

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, 7th February 2012**

B.CHINN
CHAIRPERSON

M. MEEHAN
Planning and Environmental Manager
C. DALL
Consents and Compliance Manager

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THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE
HELD ON 13 DECEMBER 2011 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.32 A.M.****PRESENT:**

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

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), C. Dall (Consents & Compliance Manager), T. Jellyman (Minutes Clerk)

1. APOLOGIES

Moved (Archer / Robb) *that the apology from F. Tumahai be accepted.*

Carried

2. PUBLIC FORUM

There was no public forum.

3. MINUTES

Moved (Birchfield / Davidson) *that the minutes of the previous Resource Management Committee meeting dated 7 November 2011, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

4. CHAIRMAN'S REPORT

Cr Chinn reported that it has been a very quiet month and he has nothing significant to report this month.

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

Carried

5. REPORTS**5.1 PLANNING AND ENVIRONMENTAL GROUP****5.1.1 PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT**

C. Ingle spoke to this report in M. Meehan's absence. He advised that the Review of Sections 6 and 7 of the RMA that the government has launched has been triggered mainly by the Christchurch earthquakes and the fact that hazards like liquefaction hadn't been as thoroughly assessed through the planning process as they might have been. C. Ingle reported that Section 6 is the principles of the Act, matters of national importance. C. Ingle reported that some councils are concerned about the old river control provisions being brought into the RMA and there may be some technical complications with this.

C. Ingle reported that South Westland has benefited from the Waste Minimisation Fund and received a funding grant.

C. Ingle reported that the Implementation Guidelines for Renewable Electricity Generation National Policy Statement and the Freshwater National Policy Statement are new documents being released by the Ministry for the Environment. C. Ingle advised that the Regional Sector Group is getting some work done on a legal opinion regarding the implications of the Freshwater NPS and what impact this will have for regional freshwater plans. C. Ingle advised that council is awaiting the advice on the legal opinion but in the interim the implementation guidelines emphasise that both NPS's take effect immediately in terms of consenting processes.

C. Ingle reported that State of Environment Monitoring is up to date. He advised that contact recreation bathing beach sampling has commenced for the summer season with the November results now up on council's website. C. Ingle advised that most results are good but there was one failure at Iveagh Bay, Lake Brunner which is unusual.

Cr Archer asked C. Ingle if there would be an opportunity to make submissions on the proposed changes to sections 5, 6 and 7 of the RMA. C. Ingle responded that he assumes it will go through the normal process of a select committee process with submissions and hearings before decisions are made.

Cr Birchfield asked C. Ingle if he felt the government is nudging councils towards making renewable electricity generation a permitted activity. C. Ingle responded that the National Policy Statement that was noted at an earlier meeting suggests that the smaller scale hydro schemes like single household or a very small community could be made a permitted activity with conditions. Cr Birchfield stated that this is good to see, as there is a lot of opportunity for people on the Coast to generate their own household's electricity.

Moved (Archer / Davidson) *that this report is received.*

Carried

5.1.2 HYDROLOGY & FLOOD WARNING UPDATE

C. Ingle spoke to this report advising that the hydrology and flood warning report will now be done separately from the manager's report in line with the new structure in the LTP for next year separating out the resource management functions from hazard and river management functions.

C. Ingle reported that the second highest recorded flow at the Dobson site and Waipuna site and the highest flow ever recorded in the Ahaura River occurred on the 21st of November. C. Ingle advised the Ahaura River recording site was wiped out during this event but there was enough data to estimate the return period of between a 1 in 125 and a 1 in 300 year return period flow. C. Ingle reported that the Grey River Flood Committee met three times on the day to discuss protection of Greymouth. He stated that it was pleasing to see this system work well. C. Ingle advised that even though the Grey River came up very high the flood banks performed well. A short report detailing the event is being prepared and will be available early in the New Year. C. Ingle reported that the Karamea River came up very fast during this event and peaked at 5.1 metres and it peaked again two days later in a second event which affected Karamea more so than the Buller and Grey Rivers.

C. Ingle reported that the alarm level on the Waiho River has been adjusted upwards. C. Ingle advised that Westland District Council is happy with the new alarm level of 8 metres and local civil defence felt there is still time for evacuation should that be necessary.

Cr Scarlett asked if the new weather radar is free or is it a paid service. C. Ingle responded that he was under the impression that it was free but he is not certain.

Moved (Scarlett / Birchfield) *That this report be received.*

Carried

5.1.3 CIVIL DEFENCE REPORT & REGIONAL TRANSPORT REPORT

C. Ingle spoke to this report. He advised that it has been a busy time for civil defence with Exercise Pacific Wave being held on the 10th of November. C. Ingle reported that the scenario was a theoretical tsunami being generated from Vanuatu which would have hit the West Coast quite hard. He stated this was a good exercise for the West Coast councils to get involved in. C. Ingle advised that it was a good practice for district councils on how councils would go about evacuating towns. C. Ingle advised that he feels there is a need for more information on tsunami inundation and he will follow up on this with the Envirolink scheme to try and get a grant. to

C. Ingle reported that Mr Mel Sutherland from Grey District Council has been appointed as the new Chair of the West Coast Engineering Lifelines Group. C. Ingle reported that he updated the Group on the fuel report and the concerns from this council on making sure that the action points from the fuel study are being addressed. C. Ingle reported that there was a presentation from a Christchurch electricity supply person who showed everyone the importance of investing in resilient infrastructure and how it paid off for them during the Christchurch earthquakes. He advised they were able to get power up and running very quickly because they had put money into making sure their key transformers were earthquake proof.

C. Ingle reported that he attended the West Coast Coordination Executive Group meeting on the 23rd of November. He advised that the tsunami exercise was reviewed at this meeting. C. Ingle reported that the new Emergency Management Information System (EMIS) was also discussed at this meeting.

C. Ingle advised that the new Weather Radar is now operational and he is use. He stated that this is a good step forward for the region in terms of forecasting. C. Ingle advised that hydrology staff are finding the weather radar helpful as it provides more information.

C. Ingle reported the information on transport programmes for next year has been put into the NZTA software and they will be reviewed in the New Year. C. Ingle reported that funding has been received for a taxi hoist for Greymouth Taxis. He advised that this is the first taxi hoist to be installed on the West Coast and is a new and improved service for Greymouth people.

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

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

C. Dall spoke to his report and stated that a typical range of resource consents were granted during the reporting period. C. Dall advised that since writing the report a mediation meeting has been confirmed for the resource consents for the Escarpment Mine on the Denniston Plateau. He advised that he will be attending this meeting and it will take place in Westport next Monday.

Moved (Archer / Cummings) *that the December 2011 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Dall spoke to this report. He reported that a new dairy season has now begun and 52 dairy inspections have been undertaken. He advised that 13 of these inspections have graded as significantly non-compliant. C. Dall reported that the main aspects of the non-compliance were attributed to a lack of backup effluent storage and poorly maintained effluent ponds.

C. Dall reported that inaugural community meeting for the new Cypress Mine was chaired by Cr Archer. C. Dall advised that this was a very informative meeting and well participated by the local community.

C. Dall reported that the 2011 whitebait season has now finished and inspections were carried out on most rivers. He advised that inspections to ensure stands have been taken down are currently being done and some stands are still in place.

C. Dall reported that a reasonable amount of complaints were received during the reporting period with a mixture of outcomes. C. Dall reported one abatement notice was issued which related to a slink skin operation in Karamea for an unauthorised discharge of contaminants to land where it may enter water.

C. Dall reported that a steady number of mining work programmes have been received, four mining bonds were received and five bonds were recommended for release during the reporting period. He advised two of the bond releases have been replaced by new bonds.

C. Dall reported that Council is continuing to provide support to the Rena operation in Tauranga. He has advised Maritime NZ that staff are available for further assistance over the holiday period.

Cr Archer asked if the two works programmes that are not consented, does this mean that the bonds have expired or the bonds are not being put in place. C. Dall explained this could mean that the miner has not got around to balancing the bond or a resource consent could have been reactivated.

