee then it is expected that processes are in place for risks to properly identified and managed. R. Mallinson outlined current risk management strategies that are currently in place and various enhancements that would be put in place.

Moved (Ewen / Birchfield) *that Council accept that the above points are appropriate systems and processes to satisfy governance responsibilities for risk management.*

Carried

4.3.3 CONSIDERATION OF DRAFT ANNUAL PLAN SUBMISSIONS CONFIRMATION OF 2008 / 09 ANNUAL PLAN

R. Mallinson spoke to this report.

Moved (Ewen / Robb)

1. *That the minutes of the Special Meeting to hear the Draft Annual Plan submissions for 2008 / 09 held on 23 May 2008 be confirmed as correct.*
2. *That the officer's reports be received.*
3. *That Councillor's confirm the recommendations in the officer's reports.*
4. *That Council confirm the 2008 /09 Annual Plan.*

Carried

Cr Ewen thanked staff for the process of the annual plan given the limited resources available. He stated that over the years council has been frugal with spending and have kept rates to no more than the valuation increases.

R. Mallinson confirmed that responses to the annual plan submitters would now be sent following ratification of them at this meeting.

4.0 CHIEF EXECUTIVES REPORT

C. Ingle spoke to his report. He spoke of a meeting with DoC staff to work through their submissions on the wetlands variation and the coastal plan change issues, he is hopeful of avoiding an environment court appeal situation.

C. Ingle attended a meeting with the Envirolink Governance Committee. He reported that this committee is overseeing the development of a regional council sector science strategy. It is hoped that this group will lobby government to spend money on issues important to regional councils.

C. Ingle reported that he attended a meeting in Christchurch yesterday regarding the latest National Environmental Standard being put out for river flows and groundwater takes. Management will draft a strong submission as this does not benefit the west coast at all.

C. Ingle reported that he has formed a new strategic team to deal with Lake Brunner water quality. He stated that this is a key priority for this council and staff have been involved with Grey District Council's Wider Moana Development Strategy in order to progress this matter.

C. Ingle drew council's attention to a recent example of a farmer putting in a new stock crossing in on a new farm. It was not intended for this policy to be used in this way, therefore C. Ingle has suggested a change to the policy to clarify that it only applies to the pre-existing stock crossings rather than forming any new ones on dairy farm raceways.

For the benefit of new councillors C. Ingle outlined the current policy. He advised that input from both Federated Farmers and Westland Milk Products took place prior to the implementation of the current policy. Cr Archer asked for clarification of the suggested amendment, C. Ingle provided clarification. Cr Archer asked if that if council adopts this change would it be the intent to circulate this policy to the farming community. C. Ingle confirmed this would be the case and that he would ask Westland Milk Products if a notice could be put in their supplier newsletter informing farmers of this policy change.

Moved (Chinn / Birchfield) *that the decision on the amendment to the Enforcement Policy for Stock Crossings be delayed for a month to give council time to think about it further.*

Carried

Moved (Robb / Ewen) *That the Chief Executive's Report be received.*

Carried

5.0 CHAIRMANS REPORT (VERBAL)

There was no Chairman's report.

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 12.14 p.m

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 8 July 2008
 Prepared by: W. Moen & G. Trenwith – River & Drainage Section
 Date: 26 June 2008

Subject: **PLANNING AND ENVIRONMENTAL MANAGER'S MONTHLY REPORT ON ENGINEERING OPERATIONS**

1. STAFF

Grant Trenwith has resigned to take up a planning position in Australia. We are currently recruiting for a replacement.

2. RIVER AND DRAINAGE INSPECTIONS

- Lower Waiho – Emergency Works
- Grey River – Cobden Cut – Maintenance
- Whataroa River – Potential Rating District

3. WORKS

a) Greymouth Rating District – Cobden Cut Cleanout

This work has been completed by MBD Contracting Ltd at a cost of \$620.00 (G.S.T. Exclusive)

This work involved the cleaning out of the bottom of the channel.

b) Wanganui Rating District – Contract R 2008 / 4 - Stockpile Replenishing and Quarry Cleanout

This job is being carried out at present by MBD Contracting Ltd. on an hourly rate basis.

The work involves the cleaning out of the quarry, the formation of a new upper bench, the replenishment of 2 existing stockpiles – 470 tonnes and the formation of 2 new stockpiles – 2,000 tonnes.

c) Coal Creek Rating District – Contract R 2008 / 6 - Rock Extension

This contract has been completed by G.H. Foster Contracting Ltd at a final price of \$30,250.00 (G.S.T. Exclusive).

The works involves the carting and placing of 1,500 tonnes of rock as riprap and the repair of the stopbank running surface with 80 m³ of top-course material.

d) Lower Waiho Rating District – Contract R 2008 / 7 – Flood Damage and Stockpile Replenishment.