Moved (Archer / Birchfield)

1. *That the December 2011 report of the Compliance Group be received.*
2. *That Council release the bonds held for Resource Consents RC99018, RCN99167, RC05232, RC06242 and RC07186.*

Carried

C. Ingle advised that the CEO of Maritime NZ has written to him to thank council for the assistance that staff have provided with the Rena response. C. Ingle stated that the dedication of our staff was outstanding and council has continued to offer staff's assistance for the New Year. C. Ingle advised that this has also been a valuable experience for council staff should there ever be a similar incident on the West Coast as staff now have first hand experience on how to deal with these issues.

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 10.55 a.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting
Prepared by: Michael Meehan, Planning and Environment Manager
Date: 27 January 2012
Subject: PLANNING AND ENVIRONMENT MANAGER'S MONTHLY REPORT

Coastal Plan

Council has invited tenders for the identification of areas of Outstanding Natural Features and Landscapes as part of the Coastal Plan review. This work is in partnership with all three District Councils. Council will lead the project with input from the three District Councils into the tender evaluation work.

State of Environment Monitoring (SOE)

Kate Tinelly has been working with the Resource Science team over summer helping primarily with water quality work. Her key task has been conducting all fieldwork associated with bathing beach monitoring, which forms a significant part of the teams workload over summer. Kate has also assisted with many other projects allowing the team to accomplish tasks other tasks including the recently released Lake Brunner report (available on Council website). Kate finishes on the 10 February and the team both thanks Kate for all her hard work and wishes her the best for her university studies.

Council is applying to the Envirolink fund for some additional proposals for scientific advice. These advice grants will better inform our current knowledge on a number of matters.

Contact Recreation sampling summer 2011 -2012

Due to heavy rain in the later part of November, Greymouth sampling (excluding Lake Brunner) was postponed until 1 December 2011. Heavy rainfall fell in the week prior to all sampling in the second November round resulting in higher results for some sites.

Moderate rainfall also occurred the week prior to the first round of December sampling in all areas which resulted in a number of sites with increased levels of faecal indicator bacteria. There was only light rain in the week prior to the second round of Buller sampling in January.

Overall the results indicate acceptable water quality for the majority of sites with exceedances typically as a result of heavy rain preceeding the sampling round (see table over page).

RECOMMENDATION

That this report is received.

Michael Meehan
Planning and Environment Manager

SITE	Nov	Nov	Dec	Dec	Jan	Jan
Buller Sites	7th - 18th	24th	6th	20th	5th	11th
Carters Beach at campground beach access	😊	😊	😊	😊	😊	😊
North Beach at tip head road steps	😊	😐	😊	😊	😊	😊
Buller River at Shingle Beach	😊	😐	😐	😊	😊	😞
Buller River at Marrs Beach	😊	😐	😞	😐	😊	😐
Grey District Sites	14th	22nd - 1/12	5th	19th	4th	17th
Rapahoe Beach at end of Statham St	😊	😊	😊	😊	😊	😊
Seven Mile Creek at SH6 Rapahoe	😊	😊	😊	😊	😊	😊
Nelson Ck at Swimming Hole Reserve	😐	😊	😐	😊	😊	😊
Grey River at Taylorville Swimming Hole	😊	😊	😞	😊	😊	😊
Cobden Beach at Bright South West end	😊	😊	😊	😊	😊	😊
Blaketown Beach at South Tiphead	😊	😊	😊	😊	😊	😊
Lake Brunner at Cashmere Bay Boat Ramp	😊	😐	😊	😊	😊	😊
Lake Brunner at Iveagh Bay	😊	😞	😊	😊	😊	😊
Lake Brunner at Moana	😊	😊	😞	😊	😊	😊
Karoro Domain at Surf Club	😊	😊	😊	😊	😊	😊
Westland Sites	16th	22nd	5th	19th	4th	17th
Hokitika Beach at Hokitika	😊	😊	😊	😊	😊	😊
Kaniere River at Kaniere Kokatahi Rd	😊	😊	😊	😊	😊	😊
Lake Mahinapua at Shanghai Bay	😊	😐	😊	😊	😊	😊

Key:

😞 **Moderate to High Risk** >550 *E.coli*/100ml or
>280 *Enterococci*/100ml

😐 **Low Risk**
260-550 *E.coli*/100ml or 140-280 *Enterococci*/100ml

😊 **Very Low Risk**
<260 *E.coli*/100ml or
<140 *Enterococci*/100ml

THE WEST COAST REGIONAL COUNCIL

Prepared For: Resource Management Committee – 7 February 2012
Prepared By: Nichola Costley & Katherine Glasgow
Date: 19 January 2012

Subject: **STATE OF ENVIRONMENT REPORT – POLICY IMPLICATIONS**

Purpose

The purpose of the attached report is to assess the policy implications of the latest State of the Environment report on surface water quality. The report assesses the results of that report against the objectives and policies in the Proposed Regional Land and Water Plan.

Background

The West Coast Regional Council State of Environment Report on West Surface Water Quality (SOE Report) was released in August 2011. The results of the SOE Report have been used to assess whether the objective and policies in the Proposed Regional Land and Water Plan (the Plan) are operating as intended or whether there is a requirement to review this policy framework.

The attached report does not test the objectives and policies against the recent National Policy Statement for Freshwater Management (NPS). It is possible that amendments may be required to the Plan in the future as a result of the NPS, once the implications of that document have been fully understood.

Conclusion

The SOE report results appear to indicate that the main objectives in the West Coast Regional Council's Proposed Land and Water Plan are being met and the policy framework is operating as intended. The Lake Brunner chapter was not assessed, because there are fundamental changes underway to those policies and objectives which are subject to an RMA plan change hearing and decisions, due later this year.

Recommendation

That Council receives this Report.

Chris Ingle
Chief Executive Officer

2011 State of Environment Report on Surface Water Quality:

Policy Implications

1. Background and Scope of the Report

This Report reviews the findings of the 2011 State of Environment (SOE) Report on Freshwater Quality, and the implications this has for the objectives and policies in the Proposed Regional Land and Water Plan. This Report will determine if the objectives and policies in the Plan relating to freshwater quality are operating as they were intended to, or if there is a requirement to review them.

This Report follows the performance audit undertaken by the Auditor General who assessed the management of freshwater quality for four Regional Councils: Waikato, Horizons, Taranaki and Southland. That audit emphasised the need to apply SOE results against plan objectives to test if they were being met.

This Report does not test the outcomes of the SOE Report against the National Policy Statement for Freshwater Management (NPS). Further changes may be required to the Plan in the future as a result of the NPS once the implications of that document are fully appreciated.

For the purpose of this report, five chapters of the Plan have been reviewed in order to assess whether the SOE results indicate achievement, or otherwise, of the objectives in the Plan that relate to fresh water quality management. How well Council is meeting each of the objectives in the Chapters is discussed while general comments are made about the policies. The Chapters reviewed include:

- Chapter 3. Land Management
- Chapter 4. Lake and Riverbed Management
- Chapter 6. Natural and Human Use Values
- Chapter 8. Surface Water Quality
- Chapter 12. Agricultural Contaminants

The Lake Brunner Chapter has been excluded from this analysis because that Chapter is already under review via the current Plan change process. The relevant policies and their conditions for freshwater quality have been included in Appendix 1 for ease of reference.

Not all water monitoring sites have data robust enough to present accurate trends and assessments against the objectives and policies due to the length of time they have been monitored for. Council monitors 61 sites throughout the Region. Results from NIWA monitoring sites are also included within the SOE reporting. These are on bigger rivers than those the Council monitors: the Buller, Grey and Haast Rivers.

2. General Trends

Freshwater quality is generally improving in the region.

Council water monitoring sites have indicated that there has been statistically significant improvement in clarity, turbidity, and faecal coliforms, with no sites declining other than Lake Brunner. However the NIWA sites on the Grey and Buller Rivers indicate that nitrogen and phosphorus have increased, most likely due to land intensification. At this time the increase in nitrogen and phosphorus is not causing any adverse effects as periphyton levels remain stable. Periphyton is a useful indicator to assist with monitoring freshwater quality.

3. Assessment of Objectives and Policies relating to Freshwater Quality

3.1 Chapter 3 – Land Management

Land disturbance activities can impact on water quality through the input of sediment and or nutrients. Stock access can also affect water quality.

Objective 3.2.1

To avoid or reduce adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

This Objective cannot be measured by applying the SOE results. However, since water quality is generally improving, this can be considered to be consistent with achieving sustainable management.

The policies in this Chapter have been designed to manage the adverse effects that can result from land and vegetation disturbance, earthworks (including mining), the disturbance of riparian margins, and land drainage activities (including humping and hollowing). Land disturbance can adversely affect water quality. Policies relevant to water quality include two policies which seek the promotion of the exclusion of stock from waterbodies and land management being undertaken in regards to best practice management, one policy to encourage riparian management practices, and one monitoring policy to assess whether new rules and other methods are required to manage stock access where water quality is declining, in 2012.

These policies appear to be operating as intended, with several influencing consent processes, and others used in advocacy activities, partnership arrangements around non-regulatory farm plans or promotion activities like clean streams.

It is difficult to differentiate between one-off land disturbance such as humping and hollowing and more frequently occurring activities such as drain clearing or ploughing. Water clarity and turbidity have both improved significantly which indicates the impact of land disturbance on waterways generally has reduced. There are several sites that have poor macroinvertebrate community quality due to reduced habitat quality, which may be as a result of excessive sediment loads (as evidenced when comparing the clarity and semi-quantitative macroinvertebrate community index at each site). This may also be associated with poor riparian management. These waterbodies include Bradshaws Creek, Baker Creek, Sawyers Creek, Unnamed Creek at Adamsons Road and Orowaiti River at their monitoring sites.

Because there are few locations experiencing adverse effects, Objective 3.2.1 is generally considered to be achieving what was sought by Council. To measure progress, normal practice is to use a baseline of when the Objective was first notified. The Proposed Land and Riverbed Plan was notified in 2002.

3.2 Chapter 4 – Lake and Riverbed Management

The purpose of this Chapter is to manage activities in the beds of lakes or rivers that involve riverbed disturbance or structures, for example alluvial gold mining, gravel extraction, erection and maintenance of bridges and culverts. This Chapter is also derived from the Land and Riverbed Plan, notified 2002. Objective 4.2.1 is the only objective in the chapter:

Objective 4.2.1

To avoid, remedy, or mitigate the adverse effects of lake and riverbed activities on:

- (a) The stability of beds, banks, and structures;*
- (b) The flood carrying capacity of rivers;*
- (c) The natural character of wetlands, lakes and rivers and their margins;*
- (d) Indigenous biodiversity and ecological values, including fish passage;*
- (e) Amenity, heritage, and cultural values;*
- (f) Sports fish habitat values;*
- (g) Water quality;*
- (h) Navigation.*

The avoidance, remedy, or mitigation of the effects of activities may well be being achieved in the Region through the application of this objective and the policies in Chapter 4 via the consenting process. The improvement observed in water quality would indicate that part (g) of the objective is being met. It is not possible to state this categorically because we do not measure the water quality change that accrues from different activities.

There are two policies in this Chapter relevant to the management of water quality. One policy relates to the management of bed disturbance, reclamation and deposition associated with structures in the beds of lakes or rivers. The second policy, 4.3.6, has been amended in the Plan which now requires the use of bridges, culverts and other methods where stock cross waterways based on the number of stock and the frequency of crossings. This policy has not been assessed as part of this Report as it has been amended through the Plan change process and the outcomes of the amended policy approach are yet to be seen.

It is assumed that the policies are operating as intended as water quality is generally improving. There is no evidence in the SOE Report to suggest that activities in the beds of lakes and rivers are having a particular adverse effect on water quality, compared to other activities that can contribute to water quality impacts.

3.3 Chapter 6 – Natural and Human Use Values of Water

The purpose of Chapter 6 is to provide protection for the natural and human use values supported by the West Coast's water bodies. This Chapter was notified in 2004 in the Regional Water Plan. It is designed as an overarching Chapter for managing water resources in the Region. The objectives and policies apply across all the activities that manage water.

Two objectives are particularly relevant to water quality:

Objective 6.2.1

To provide for the sustainable use and development of water resources.

Objective 6.2.2.

To protect water bodies from inappropriate use and development by maintaining and where appropriate enhancing their natural and amenity values including natural character and the life supporting capacity of aquatic ecosystems.

The parameters measured in the SOE Report alone cannot determine whether these objectives have or have not been met. However, to the extent that water quality contributes to the values listed in Objective 6.2.2 and the life supporting capacity of waterways, the objective is being achieved, while in terms of 6.2.1 the sustainable use of these resources is achieved in terms of water quality as it has generally improved.

Objective 6.2.1 refers to the sustainable use and development of water resources. The words "sustainably use and develop" imply that the use and development is occurring without compromising other uses of water bodies (for example recreational uses). The Resource Management Act (RMA) does not state that there must be no adverse effects, and objective 6.2.1 reflects this approach. Noting that there are no trends to indicate that water quality is declining at the Council water monitoring sites, apart from Lake Brunner, and water quality is in fact improving significantly overall, would suggest Objective 6.2.1 is being achieved. Improving water quality, as shown by the overall monitoring results, is likely to have a flow on effect in improving the natural and amenity values of the waterbodies. Amenity values can be linked to the ability to use and enjoy waterbodies for angling, kayaking and contact recreation activities. Based on the results of the SOE Report, Council can be considered to be achieving a balance of providing for the sustainable use of water bodies while maintaining and enhancing the natural and human use values of these areas.

There are two policies relevant to the management of freshwater quality in this Chapter. These include avoiding, remedying or mitigating adverse effects on water quality as a result of any activity involving water, as well as recognising and providing for features of water bodies when considering adverse effects on their natural character. Other policies indirectly relate to water

quality, but primarily focus on the 'values' supported by waterbodies, such as habitat, cultural and amenity values.

Sites on the much larger Grey and Buller Rivers have shown increasing rates of dissolved reactive phosphorous and nitrates, along with total nitrogen. This is likely to reflect an accumulation of the many catchments which feed into these rivers. However, the size and flow levels of these rivers means there are no adverse effects as a result of this increase in nutrients (for example there is no periphyton build-up) and no indication that such effects are likely. Monitoring of nutrients at the Council sites has not been undertaken for a long enough period to be able to apply appropriate statistical analysis at this time. The trend for ammoniacal nitrogen (which is the nitrogen species toxic to fish) is showing significant improvement. None of the sites monitored have values exceeding 0.9mg/L for the recent monitoring period which is the standard beyond which acute harm to aquatic life could be expected. Based on these results, the policies appear to be achieving what was intended, via the consenting process.

3.4 Chapter 8 – Surface Water Quality

Chapter 8 originated from the Regional Water Plan notified in 2004. The purpose of Chapter 8 is focused on managing discharges to surface water. The Objective is:

Objective 8.2.1

To maintain or enhance the quality of the West Coast's water.

The SOE results indicate that this Objective is being achieved as water quality is generally improving, other than in Lake Brunner.

Policy 8.3.1 is an important policy regarding water quality. The Policy states that the Council will manage swimming areas in Schedule 7 of the Plan for contact recreation (CR) purposes, and all other surface water bodies in the region for aquatic ecosystem (AE) purposes, as set out in the Third Schedule of the RMA.

For AE purposes, variables important to aquatic ecosystems include turbidity, clarity, ammoniacal nitrogen and faecal coliforms. As outlined in Section 2.1 of this Report, there have been significant improvements in all these water quality variables. Duck Ck and Harris Ck have shown the most improvement with both monitoring sites showing improved ammoniacal nitrogen, faecal coliforms and clarity. Murray Ck and Mawheraiti River showed improvement in faecal coliforms and clarity, and Orowaiti at Excelsior Road showed improved clarity and ammoniacal nitrogen. Better management of point source pollution is the most likely reason for these parameters improving. Some streams on the West Coast are unable to meet the AE standard due to high acidity which is reflected in other policies in the Plan (for example orphan mine sites).

For CR purposes, faecal coliforms are the main indicator for swimming water quality. Although faecal coliforms have improved significantly at some non-contact recreation rivers, at contact recreation sites there is no discernible trend. Lakes have the best water quality for contact recreation. In 2010-11 (from 1 November 2010 to 30 March 2011) 81% of contact recreation sites met the Ministry for the Environment guidelines.