This contract has been completed by Henry Adams Contracting Ltd at a cost of \$51,250.00 (G.S.T. Exclusive).

The works involved the carting and placing of 1,820 tonnes of rock, (720 tonnes to replace depleted stockpiles, 1,100 tonnes to top up existing rockwork) and the reinstatement of a "washed out" access ramp.

e) Lower Waiho – Contract R 2008 / 8 – Emergency Works – Flood Damage

This contract has been completed by Ferguson Brothers Ltd. at a cost of \$75,610.00 (G.S.T. Exclusive).

The works involved the reinstatement of a 125 metre "blown out" section of the Rubbish Dump stopbank (4,000 m³ of fill material), the carting and placing of 2,000 tonnes of rock as new rip rap along the restored section and 500 tonnes to

top up existing rockwork to safeguard the upper section of the stopbank from further damage.

f) Karamea Rating District – Contract R 2008 / 9 – Flood Damage

This work was tendered and two tenders were received.

The successful tenderer was Selwyn Lowe at a tendered price of \$82,900.00 (G.S.T. Exclusive)

The work involves the carting and placing of 3,200 tonnes of rock at 6 sites. This work is being undertaken at the present time.

g) Okuru Rating District – Minor Maintenance

This work, involving the topping up with gravel of a small bund and the placement of a small amount of rock rubble along the outer batter is being carried out by J.J. Nolan Contracting Ltd. at present under the guidance of the Chairman, Mr. Graeme Anderson.

3. OTHER

- Cross Section and other surveys for Waiho River, Waitangitaona River, Inchbonnie, and Punakaiki have been completed.
- River Analysis requirements for Waiho River, Waitangitaona River, Kowhitirangi Flood Control Scheme, Taramakau River (Settlement) are being undertaken.
- Asset Management Plans are being updated.

4. QUARRIES

Whataroa and Blackball Quarries have been drilled and blasted in this period. Wanganui Quarry is being progressively cleaned out as weather permits.

ROCK MOVEMENTS FOR THE PERIOD 1 MAY TO 31 MAY 2008

QUARRY	ROCK IN QUARRY @ 30/04/08	ROCK USED	ROCK QUARRIED	ROCK IN QUARRY @ 31/05/08
Blackball	100	0	0	100
Camelback	0	0	0	0
Inchbonnie	9340	0	0	9340
Kiwi	3100	1820	0	1280
Miedema	0	0	0	0
Okuru	1840	0	0	1840
Taramakau	0	0	0	0
Wanganui	20	0	0	20
Wanganui Stockpile	3648	0	0	3648
Whataroa	3860	1820	0	2040
TOTALS	21908	3640	0	18268

WORK PERMITTED SINCE 1 JUNE 2008

QUARRY	CONTRACTOR	TONNAGE REQUESTED	PERMIT START	PERMIT FINISH
Whataroa	Ferguson Bros	2500	4/6/08	14/6/08
Wanganui	MBD Contracting	2000	16/6/08	18/6/08
Blackball	Ferguson Bros	2000	23/6/08	14/7/08

RECOMMENDATION

That this report is received

Simon Moran
Planning and Environmental Manager

4.2

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – June 2008
Prepared by: Chris Pullen
Date: 30 June 2008

Subject: **VECTOR PROGRAMME MANAGER'S REPORT**

1.0 Contracts awarded

All contract have been awarded for 2007-2008

2.0 Operations completed

The following Vector Control results have been confirmed this report period.

OPERATION	BLOCK	CONTRACTOR	DB RTC	DB LM	BP RTC	BP LM	F RTC	F LM	NOTES
Bell Hill	Block 3	Vector Control Services	%0.1587	1	%0.0000	0	%0.0000	0	Pass
Bell Hill	Block 2	Vector Control Services	%0.1587	1	%0.0000	0	%0.0000	0	Pass

DB = Deep Bush habitat strata
BP = Bush Pasture habitat strata
F = Farmland habitat strata
LM = Line Maxima
RTC = Residual Trap Catch

3.0 General

- i. 98% of the programme has been implemented. Any remaining work has been carried forward into 2008-2009. It is not expected that these carry-overs will have an impact on the 2008-2009 programme. Work carried forward includes:
 - Waitaha control and monitor,
 - Mikonui monitor
 - Harihari Block 4 re-monitor.
- ii. The Vector Manager continued to meet with members of the Karamea and Kumara communities to discuss their concerns about water catchment. Consultation is ongoing and where exclusions can be extended these will be considered.
- iii. During the reporting period the Vector Manager addressed a group of protestors at the Council buildings. During the same period a number of community meetings were held with Vector Management, including meetings with people in Karamea and Kumara.
- iv. The pre feed for Karamea North commenced on 30 June 2008. The prefeed for Taipo Turiwhate and Kumara is to be carried out in early July.