Both of the guidelines used to indicate how Council will manage water quality state that there shall be no biological growths as a result of any discharge of a contaminant to water. Normally biological growth occurs naturally in our waterbodies. Such growth only becomes a problem if it is substantial enough to cause an ecological or amenity issue. There is no evidence to suggest that this is currently an issue at any location in the region, or that any biological growth is exacerbated by a contaminant discharge.

The SOE results appear to indicate that Objective 8.2.1 and Policy 8.3.1 are being met. The other policies are "process" policies that apply during consent processing and are operating as intended.

3.5 Chapter 9 - Special Management Area: Lake Brunner catchment

Lake Brunner is recognised as the most vulnerable lake in the Region and a policy framework tailored to its unique characteristics and pressures has been in effect since 2004 when the Regional Water Plan was notified. The Lake however, has experienced a declining water quality trend due to development pressures. As a result of this declining water trend this Chapter is under review on the basis that water quality is not being maintained or enhanced, and as such, it is not assessed by this Report (see Appendix 1 for the new policy framework).

3.6 Chapter 12 - Agricultural contaminants

This Chapter addresses the various contaminants that enter land and water as a result of agricultural activities. This chapter originates from the Discharges to Land Plan, which was notified in February 1998 and made operative in 2002.

Objective 12.1.1

To ensure that the adverse effects from the discharge of agricultural contaminants into or onto land, on water and soil quality, social, cultural, and amenity values, and human health are avoided, remedied, or mitigated.

The policies in this Chapter have been designed to manage the adverse effects that can result from the treatment or disposal of agricultural contaminants such as agricultural effluent, offal pits, silage stacks, or farm tip activities. Discharges of agricultural effluent to water can also have serious adverse effects on water quality, therefore two policies in this Chapter seek effluent to be discharged to land rather than to water, as well as promoting appropriate land management practices.

The objective and policies do not set any "maintain or enhance" type limit or target. Rather, they seek avoidance, remedy or mitigation of adverse effects, via the consenting process. However, if the objective "maintain or enhance" from Chapter 8 were applied, it could be noted that while Harris Ck and Duck Ck are predominantly agricultural, monitoring indicates an improved trend in ammoniacal nitrogen, faecal coliforms and clarity. Monitoring in other agricultural catchments such as Murray Ck and Mawheraiti River indicated improvement in faecal coliforms and clarity. Monitoring in Orowaiti River at the Excelsior Rd site indicated improvements in clarity and ammoniacal nitrogen.

The improved monitoring results from the above mentioned catchments indicates that farm management practices are likely to be improving, indicating that the treatment or disposal of agricultural contaminants is being conducted in such a way that the adverse effects are being managed to ensure environmental effects are being avoided, remedied or mitigated.

Ammoniacal nitrogen is a by-product of agricultural effluent. The overall trend on the West Coast indicates that this variable has improved significantly. No sites monitored had values exceeding 0.9mg/L for the recent monitoring period which is the standard beyond which acute harm to aquatic life could be expected.

Based on the monitoring trends in the SOE Report, Council is achieving Objective 12.1.1 through the implementation of the policies in Chapter 12. Changes in land management practices suggest that any potential adverse effects are being avoided, remedied or mitigated.

4. Conclusions

Objective 8.2.1 is the key objective to measure water quality against, with its goal being the "maintenance and enhancement of the West Coast's water." Policy 8.3.1 in the Surface Water Quality Chapter, and the proposed changes to the objective and policies in the Lake Brunner Chapter, are where SOE results can be compared against specific standards.

There are specific objectives and policies relating to particular activities in the Plan, but there are also broad and overarching objectives and policies which must be applied simultaneously. In some instances policies from other Chapters of the Plan will also apply where the effects of activities will impact water quality (Policy 8.3.1).

The Auditor General suggested in the Managing Freshwater Quality Report (2011) that councils should consider whether objectives should be reworded to be specific, measurable, achievable, relevant and time bound. This approach has been adopted with the changes to the Lake Brunner Chapter in the current Plan review process (Objective 9.2.1) which will provide a useful means of assessing results against in the future. It may be appropriate to consider whether other objectives should be reviewed similarly. Caution needs to be taken with making such changes as an amendment might alter the effect of the objective in its application during resource consent processing. Alternatively, there could be one overarching specific, measurable, achievable, relevant and time bound objective that could be applied for the management of freshwater generally, leaving the 'management' objectives as is.

Council is currently reviewing its Long Term Plan (LTP) under the Local Government Act 2002, which sets out the community outcomes of the region. These outcomes provide a long term focus for the decisions and activities of the Council. The delivery of these outcomes is through Levels of Service, worded similar to objectives, but more measurable. Council's management of freshwater quality, via specific, measurable, achievable, relevant and time bound objectives, may be easier to deliver through the LTP planning framework, while retaining the less measurable objectives as currently written, in the RMA Plan.

The SOE Report considers that the improvement of water quality at the monitoring sites may be a result of reduced point source discharges, which are generally the easy gains to make. The ongoing non-point source discharges may prove more problematic to manage, if Council is going to continue to enhance water quality into the future. It may be that future plan policies may need to take a different approach if we see water quality improvement slowing in the future. However, it is positive to note that, for the present, the majority of West Coast waterbodies are showing improved water quality within the current plan and policy framework.

There are some waterbodies where there have been poor water quality results observed. However, in most cases, these are now improving. In Policy 3.3.8, Council suggests new rules and other methods will be needed where water quality is declining. Council has demonstrated its commitment to do this through the proposed new Plan provisions for the Lake Brunner catchment, the voluntary farm plans programme, and the policy for stock crossings.

Appendix 1: Policy Provisions in the Proposed Land and Water Plan relevant to the West Coast Surface Water Quality SOE Report 2011

Note: Underlined text indicates proposed new text in the Proposed Regional Land and Water Plan Variation

Chapter 3 – Land Management

Objective 3.2.1

To avoid or reduce adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

Policy 3.3.1 To manage the disturbance of land and vegetation in order to avoid remedy or mitigate and adverse effects on:

- b) Water quality, including clarity, turbidity, and temperature changes, and instream values.

Policy 3.3.2 To manage earthworks (for example, mining) to avoid effects on the environment where the activity may produce any of the following geochemical processes, above background levels:

- (a) Release of acid rock drainage
- (b) Precipitation of iron oxides
- (c) Release of heavy metals.

Policy 3.3.3 To manage the disturbance of riparian margins to:

- (a) Maintain or enhance water quality (including clarity, turbidity, and temperature), and instream values, (including aquatic ecosystems)

Policy 3.3.5 Manage the development of new land drainage activities (including humping and hollowing) to ensure that:

- (b) Long term water quality (including clarity, turbidity, and temperature changes) in the receiving water and instream values (including aquatic ecosystems) are maintained;
- (c) Sediment deposition is minimised and sediment armouring of the bed of any water body is avoided;

Policy 3.3.7 To promote the exclusion of farm stock where appropriate from estuaries, wetlands, lakes and rivers and their margins by actively encouraging:

- (a) The establishment, maintenance and enhancement of vegetated riparian buffers;
- (b) Land and riparian management to be undertaken in accordance with industry best practice;
- (c) Fencing of waterways to prevent stock access; and
- (d) Construction of bridges or culverts over regular stock crossing points.

Policy 3.3.8 To monitor stock access to estuaries, wetlands, lakes and rivers and their margins and to introduce new rules and other methods to control stock access in monitoring shows that the standards for water quality classifications for affected water bodies adjacent to and downstream of farmed land are not being met and/or the condition of riparian margins and stream habitat is declining as a result of stock access.

Policy 3.3.9 To promote land management being undertaken in accordance with industry best practice, so that leaching of faecal material and nutrients, and loss of sediment to water is avoided, remedied or mitigated.

Policy 3.3.10 To encourage the retention, maintenance, or planting of appropriate riparian vegetation.

Chapter 4- Lake and Riverbed Management

Objective 4.2.1

To avoid, remedy, or mitigate the adverse effects of lake and riverbed activities on:

- (i) The stability of beds, banks, and structures;
- (j) The flood carrying capacity of rivers;
- (k) The natural character of wetlands, lakes and rivers and their margins;
- (l) Indigenous biodiversity and ecological values, including fish passage;
- (m) Amenity, heritage, and cultural values;
- (n) Sports fish habitat values;
- (o) Water quality;
- (p) Navigation.

Policy 4.3.2 To manage bed disturbance, reclamation, deposition and the use, erection, extension, reconstruction, maintenance, alteration, demolition, or removal of structures in, on, under or over the bed of any lake or river, so that the activity does not cause or contribute to significant adverse effects on:

- (d) Water quality

Policy 4.3.6 Council will require the use of bridges, culverts, and other methods where a farmer causes a herd of cattle to cross any river or permanently flowing creek, at any farm raceway crossing, more than 10 times in any month for herds larger than 500 cattle, or more than 20 times in any months for herds less than 500 cattle. A crossing is one-way only.

This policy also applies for dry stock where more than 50 animals cross any river or permanently flowing creek more than 20 times per month.

Chapter 6 – Natural and Human Use Values of Water

Objective 6.2.1

To provide for the sustainable use and development of water resources.

Objective 6.2.2.

To protect water bodies from inappropriate use and development by maintaining and where appropriate enhancing their natural and amenity values including natural character and the life supporting capacity of aquatic ecosystems.

Policy 6.3.3 In the management of any activity involving water, to avoid, remedy, or mitigate adverse effects on:

(a) Water quality;...

Policy 6.3.6 To recognise and provide for the following features of water bodies when considering adverse effects on their natural character:

(d) The natural water colour and clarity

(e) The ecology

(f) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (e).

Chapter 8 – Surface Water Quality

Objective 8.2.1

To maintain or enhance the quality of the West Coast's water.

Policy 8.3.1 The West Coast Regional Council will manage the swimming areas identified in Schedule 7 for contact recreation purposes (Class CR) and all other surface water bodies in the region for aquatic ecosystem purposes (class AE).

Class AE Water (being water managed for aquatic ecosystem purposes)

- (1) The natural temperature of the water shall not be changed by more than 3° Celsius.
- (2) The following shall not be allowed if they have an adverse effect on aquatic life;
 - a. Any pH change;
 - b. Any increase in the deposition of matter on the bed of the water body or coastal water;
 - c. Any discharge of a contaminant into the water.
- (3) The concentration of dissolved oxygen shall exceed 80% of saturation concentration.
- (4) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.

Class CR water (being water managed for contact recreation purposes)

- (1) the visual clarity of the water shall not be so low as to be unsuitable for bathing.
- (2) The water shall not be rendered unsuitable for bathing by the presence of contaminants
- (3) There shall be no biological growths as a result of any discharges of a contaminant into the water.

Policy 8.3.2 Rivers which have acid drainage issues will be managed as follows:

- (a) Activities that reduce pH of receiving waters must avoid, remedy or mitigate acidity effects and should achieve the natural pH level of the affected river where practicable; and
- (b) Activities that increase dissolved iron concentrations or the concentration of any other metal or non-metal in the receiving water must avoid, remedy or mitigate adverse effects and the natural metal/non-metal concentration of the receiving water should be achieved wherever practicable.

Policy 8.3.3 To encourage remediation of orphan sites as a method to enhance existing water quality and offset adverse effects from new mining developments.

Policy 8.3.4 When considering applications for new resource consents for existing discharges of contaminants to water, to have regard to opportunities to enhance the existing quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Policy 8.3.5 When considering applications for resource consents to discharge contaminants to water to have regard to:

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;
- (b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with other options;
- (c) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied.
- (d) The cumulative effects of discharges of contaminants and the assimilative capacity of the water body and actual or potential effects in the coastal marine area.

Chapter 9 – Special Management Area: Lake Brunner Catchment

Objective 9.2.1 To improve the water quality of Lake Brunner by managing the adverse effects of activities in the catchment to reach an average water clarity of 5.3m by 2020, and then maintain or enhance this clarity.

Policy 9.3.1 The Council will manage schedule 7 swimming areas in the Lake Brunner catchment for contact recreation purposes (Class CR) and all other surface water in the catchment for aquatic ecosystem purposes (Class AE).

Policy 9.3.3 To reduce the amount of phosphorus discharged in the Lake Brunner catchment.

Policy 9.3.4 To require discharges of dairy effluent in the Lake Brunner catchment to be to land, rather than directly to water.

Policy 9.3.5 To prevent stock access to waterways.

Policy 9.3.6 To reduce the loss of phosphorus to Lake Brunner associated with the intensification of land, by managing phosphate fertilizer use in the catchment so that no net increases in annual use occurs per property.

Policy 9.3.7 To encourage methods of wintering of stock that will reduce the risk of phosphorus loss in the Lake Brunner catchment, including the management of effluent that results from wintering methods.

Chapter 12 – Agricultural Contaminants

Objective 12.1.1

To ensure that the adverse effects from the discharge of agricultural contaminants into or onto land, on water and soil quality, social, cultural, and amenity values, and human health are avoided, remedied, or mitigated.

Policy 12.3.1 To ensure that the adverse effects from the discharge of agricultural contaminants to land is conducted in such a way that any adverse environmental effects are avoided, remedied, or mitigated.

Policy 12.3.2 To promote the discharge of agricultural effluent to land, provided any adverse effects on the environment are avoided, remedied, or mitigated.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
Prepared by: Katherine Glasgow - Planner
Date: 18 January 2012

Subject: **PROPOSED REGIONAL LAND AND WATER PLAN**

Purpose

This report provides an update on the Proposed Regional Land and Water Plan (the Plan) and set out the process from here on in.

Background

The Plan combines three of the Council's Resource Management Plans, and was notified on 17 September 2010.

A total of 58 submissions were received on the Plan by the closing date of 15 October 2010. Two late submissions were also received.

The Summary of Submissions and call for further submissions was notified on 10 January 2011 in accordance with Clause 7 of the First Schedule to the Act, to which 13 further submissions were received.

Pre-hearing meetings

A constructive pre-hearing meeting has been held with Community & Public Health to discuss submission points regarding on-site discharges of sewage effluent (Rule 77), and its cumulative effects. Pre-hearing discussions are also being held with the Territorial Authorities regarding sewage effluent. A pre-hearing meeting with Federated Farmers is scheduled to for the end of the month, to discuss submission points and attempt to resolve any issues prior to the hearings.

Staff recommending report

A draft Staff Recommending Report is currently in its final stages to assist the Hearing Panel in making its decisions.

Hearings

The Council will hold hearings on the submissions received on the Plan in accordance with clause 8(b) of the First Schedule to the Act. Every person who has made a submission will have the opportunity to be heard. The Hearing Panel will make decisions on submissions and release a decisions report. It is anticipated that hearings will be held in May 2012.

Appeals

Following the release of the decisions, submitters have 15 days to appeal to the Environment Court against a decision made, in accordance with Clause 27 of the First Schedule to the Act.

Recommendation

That this report is received.

Michael Meehan
Planning and Environmental Manager

THE WEST COAST REGIONAL COUNCIL

Prepared For: Resource Management Committee – 14 February 2012
Prepared By: Nichola Costley – Regional Planner
Date: 30 January 2012

Subject: **National Policy Statement for Freshwater Management -
Transitional Policies**

Purpose

The purpose of this Report is to provide an update on the insertion of the National Policy Statement for Freshwater Management transitional policies into the Proposed Regional Land and Water Plan.

Background

The National Policy Statement on Freshwater Management (NPS) was gazetted on 12 May 2011 and took effect from 1 July the same year. A Report was provided to Council in July 2011 which provided an overview of the NPS provisions and the implications to this Council.

Further analysis of the NPS is required to determine whether additional changes will be needed on the Proposed Regional Land and Water Plan (the Plan). However it is preferable that this analysis takes place following the completion of the Plan merge currently underway. This delay is not expected to result in any significant impact as the recent State of Environment Report on Surface Water Quality 2011 did not raise any particular water quality issues that have not already been addressed in the Plan merge process.

Amendments made to the Proposed Land and Water Plan

Two policies from the NPS, Policy A4 and B7, have been inserted into the Regional Plan, as directed by the NPS. The new policies apply to resource consent decision-making for activities relating to the use of, and effects on, freshwater. As directed by the NPS, these amendments have been made without using the public submission process. The policies are included in the Plan at sections 7.3A and 8.3A (see attached Chapters of the Regional Plan showing the newly included provisions).

This amendment to the Plan was notified on 18 January 2012.