RECOMMENDATION

That this report be received.

Chris Pullen
Vector Programme Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 30 June 2008
 Subject: **CORPORATE SERVICES MANAGER'S MONTHLY REPORT**

1. Financial Report to 31 May 2008

FOR THE ELEVEN MONTHS ENDED 31 MAY 2008				
	ACTUAL	YEAR TO DATE BUDGET	ACTUAL % ANNUAL BUDGET	ANNUAL BUDGET
REVENUES				
General Rates	1,697,011	1,682,083	92%	1,835,000
Penalties	57,159	73,333	71%	80,000
Investment Income	68,550	1,008,333	6%	1,100,000
Regulatory	918,511	784,458	108%	851,000
Planning Processes	132,958	138,470	88%	151,058
Environmental Monitoring	14,437	0	0%	0
Emergency Management	68,171	40,816	153%	44,527
River, Drainage, Coastal Protection	857,859	744,705	106%	812,405
AHB Programme	6,304,634	8,433,333	69%	9,200,000
Vector Mgmt	1,025,000	1,008,333	93%	1,100,000
Regional % Share Controls	520,062	516,313	92%	563,250
VCS Business Unit	2,218,740	762,667	267%	832,000
	13,883,092	15,192,845	84%	16,569,240
EXPENDITURE				
Representation	308,245	274,413	103%	299,360
Regulatory Activities	1,628,931	1,418,722	105%	1,547,697
Planning Processes	506,215	569,863	81%	621,669
Environmental Monitoring	487,857	639,996	70%	698,177
Emergency Management	158,238	126,903	114%	138,440
River, Drainage, Coastal Protection	749,873	1,602,733	43%	1,748,436
AHB Programme	6,301,099	8,433,333	68%	9,200,000
Vector Mgmt	853,813	886,823	88%	967,443
Regional % Share Controls	700,221	785,051	82%	856,419
VCS Business Unit	1,663,237	671,804	227%	732,877
Portfolio Management	31,171	0		0
Legal costs Glenharrow Holding Ltd Claim	10,000	0		0
	13,398,900	15,409,642	80%	16,810,518
SURPLUS / (DEFICIT)	484,192	-216,797		-241,278
Transfer Rating District Interest	-82,287			
Prior period adjustment	-32,115			
To Transfer to Balance Sheet	369,790			

BREAKDOWN OF SURPLUS (-DEFICIT)			
	ACTUAL	BUDGET Year to date	ANNUAL BUDGET
Rating Districts	248,547	-598,021	-652,387
Quarries	-20,087	-30,683	-33,472
Regional % Share of AHB Programmes	-180,159	-268,738	-293,169
Investment Income	37,379	1,008,333	1,100,000
VCS Business Unit	555,503	90,863	99,123
AHB Programmes	3,535	0	0
Vector Mgmt	171,187	121,511	132,557
Other	-10,000	0	0
All Other Activities	-321,713	-540,061	-593,930
TOTAL	484,192	-216,797	-241,278

Net Contributors to "Other Activities" Surplus (-Deficit)	Actual	Budet vtd	Annual Plan	Net Variance Actual v budget vtd
Rates	1,697,011	1,682,083	1,835,000	14,928
Penalties	57,159	73,333	80,000	-16,174
Representation	-308,245	-274,413	-299,360	-33,832
Regulatory Activities	-710,420	-634,264	-696,697	-76,156
Planning Activities	-373,257	-431,393	-470,611	58,136
River, Drainage, Coastal Protection (excl. RD's and Quarries)	-120,474	-229,324	-250,172	108,850
Environmental Monitoring	-473,420	-639,996	-698,177	166,576
Emergency Management	-90,067	-86,087	-93,913	-3,980
	-321,713	-540,061	-593,930	218,348

<u>STATEMENT OF FINANCIAL POSITION AS AT 31 May 2008</u>		
	@ 31/05/08	@ 30/06/2007
<u>CURRENT ASSETS</u>		
Cash	325,291	144,518
Short term Deposit - Westpac	0	0
Accounts Receivable - Rates	256,179	247,151
Accounts Receivable - General Debtors	1,083,358	866,649
Prepayments	39,877	50,944
Sundry Receivables	786,047	891,846
Stock - explosives	371	371
Stock - VCS	33,347	26,325
Stock - Rock	59,372	21,132
Stock - Office Supplies	17,317	17,317
	<u>2,601,159</u>	<u>2,266,253</u>
<u>Non Current Assets</u>		
Investments	11,273,475	11,542,615
Fixed Assets	3,194,266	3,356,349
Infrastructural Assets	39,403,646	39,403,646
	<u>53,871,387</u>	<u>54,302,610</u>
TOTAL ASSETS	<u>56,472,546</u>	<u>56,568,863</u>
<u>CURRENT LIABILITIES</u>		
Bank OD	0	0
Accounts Payable	390,330	913,070
GST	79,949	0
Deposits and Bonds	342,972	342,342
Sundry Payables	118,551	307,369
Accrued Annual Leave, Payroll	176,091	192,549
Other Revenue in Advance	125,527	0
Rates Revenue in Advance	254,715	59,363
	<u>1,488,135</u>	<u>1,814,693</u>
<u>NON CURRENT LIABILITIES</u>		
Future Quarry restoration	85,800	85,800
Punakaiki Loan	318,837	346,548
Office Equipment and IT Leases	140,517	252,355
	<u>545,154</u>	<u>684,703</u>
TOTAL LIABILITIES	<u>2,033,289</u>	<u>2,499,396</u>
<u>EQUITY</u>		
Ratepayers Equity	19,931,932	19,931,932
Surplus Tsfrd.	369,790	
Rating District Equity Mvmts	-271,867	
Rating Districts Equity	2,571,952	2,300,085
Tb Special Rate Balance	470,998	470,998
Revaluation	22,222,728	22,222,728
Quarry Account	-77,276	-77,276
Investment Growth Reserve	9,221,000	9,221,000
TOTAL EQUITY	<u>54,439,257</u>	<u>54,069,467</u>
LIABILITIES & EQUITY	<u>56,472,546</u>	<u>56,568,863</u>

PORTFOLIO @ 31 May 2008 Summary & Reconciliation		Cash	Bonds	Australasia Equities	International Equities	Property Equities	Alternative Asset Classes	Total
Portfolio Value @ Start	01 July 2007	4076756	2906798.26	928921	1204811	672386	1730842	11520514 0
Contributions	}	2768777	1360000	587810	1046529	155000	239594	6157709
Withdrawals	}	-3726123	-1698948	-22810	-165978	0	-858851	-6472709
as per Annual Plan								
Realised Gains/(Losses)								
Price		-157027	-27586	-90	-34585	208	-12087	-231166
FX				-75571	72230	4891	138201	139751
0								
Unrealised Gains/(Losses)								
Price		117777	-12006	-83857	-304287	-147317	-272875	-702565
FX				106894	85144	31868	-18673	205234
0								
Mgmt Fee					-602		1542	940
0								
Interest Income		349809	147827	9970	3504	5503	28793	545407
Changes Accrued Interest			-17856					-17856
0								
Dividends				38746	89057	35484	28930	192217
0								
reversal Hedges 30.6.07					-11479		-35027	-46506
Hedges @ 31.05.08				-3529	-27447	-901	-7718	-39594
0								
Portfolio Value @ End Period	31 MAY 2008	3429969	2658229	1486484	1956899	757122	962671	11251375
Total gains (-losses) during 11 month reporti		310560	90379	-7438	-128463	-70264	-148913	45861

Structured credit	112549
Emerging market debt	857840
Hedge positions	-7718

962671

Asset Allocation %'s @ 31 May 2008	Benchmarks		Tactical asset allocation range
Cash	30%	25%	10% - 50% complies
Bonds	24%	25%	10% - 50% complies
Australasian Equities	13%	15%	0% - 20% complies
International Equities	17%	15%	0% - 20% complies
Property Equities	7%	5%	0% - 10% complies
Alternative Asset Classes	9%	15%	0% - 20% complies
	100%	100%	

2. General Comment

Total operating expenditure for the eleven month period was \$13.399 million, of which AHB programme expenditure made up \$6.305 million. From July 2008 onwards these amounts will disappear from our expenditure and revenue totals as flagged in the Annual Plan.

Total revenues for the period amounted to \$13.883 million.

The total surplus was (\$484,000)

The results for the eleven month period are very similar to those reported to recent meetings.

Highlights;

- **Investment income \$68,550.** Net income for the year to 31 May for our Forsyth Barr Ltd managed funds amounted to \$45,860. In addition we earned \$22,690 from our Westpac money market on call deposit account.
- **Positive budget variances** amounting to \$194,000 with regard to "All Other Activities", in particular in the Planning, Environmental Monitoring, and River Drainage & Coastal protection areas.

This is another very satisfactory financial result for Council for the year to date, apart from Investment fund returns.

Insurance Renewals. I can confirm that all existing insurance policies have been renewed for a further twelve months from 30 June 2008 to 30 June 2009.

The net cost of insurances for 2008/09 amounts to \$55,768 (budgeted \$70,711); compared to \$67,620 for 2007/08. This is mainly due to a substantial reduction in the cost of our Public Liability cover with Riskpool.