RECOMMENDATION

That Council receives this Report

Michael Meehan
Planning and Environmental Manager

7. SURFACE WATER QUANTITY

7.1 Introduction

This Chapter deals with resource use conflicts related to the quantity of water in surface water bodies. Out-of-stream uses involving the taking, damming and diversion of water can change the quantity of water in these water bodies, impacting on flow regimes and water levels. This can affect the people and communities who are reliant on this water, its life supporting capacity, water quality, and instream values.

The West Coast generally receives frequent and plentiful rainfall. Annual rainfall increases as one moves south down the West Coast due to the influence of the Southern Alps. The upper Grey River valley and Reefton areas are noted as receiving the least rainfall during Summer, and have a number of catchments where groundwater contributes little to the base flows during Summer. Seasonally, for the northern half of the region, rainfall and river flows are highest during Spring and lowest during Summer. Conversely for South Westland, rainfall and river flows are highest during Summer and lowest during Winter. The high and intense rainfall produces frequent flash floods in the regions rivers which usually contain relatively high base flows. Flows that are affected by large lakes or are mainly spring fed are more stable, and generally have smaller floods.

Note: The provisions in this chapter are in addition to those in Chapter 6, which seek to maintain or enhance the natural and human use values supported by lakes and rivers.

7.2 Objectives

7.2.1 To retain flows and water levels in water bodies sufficient to maintain their instream values, natural character, and life supporting capacity.

Explanation

This Objective seeks to maintain sufficient flows and water levels in rivers and other water bodies to provide for instream values, natural character, and life supporting capacity.

7.2.2 To provide for the water needs of the West Coast's industries, network utility operators, and community water supplies.

Explanation

The economic, social and cultural wellbeing of the West Coast's people and communities rely on their access to securing suitable quantities of water. Network utility operators also require access to water to ensure the continued maintenance and operation of infrastructural networks thereby providing for the economic, social, and cultural wellbeing of the West Coast's people and communities. The present and reasonably foreseeable needs for water will need to be met, provided any adverse effects are sustainably managed. This includes existing users who rely on current takes of water, as well as future users.

7.2.3 To promote the efficient use of water.

Explanation

Efficient use of water occurs when the volume of water taken is sufficient to meet the needs of the use, with the least possible wastage, or overestimation of need.

7.2.4. To avoid, remedy or mitigate adverse effects on the quality of source and receiving water, including its ecology and mauri, where such water is subject to any inter-stream or inter-catchment transfer.

Explanation

New transfers may result in changes to receiving and source water quality, or the introduction of species to areas where they are not already present and the loss of values associated with the source water body.

7.2.5 To avoid, remedy or mitigate any adverse effects of managed flows in rivers, or from fluctuating levels of controlled lakes.

Explanation

Modified flows from activities including damming, diversion from rivers, and flow augmentation can cause adverse effects where the flows or variations in flows may not provide for the requirements of natural and human use values, existing lawful uses, or may adversely affect bed or bank stability. Levels in controlled lakes are subject to fluctuations due to the active management of the lake. Lake levels are altered through a control structure such as a dam. The management of flows and controlled lake levels may be required to ensure that any adverse effect of fluctuating lake levels is avoided, remedied or mitigated.

7.3 Policies

Note: General Policies for the management of flows are outlined in Policies 7.3.1 – 7.3.7, while specific Policies for the management of flows associated with run of the river dams are outlined in Policies 7.3.8 – 7.3.14. For other dam schemes, Policies 7.3.1 – 7.3.7 may apply as well.

Policies Applying to the Taking of Water

7.3.1 Takes from rivers where the total volume of water allocated is less than 20% of the river's mean annual low flow will require no minimum flow.

Explanation

Water in a river may already be allocated to a number of uses including lawfully established takes, takes that are permitted under the Rules of this Plan, and takes provided for under Section 14 of the RMA. When only a small proportion of the available water in a river is taken, there is little need for a consent condition restricting use at low flows because of the low risk of adverse effects due to the taking. The costs of administering minimum flows are high, and it is not cost effective to set minimum flows on takes that have a low risk of causing effects.

The need for gaugings to determine mean annual low flow (MALF) will be at the discretion of Council staff. MALF is determined at the point of take, but needs to take account of the cumulative water takes at other points in the catchment. Once calculated, the MALF for a river will be fixed for the duration of the plan. For smaller streams with high instream values the location and rate of take and the seasonal timing of the take can be controlled by conditions on the consent.

7.3.2 Where Policy 7.3.1 does not apply, a minimum flow based on 75% of the mean annual low flow will be applied as a consent condition.

Explanation

Where more than 20% of any stream has been allocated, a minimum flow will be applied to any new consent for taking water. In the absence of detailed hydrological information, minimum flow assessments can be based on a percentage of the MALF. A minimum flow of 75% of MALF will provide for the natural character, and life supporting capacity of the aquatic ecosystem. In small streams (less than 250l/s MALF) with documented significant trout spawning values, Fish and Game New Zealand may be considered an affected party. Where multiple takes occur, rationing may need to occur before minimum flow is reached.

7.3.3 To consider granting an application for a resource consent to take water from a river, subject to a minimum flow lower than that specified in Policy 7.3.2, on a case-by-case basis, provided:

- (a) Any adverse effects on instream values or natural character of the source water body or any other connected water body are avoided, remedied or mitigated; and**
- (b) Any adverse effects on lawfully existing takes of water are no more than minor;**
- (c) The application if granted, together with the cumulative effect of other existing lawful takes, avoids, remedies or mitigates adverse effects on the life supporting capacity of any waterbody.**

Explanation

This Policy provides criteria for the granting of consents to take water as an exception to the requirements of Policy 7.3.2. This will generally require the applicant to undertake assessment methods on a site specific basis to determine a flow regime that provides for all instream values including ecological and human use values. Scientific assessments are the most accurate method of determining low flow habitat requirements. However, it is recognised that scientific assessments will not always be appropriate or practical. The cumulative effects of multiple takes will also be considered.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated or to be appropriately compensated for. This Policy is adopted to enable consideration of applications for the taking of water as an exception to the requirements of Policy 7.3.2 where such a take will have no more than a minor effect.

7.3.4 Minimum flows required by Policies 7.3.2 or 7.3.3 will not apply to existing community water supply takes identified in Schedule 5B.

Explanation

Under low flow conditions, priority is given to protecting takes for existing community water supply. This policy exempts scheduled existing community water supplies from restriction in terms of the minimum flow requirements applied to other takes. New community takes and any increase in the current level of take will be considered under Policies 7.3.1 to 7.3.3.

This Policy is adopted to enable continued operation of Schedule 5B existing community water supplies. Human health and safety are dependent on a reasonable supply of water and imposing minimum flows on existing takes may compromise human health and safety unnecessarily.

7.3.5 To suspend the taking of water when minimum flows have been reached.

Explanation

When the flow in any river is at or below that minimum flow, all takes that are subject to that minimum flow will be suspended. Conditions relating to minimum flows and suspension will be placed on resource consents for water takes. Permitted activity takes are not restricted by any minimum flows.

7.3.6 To promote the efficient use of water and to consider the need to cap the overall allocation from any water body.

Explanation

The efficient use of water will be assessed on a case by case basis as it is not possible to establish a definition of efficiency that is appropriate or applicable for all potential water. For irrigation applications rate of take should be determined based on area to be irrigated, soil type, and vegetation.

In the future, demand for water may necessitate a cap on further allocation. If this is deemed necessary, the Council will formally resolve that no further permits to take water will be granted in that catchment.

7.3.7 To monitor the taking and use of water, requiring the volume and rate of take to be measured as or where appropriate.

Explanation

Monitoring water use enables better management of the resource. For significant takes, Council may require the instantaneous rate and weekly volume to be monitored. Monitoring is unlikely to be useful for short term or non-consumptive takes.

Policies for Lake Levels, Damming, Diversion, and Augmentation

7.3.8 Where lake levels are already controlled, to recognise and provide for the purpose of that control if limits are to be placed on operating levels.

Explanation

Some of the West Coast's lakes are controlled through the use of dams for specific purposes. The purposes of existing controls are to be recognised and provided for when considering resource consents that affect lake levels. Limits on operating levels may be imposed, where necessary, in accordance with Policy 7.3.9. This Policy ensures that the purpose of controlling any lake where such control already exists is not unduly compromised. Given the investment in dams and associated structures, it would be inappropriate to prevent the use of the dammed water for the purpose for which it was dammed.

7.3.9 To limit the operating levels of any controlled lake, where appropriate, to avoid or mitigate adverse effects on:

- (a) The matters referred to in Policy 6.2.1, 6.2.2 and 6.2.3;**
- (b) Riparian values;**
- (c) Lakeshores and public access;**
- (d) Bed stability; and**
- (e) The needs of the West Coast's people and communities.**

Explanation

Changes in the levels of lakes and the rate of change can adversely affect the matters identified in (a) to (e) of the Policy. It is important to consider new proposals to manage lake levels and new consents for existing dams, in order that appropriate conditions can be set to avoid or mitigate these adverse effects. These conditions will address extremes in lake levels, and the rates of change of such levels.

7.3.10 In regulating the management of controlled flows, other than in association with a small dam or any dam designed to contain contaminants, to have regard to:

- (a) The matters identified in Policy 6.3.1, 6.3.2 and 6.3.3;**
- (b) The periodic release of water at appropriate flow rates, where necessary to remove excess algal growth or accumulated sediment; and**
- (c) The existing needs of consumptive users of water;**
- (d) The extent to which the water body has been modified by resource use and development.**

Explanation

This Policy identifies the measures that may be required in managing controlled flows, to avoid or mitigate adverse effects. Dams designed to contain contaminants and small dams permitted by this plan are excluded. Where the controlled flow conditions could lead to the river's natural and human use values identified in Chapter 6, or uses of that water, being compromised, discharge flows can be modified to avoid or mitigate those effects. This may be achieved through setting maximum and minimum levels of flow, and through control of the range or rate of change of flows. The natural and human use values downstream of any existing dam not designed to pass water will be maintained by continuing the existing operating regime. The measures identified in the Policy would be introduced upon conditions on the relevant resource consents.

7.3.11 To require, where necessary, desirable and practicable, provision for fish migration.

Explanation

Where the Council requires a resource consent for damming or diversion of water, it will consider requiring the person to provide means for the upstream and downstream passage of fish including eels. There are situations where passage may not be necessary, if fish are not present; or desirable, if a dam is preventing upstream migration of predatory trout into a threatened native fish habitat, for example. These need to be assessed on a case-by-case basis.

In cases where retrofitting a fish pass to a dam is impracticable, alternative remedial measures that enable migration will be considered.

7.3.12 In considering resource consents for flow augmentation proposals involving any transfer of water between streams or catchments, regard will be had to avoiding, remedying or mitigating effects on:

- (a) Flora or fauna, including the introduction of new species,
- (b) Water quantity and quality, and
- (c) Tangata whenua cultural values, in the source and receiving waters.

Explanation

Augmentation of surface water flows for the purposes of this policy occurs where water is brought into a catchment or stream for subsequent release. When considering any relevant resource consents required for new augmentation schemes, regard must be had to avoiding the adverse effects identified in this policy. In relation to pest species preference will be given to avoiding their introduction.

7.3.13 When considering diversions associated with disturbance of riverbeds, priority will be given to avoiding, in preference to remedying or mitigating, adverse effects on surface flows.

Explanation

When considering diversion associated with riverbed disturbance, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them. The avoidance of adverse effects on the quantity of surface flows will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated, or appropriate financial contribution made.

7.3.14 Financial contributions, works or services may be required to offset, remedy or mitigate any unavoidable adverse effect of the taking, damming or diversion of water.

Explanation

The taking, damming or diversion of water can result in unavoidable adverse effects on the natural and human use values supported by a water body. Where such effects occur, financial contributions, works or services may be required as a condition of a resource consent to offset, remedy or mitigate the effects.

7.3A National Policy Statement on Freshwater Management

The National Policy Statement for Freshwater Management 2011 (NPS) contains four objectives and seven policies in relation to freshwater quantity.

Policy B7 of the NPS, and direction under section 55(2A) of the Resource Management Act 1991 (RMA), requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy B7 of the NPS.

Policy B7 of the NPS is accordingly included in this Plan as Policies 7.3A.1 to 7.3A.3 below.

7.3A.1 When considering any application the consent authority must have regard to the following matters:

- (a) **the extent to which the change would adversely affect safeguarding the life-supporting capacity of freshwater and of any associated ecosystem; and**
- (b) **the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.**

7.3A.2 Policy 7.3A.1 applies to:

- (a) **any new activity; and**
- (b) **any change in character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any freshwater, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).**

7.3A.3 Policy 7.3A.1 does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management took effect on 1 July 2011.**7.4 Methods**

- 7.4.1 The Council will seek to ensure that the effects of stormwater and drainage from new subdivisions is considered at the planning stage, at the same time as waste disposal, water supply and natural hazards.
- 7.4.2 Where the cumulative volume allocated from a river for permitted and/or consented takes reaches or exceeds 15% of MALF the Council will review the application of Rules 37, 38, and 39 to the affected river, and a plan change may be required to address the issue.

8. SURFACE WATER QUALITY

8.1 Introduction

Water quality can be adversely affected by discharges of contaminants resulting from human activities. There are two main types of discharge that can affect water quality, namely "point source", those that occur at a definable place, often through a pipe or drain, and "non-point source", those that enter a water body from a diffuse source, such as land runoff or infiltration.

This Chapter addresses point source discharges to surface water only. In the region many discharges are directly to water, including treated dairy effluent, municipal sewage discharges, and industrial effluent (mining, ports, and dairy companies).

Where water quality is adversely affected by these discharges, this reduces the ability of lakes and rivers to support the needs of people and communities, and aquatic life. There is a particular concern in relation to discharges of human sewage to water, which Poutini Ngäi Tahu find culturally offensive.

Sometimes water quality can be affected by a large water take, where that take reduces the assimilative capacity of the water body. Adverse effects due to a contaminant discharge should be mitigated in the first instance by reducing the level of contaminant being discharged, rather than by managing takes to alter the assimilative capacity of the water body.

Note: The provisions in this Chapter are in addition to those in Chapter 5, which seek to maintain or enhance the natural and human use values supported by surface water bodies.

8.2 Objective

8.2.1 To maintain or enhance the quality of the West Coast's water.

8.3 Policies

8.3.1 The West Coast Regional Council will manage the swimming areas identified in Schedule 7 for contact recreation purposes (Class CR) and all other surface water bodies in the region for aquatic ecosystem purposes (Class AE).

Explanation

Aquatic ecosystem and contact recreation standards are set in the Third Schedule of the RMA (see below). Contact recreation water bodies are identified in Schedule 7, and all other water bodies will be managed for aquatic ecosystem purposes. AE and CR classes do not exclude other water quality classes being applied if identified as appropriate through the resource consent process.

- Class AE Water (being water managed for aquatic ecosystem purposes)
 - (1) The natural temperature of the water shall not be changed by more than 3° Celcius.
 - (2) The following shall not be allowed if they have an adverse effect on aquatic life:
 - (a) Any pH change;
 - (b) Any increase in the deposition of matter on the bed of the water body or coastal water;
 - (c) Any discharge of a contaminant into the water.
 - (3) The concentration of dissolved oxygen shall exceed 80% of saturation concentration
 - (4) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water
- Class CR Water (being water managed for contact recreation purposes)
 - (1) The visual clarity of the water shall not be so low as to be unsuitable for bathing.
 - (2) The water shall not be rendered unsuitable for bathing by the presence of contaminants.
 - (3) There shall be no biological growths as a result of any discharges of a contaminant into the water.

In some streams on the West Coast the AE standards are unable to be met due to high acidity (both naturally occurring and caused by historic mining activities). This is reflected in Policy 8.3.2.