I attach a copy of Insured / Uninsured risks as per the Risk management Policy. (X = insured risk; U = uninsured risk)

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

UNINSURED EXPOSURES

The following is a list of Classes of Insurance, some of which are already part of your Insurance Programme.

The list is not exhaustive and there may be insurance covers that have not been specifically listed about which information will be available on request.

Class of Insurance/Risk	Status
<p>Advance Profits Loss of anticipated income/turnover from a venture, process, expansion or construction programme where loss or damage delays or prevents the commencement of the undertaking.</p>	U
<p>Airport Owners or Operators Legal liabilities arising from the ownership or operation of airfields.</p>	U
<p>Association Liability Indemnity for claims made against Committee Members of clubs or association arising from wrongful acts in the management of the Club or Association.</p>	U
<p>Aviation Cover on hulls and equipment, ground-based facilities and equipment, specialised liabilities, loss of pilot's licence, chemical liability.</p>	U
<p>Boiler (Explosion, Collapse) Refer Pressure Vessel</p>	U
<p>Burglary Usually covered with the insurance of business assets but may be separately arranged and may include loss following non forcible entry (i.e. theft risks).</p>	X
<p>Business Interruption The gross profit content of any turnover lost following interruption or interference with the business. May include rental income and loss of value(e.g. goodwill on lease). Extra costs to maintain or resume normal turnover. A range of perils is insurable following the Material Damage and other policies on assets and including such risks as compulsory closure (infectious diseases etc) or bomb threat.</p>	X
<p>Charterers Liability (Aviation/Marine Hull) Protection tailored to meet the conditions of a Marine or Aviation Charterers Agreement for hull and/or liabilities.</p>	U
<p>Civil Defence Costs For costs incurred before, during or subsequent to any declared civil defence emergency.</p>	U
<p>Computer/Consequential Loss Electronic breakdown, failure, derangement, and consequential losses arising therefrom including extra costs to maintain normal operations and data reconstruction. Cover may be provided in whole or in part under the insurance of business assets.</p>	X
<p>Consequential Loss (See Business Interruption)</p>	X

Contract Bonds, Guarantees

To meet the terms of an undertaking for performance or payment which would otherwise require a cash deposit or payment in advance

U

Contract Works

Protection for the contract "works" in terms of the contract and third party liabilities throughout the contract/maintenance period. May include constructional plant and equipment, temporary buildings or structures and transit risks

U

Contract Penalties

Arranged in respect of various types of bonds/guarantees.

U

Copyright

Specialised liability coverage for breaches or infringement of copyright.

U

Crop Insurance

Covering damage to specified crops due fire & weather perils.

U

Domestic Insurances

For dwellings, contents and personal effects.

U

Employee Benefits (See also Life & Pensions and Personal Accident)

Including capital benefits (lump sum), superannuation, salary continuance, life.

U

Employers Liability

For damages awarded against an employer for injury to an employee in the course of their employment to which the Accident Compensation Acts may not apply.

X

Employee Disputes Liability

Cover any costs, including defence costs for any claims against an employer for wrongful acts against an employee.

U

Environmental Impairment

Specialised protection not otherwise available under the General Liability insurance for environmental contamination or impairment risks.

U

Erection Risks

Constructional cover for engineering installation, erection, testing and commissioning risks.

U

Fidelity Guarantee

Covering goods and/or money lost through fraud or dishonesty of employees.

X

Forest and Rural Fires Act

For costs imposed on statutory authorities under the legislation.

U

Forestry

Covers loss or damage to standing/growing timber

U

Frozen Goods

Deterioration following stoppage of refrigeration equipment for chilled or frozen goods.

X

Glass

Insurance of glass, glazing and temporary protection and/or security costs.

X

Goods in Transit

In respect of products or plant away from the premises on a regular or one-off basis. May be covered under the Industrial Special Risks.

X

Harbourmasters Liability

For maritime-related activities in respect of licensing, warnings, controls and enforcement within harbour limits.

U

Industrial Special Risks

Provides for the insurance of business assets against an extended range of risks and permits the scope of cover to be tailored to your needs.

X

Liabilities (refer Riskpool)

- General; in connection with the nominated activities, including legal costs. X
- Products; arising out of products supplied, including legal costs (New Zealand only or world-wide). X
- Bailees; in respect of property held under bailment, or in your custody and/or control – limit \$500,000. X
- Breach of Copyright; infringement of industrial, property or intellectual rights. U
- Carriers; for liabilities under legislation X
- Contractual; in respect of specific Contractual Agreements U
- Libel and Slander/Defamation – excludes Member to Member liability X
- Professional; specialised protection for breach of professional duty, arising from advice or treatment. X
- Umbrella/Difference in Conditions; a secondary additional layer of protection which may also "drop-down" to provide a broader primary cover around the basic policy. U
- Forest/and Rural Fires Act; possible costs which may be incurred under the legislation require special consideration – limit \$250,000. X
- Service and Repair; an extension providing cover for damage to property worked upon and arising from the work itself – limit \$250,000. X
- Plant and Equipment; the use of certain mobile plant, or of equipment attached to a vehicle may require specific coverage. X
- Punitive/ Exemplary Damages, (Bodily Injury) X

Life and Pensions

- "Keyman" cover; providing funds following loss of "key" personnel. X
- Accident Compensation (top-up cover); U
- Capital Benefits; lump sums for specified disabilities X
- Financial planning; for future needs, retirement etc U
- Income protection; for specified events U
- Mortgage protection; following specified events U

Livestock

- Specialised protection for nominated animals U

Machinery

- Breakdown; costs of repair, replacement following actual breakdown or derangement. U
- Consequential loss; in respect of financial losses and extra costs following breakdown or derangement. U
- Liabilities; may be insured separately or as part of General Liability insurance X

Marine

- Hull; in respect of vessels and machinery U
- Cargo; whether imports or exports U
- Freight Forwarders Liability, covering liability to the owners of goods on overseas shipments. U
- Non ownership; exposures under specific contracts U
- Liabilities; arising from ownership or activities which might generate exposure to costs and expenses. U
- Overseas to overseas; cargo which does not originate from or arrive in New Zealand requires special insurance protection. U

Material Damage (See Industrial Special Risks) X**Money**

Generally insured with the business assets but may be covered separately, includes "negotiable securities". X

Motor

On vehicles and legal liabilities arising therefrom. May include non-owned vehicles and contractual obligations. Extensions are available for various additional expenses or increased costs which may follow loss or damage. Cover may include goods in transit. X

Personal Accident

Individual or Group cover providing tailored lump sum and weekly benefits following specified events including illness (for limited benefits). X

Pressure Vessel

Explosion or collapse of vessels under steam or fluid pressure and business interruption losses following (refer also Machinery Breakdown/Consequential Loss). U

Products

- Liability; usually part of Liability policy X
- Guarantee; for costs arising from failure of products to perform as undertaken or intended. U
- Recall; costs and expenses for recall of faulty products U

Professional Indemnity (Refer Liability) X**Special Risks**

A broad range of perils is available for specified items of particular value. Basis of cover may be "agreed-value". X

Sprinkler Leakage

For damage to property and additional costs arising therefrom. Often covered under Industrial Special Risks. X

Statutory Liabilities

Legal costs, fines and penalties for breaches of various Acts of Parliament. X

Trustee Liability

Indemnity for claims made against trustees arising from wrongful acts in the management of the Trust. U

Travel

For New Zealand and overseas. Luggage, medical, cash, liability and specialised property covers.

U

Workers Compensation

See Employers Liability.

U

Wreck Removal

For costs incurred directly in maritime wreck removal under statutory duty.

U

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 27 June 2008
Subject: **SETTING OF RATES FOR 2008/09**

Background

Council adopted the 2008/09 Annual Plan on 10 June 2008.

The Local Government (Rating) Act 2002 (LGRA 2002) requires Council to now pass a resolution to formally set the rates for 2008/09.

The following resolution will meet the requirements of section 23 and 24 of the LGRA 2002.

RECOMMENDATION

1. *That Council set rates for the period 1 July 2008 to 30 June 2009 as per the Funding Impact Statement contained on pages 35 to 41 of the 2008/09 Annual Plan.*

2. *As per the 2008/09 Annual Plan, there are two instalments;*

The first instalment is due on 1 September 2008 with a 10% penalty date of 20 October 2008 as per sections 57 and 58 of the LGRA 2002.

The second instalment is due on 1 March 2009 with a 10% penalty date of 20 April 2009 as per sections 57 and 58 of the LGRA 2002.

A further 10% penalty will be charged on all accumulated rate arrears as at 1 July 2009.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 8 July 2008
 Prepared by: Chris Ingle – Chief Executive
 Date: 30 June 2008

Subject: **CHIEF EXECUTIVES REPORT**

Meetings Attended

The meetings I have attended since the 10 June Council meeting include:

- Met with Lake Brunner farmers to discuss management options for the lake.
- Met PSA Union representatives for annual bargaining round.
- Met with the Natures Flame Pellet Fires representatives about their appliances.
- Attended Envirolink Science Strategy Meeting 20 June, Wellington.
- Met Landcorp Farming CEO and senior staff regarding proposed land development near Lake Brunner.
- Met EECA representatives regarding Reefton air quality initiative.

Secondment Agreement for Vector Management Staff

I have signed an agreement with the CEO of the Animal Health Board (AHB) which formalises the arrangement between us to lend the four Council employed Vector Management staff to Chris Pullen, who is now employed by AHB. VM staff are now driving the new "TB Free" white utility vehicles and will be wearing AHB logo jackets. Chris Pullen has also recruited two new staff which be employed by AHB but will work out of our building. Chris's team will continue to use the Council building and meeting areas as per usual and all VM staff will be treated as if they were council staff (which most of them still are). The secondment agreement lasts for 12 months and arrangements for the following year are to be discussed later this year.

West Coast Regional Council Enforcement Policy for Stock Crossings

It was requested by Cr Chinn at the June meeting that this matter be brought to the July meeting in order for Council to have more time to consider the proposed changes to the policy. The West Coast Regional Council Enforcement Policy for Stock Crossings was adopted by Council in February 2007. The policy does not mention new crossings, as it was drafted with existing crossings in mind only.

It is recommended the policy be amended to clarify that it does not apply to new crossings, and that any new herd crossings along farm dairy raceways must be bridged immediately, before being used. The attached policy shows the recommended amendment.

RECOMMENDATIONS

1. *That this report be received.*
2. *That Council approve the amendment to the West Coast Regional Council Enforcement Policy for Stock Crossings, as shown in the attached document.*

Chris Ingle
 Chief Executive

West Coast Regional Council Enforcement Policy for Stock Crossings

The West Coast Regional Council is concerned about the actual and potential effects of stock crossings on water quality in our Region. There will be significant costs involved in providing bridges and culverts for stock to cross waterways, but the Council needs to ensure our waterways are sustainably managed. In order to achieve this, the Council has adopted this Policy to provide a reasonable time frame for farmers to voluntarily comply with the requirements of the RMA and encourage the installation of bridges and culverts before it takes formal enforcement action.

This Policy applies only to existing stock crossings that were being regularly used prior to December 2006. Any new dairy raceway crossing constructed after that date must be bridged or culverted prior to use in order to prevent animal effluent entering waterways.

1. For the purpose of this Policy the Council considers that in circumstances where a farmer causes a herd of cattle to cross any river or permanently flowing creek, at any farm raceway crossing¹, more than ten times in any month for herds larger than 500 cattle, or more than 20 times in any month for herds of less than 500 cattle², this will or will likely contravene section 15(1) of the RMA. In those circumstances a resource consent would be required to authorise the resulting discharge of contaminants to water.
2. In order to allow a reasonable time to complete the construction of culverts and bridges, the Council will not take formal enforcement action under this Policy until after 31 December 2007. Where more than one crossing structure is needed on any farm, the most frequently used crossing must be bridged or culverted by December 31 2007; but no formal enforcement action in relation to any second or subsequent crossing points will be taken until 31 December 2008.
3. After 31 December 2007 (or 31 December 2008 in the case of any second and subsequent crossings) Council will require immediate compliance with this Policy. Both landowners and farm managers will be issued with abatement notices, infringement notices for ongoing non-compliance, and in serious cases prosecutions may be taken, to address any unauthorised discharge of contaminants to water after these dates.
4. In situations where the 31 December 2007 (or 2008) deadlines cannot be met, but where there are genuine plans in place to construct a bridge or culvert, a farmer may write to Council Chair to request additional time to allow construction to occur. The granting of such requests will not be unreasonably withheld.
5. In situations where the construction of a bridge would be unreasonably expensive compared to the effects of the discharge, Council may consider granting a resource consent to a farmer to continue using a ford crossing, based on a detailed assessment of its effects on the environment including:
 - Frequency of use and size of herd;

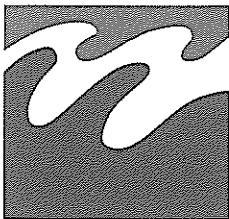
¹ The policy addresses formed crossing points along dairy farm raceways in particular. It is not intended to apply to occasional stock access to waterways along unfenced river margins.

² A crossing is one-way only. Cattle crossing twice (a return trip) counts as two crossings.

- Measures of contaminant loadings and effects on water colour and clarity;
 - Likely effects on downstream instream values & other river users;
 - Any cumulative effects and precedent effects, if applicable; and
 - proposed mitigation measures, including farm race re-design.
6. Although this policy primarily targets dairy herds, Council are also concerned about dry stock repeatedly crossing a waterway in large numbers. Council will enforce this policy in any situation where more than 50 animals cross any river or permanently flowing creek more than 20 times per month.
7. Nothing in this Policy derogates from the general duty in the Resource Management Act of every person to avoid, remedy or mitigate adverse effects on the environment.

This Policy now forms a formal part of the Council's Enforcement Policy.

Chris Ingle
Chief Executive



THE WEST COAST
REGIONAL COUNCIL

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The West Coast, New Zealand.
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Facsimile (03) 768 7133
email: info@wcr.govt.nz
www.wcr.govt.nz

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26 May 2008

Hon Trevor Mallard, Minister for the Environment
Parliament Buildings
Wellington

Cc: Hon Damien O'Connor, West Coast Member of Parliament

Dear Mr Mallard

Mokihinui River Proposed Hydro Scheme Consent Application Legal Costs

Thank you for your letter of 12 May. You have declined to call in the consent application for the proposed hydro scheme, but you have acknowledged that the application is of National Significance.

You noted also that our Council and Buller District Council's inability to fund the legal costs resulting from the inevitable Environment Court appeal is not a relevant factor for you to consider when deciding whether or not to intervene under the RMA.

Our Council finds this frustrating and illogical and wondered whether you could follow up on this by either amending the RMA or setting up a new 'legal aid' scheme¹ for smaller councils to apply to where they are dealing with matters of national significance and they are unable to fund the appeal costs themselves.

There is clearly a problem here. The 'applicant pays' principle that applies during the council hearing phase does not continue through to the Environment Court and High Court phases. There does not appear to be any good reason for this inconsistency.

We request that you urgently look into a solution to this problem. We are not the first councils with this problem and will certainly not be the last.

Yours faithfully

Ross Scarlett
Chairman
West Coast Regional Council

¹ Alternatively the existing legal aid scheme for assisting submitters could be amended to allow smaller councils to apply to the fund, for matters of national significance.



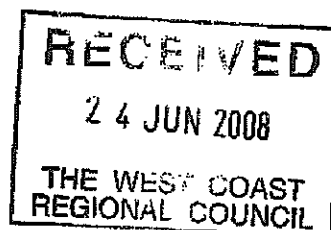
Hon Trevor Mallard
Minister for the Environment
Minister of Labour
Minister of Broadcasting
Minister for State Owned Enterprises
Associate Minister of Finance

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ENV 415

24 June 2008

Ross Scarlett
Chairman
West Coast Regional Council
PO Box 66
GREYMOUTH



Dear Ross

Thank you for your letter dated 26 May 2008 expressing concern about the potential for your council and the Buller District Council to incur legal costs associated with any appeals to the Environment Court on consent decisions relating to the proposed Mokihinui River hydro scheme.

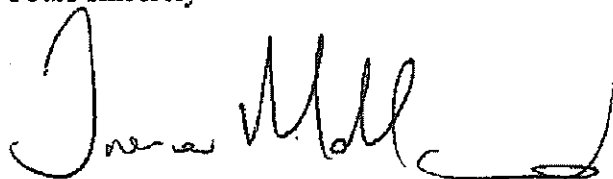
You have asked that I consider either amending the Resource Management Act 1991 (RMA) or setting up a new legal aid scheme to assist smaller councils when an appeal to the Environment Court relates to a council decision made on a proposal of national significance.

I recognise that it can be difficult for councils with a large land area, a wide range of responsibilities and a low ratepayer base to cover all of its functions, including defending its consent decisions before the courts. However, one of the functions and duties of local authorities under the RMA is to consider and make decisions on any consent applications that are lodged with them.

While I did consider that the Mokihinui project met the criteria for national significance, I did not exercise my powers to intervene in the matter because I considered that your councils had the capacity and capability to hear and decide the consent applications. The decision not to intervene in that way does not mean that the national interest is not being pursued. I am advised that the Ministry of Economic Development and the Energy Efficiency Conservation Authority have made submissions reflecting the government's interest in renewable electricity generation. Furthermore, I am advised that the project will require concessions under the Conservation Act, although these concessions will remain separate to the processes under the RMA.

I appreciate your suggestions. However, at this stage I do not propose to amend the Environmental Legal Assistance Fund administered by the Ministry for the Environment. The intent of the fund is to provide not-for-profit groups with assistance so that they are able to advocate for an environmental issue of public interest. This is a different proposition to that of assisting a council to defend its decisions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trevor Mallard', with a long horizontal flourish extending to the right.

Trevor Mallard
Minister for the Environment

THE WEST COAST REGIONAL COUNCIL

To: Chairperson
West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting, namely, -

Agenda Item No. 8.
24 – 25 8.1 Confirmation of Confidential Minutes 10 June 2008
8.2 Overdue Debtors Report

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution.
8.			
8.1	Confirmation of Confidential Minutes 10 June 2008		Section 48(1)(a) and in particular Section 9 of 2nd Schedule Local Government Official Information and Meetings Act 1987.
8.2	Overdue Debtors Report (to be circulated)		

I also move that:

- Chris Ingle
- Robert Mallinson
- Chris Pullen
- Simon Moran
- Colin Dall

be permitted to remain at this meeting after the public has been excluded, because of their knowledge on the subject. This knowledge, which will be of assistance in relation to the matter to be discussed.

The Minutes Clerk also be permitted to remain at the meeting.