8.3.2 Rivers which have acid drainage issues will be managed as follows:

- (a) Activities that reduce pH of receiving waters must avoid, remedy or mitigate acidity effects and should achieve the natural pH level of the affected river wherever practicable; and**
- (b) Activities that increase dissolved iron concentrations or the concentration of any other metal or non-metal in the receiving water must avoid, remedy or mitigate adverse effects and the natural metal/non-metal concentration of the receiving water should be achieved wherever practicable.**

Explanation

Acid drainage issues will be identified when a resource consent is applied for. Mining activities can cause or exacerbate acid drainage from certain rock types. Some rivers have naturally high acidity and elevated heavy metal levels due to geology. In addition to the requirements of Policies 8.3.3 to 8.3.7 and Chapter 6 Policies (and instead of Policy 8.3.1), this Policy identifies specific parameters that need particular attention if Objective 8.3.1 is to be met. In addition to acidity, contaminants such as iron and manganese; and acid soluble aluminium, zinc, arsenic, nickel, cadmium, chromium, copper, and lead; and sulphate, calcium, and magnesium can lead to serious and long term effects on the aquatic ecosystem. Where natural contaminant levels are high the aim is to require that mining activities avoid, remedy or mitigate effects to maintain water quality as close as practicable to natural conditions. The relevant guideline levels for metals is a developing science and ANZECC guidelines are not necessarily relevant if better localised information is available.

8.3.3 To encourage the remediation of orphan sites as a method to enhance existing water quality and offset adverse effects from new mining developments.

Explanation

This Policy provides a management framework for 'orphan' areas that have existing acid rock drainage issues.

8.3.4 When considering applications for new resource consents for existing discharges of contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

Explanation

There is the opportunity, with new resource consents for existing discharges, to achieve an enhancement in water quality. This can occur when the consent holder re-examines the discharge activity and makes use of technological advances in the reduction, reuse, recycling, or treatment of contaminants. The Council will have regard to these opportunities when considering resource consents to discharge contaminants to water.

This Policy applies to any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.

8.3.5 When considering applications for resource consents to discharge contaminants to water to have regard to:

- (a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;**
- (b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with other options;**
- (c) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied; and**
- (d) The cumulative effects of discharges of contaminants and the assimilative capacity of the water body and actual or potential effects in the coastal marine area.**

Explanation

When considering the avoidance, remedy, or mitigation of the adverse effects of the discharge of contaminants to land or water under a resource consent, the Council will consider matters identified in (a) to (d) in the Policy. This ensures the recognition of any environmental mitigation technology constraint upon the adoption of alternative treatment or discharge methods, and the best practicable option, cumulative effects and assimilative capacity, and downstream effects on the coastal marine area. With respect to (a) for example, discharges from alluvial mining operations are often temporary in nature. They can be to constructed ponds which form part of the treatment system and can occur with minimal effect.

8.3.6 Mixing zones will be required for the discharge of contaminants to water. These will be limited to the extent necessary to take account of:

- (a) Water quality classes;**
- (b) The size and sensitivity of the receiving environment;**
- (c) The matters identified in Policy 6.3.1;**
- (d) The physical processes acting on the area of discharge; and**
- (e) The particular discharge, including contaminant type, concentration, and volume.**

Explanation

Discharges of contaminants authorised under resource consents must meet any water quality standard set in respect of receiving waters after "reasonable mixing". Reasonable mixing occurs in a mixing zone, an accepted area of non-compliance. Matters (a) to (e) of the Policy will be considered in the determination of the size of any mixing zone. In some cases devices may need to be installed to accelerate mixing.

8.3.7 The duration of any new resource consent for an existing discharge of contaminants will take account of the water quality class after reasonable mixing, and any anticipated adverse effects of the discharge on an affected water body, and:

- (a) Will be up to 35 years where the discharge will meet the water quality class for the duration of the resource consent;**
- (b) Will be no more than 15 years where the discharge does not meet the water quality class but will progressively meet that standard within the duration of the resource consent;**
- (c) Will be no more than 5 years where the discharge does not meet the water quality class; and**
- (d) No resource consent, subsequent to one issued under (c), will be issued if the discharge still does not meet the water quality class.**

Explanation

Resource consents to discharge contaminants may be issued for up to 35 years under the RMA. The duration of new resource consents for existing discharges under this Plan will be set having regard to the effect of the matters listed in this Policy.

If a commitment is made to meet the water quality class progressively within the duration of the resource consent, the duration of such resource consents would not exceed 15 years, in accordance with (b). In recognition of any environmental mitigation technology constraints on those proposing to undertake the discharge, a short duration resource consent, which does not exceed 5 years, may be granted in accordance with (c), in which time they must comply with the water quality class. Discharges that do not comply by the time the resource consent has expired will not be granted a further resource consent for the discharge.

8.3.8 With respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, to require:

- (a) The separation of sewage and stormwater;**
- (b) The prevention of contamination by industrial or trade waste; and**
- (c) The use of techniques to trap debris, sediments and nutrients present in runoff.**

Explanation

In terms of the Plan's rules for permitted and discretionary activities for new discharges, or extensions to the catchment area of existing discharges from reticulated stormwater systems, the requirements of (a) to (c) will apply, as required.

8.3.9 To promote and enable the progressive upgrading of the quality of water discharged from existing stormwater reticulation systems where appropriate.

Explanation

The Council will encourage the operator of any existing stormwater reticulation system to improve the quality of stormwater discharged from the system where appropriate. Measures that can be taken to achieve this improvement include:

- (a) The separation of sewage and stormwater;
- (b) The prevention of contamination by industrial or trade waste; and
- (c) The use of techniques to trap debris, sediments and nutrients present in runoff.

Priority will be given to improving discharges to those water bodies where water quality classes cannot be met and natural and human use values are adversely affected. Such measures may not be necessary where an existing discharge meets water quality classes or is having no more than a minor adverse effect on any natural or human use value supported by an affected water body. Resource consents for stormwater may be issued that allow time for water quality classes to be met. This recognises financial and technical constraints associated with these types of discharges.

8.3.10 To avoid the damming or diversion of water over contaminated land where it would result in contamination of water or, where avoidance is not practicable, to require the removal or treatment of the contaminated land.

Explanation

There is the potential for adverse effects on water quality where land contaminated by hazardous substances comes into contact with water. Such effects may occur:

- (a) Within a reservoir created by the damming of a water body;
- (b) Within diverted water where the water passes over contaminated land; or
- (c) Downstream of that reservoir or diverted water.

When considering any resource consent for new proposals for damming or diversion of water, the Council must be satisfied that the activity would not result in water being contaminated by its coming into contact with sites associated with hazardous substances. The Council maintains a register of these sites on the West Coast. Policy 8.3.10 does not apply to dams designed for the storage of contaminants.

8.3.11 To require the holder of any consent for a dam constructed for the purposes of storage of contaminants to completely remedy any adverse effect of the failure or overtopping of the dam structure, either during or after its construction.

Explanation

Where a resource consent is required for damming of water for the purpose of storing contaminants, the consent authority will require the person erecting the dam to plan for and provide measures, including bonds under Section 108 of the RMA, for the complete remediation of any loss or damage caused by the uncontrolled release of contaminants. There is a risk of such releases where the dam constructed to store the contaminants fails or is overtopped, either during or after its construction. The construction of dams is covered in Chapter 4.

8.3A National Policy Statement on Freshwater Management

The National Policy Statement for Freshwater Management 2011 (NPS) contains two objectives and four policies in relation to freshwater quality.

Policy A4 of the NPS, and direction under section 55(2A) of the Resource Management Act 1991 (RMA), requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy A4 of the NPS.

Policy A4 of the NPS is accordingly included in this Plan as Policies 8.3A.1 to 8.3A.3 below.

8.3A.1 When considering any application for a discharge the consent authority must have regard to the following matters:

- (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and**
- (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.**

8.3A.2 Policy 8.3A.1 applies to the following discharges (including a diffuse discharge by any person or animal):

- (a) a new discharge; or**
- (b) a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.**

8.3A.3 Policy 8.3A.1 does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management took effect on 1 July 2011.

8.4. Methods

- 8.4.1 The Council will encourage operators of existing stormwater reticulation systems to utilise techniques that will assist to reduce the level of contaminants discharged from the systems.
- 8.4.2 The Council will encourage district councils, communities and property owners to install reticulated systems for sewerage, where it is appropriate and feasible, in any site where the conditions are such that on-site waste treatment could result in an adverse effect on water bodies, particularly those specifically identified in this Plan.

THE WEST COAST REGIONAL COUNCIL

Prepared For: Resource Management Committee – 7 February 2012
 Prepared By: Nichola Costley – Regional Planner
 Date: 24 January 2012

Subject: **INTERIM DECISION – WETLANDS VARIATION**

Purpose

To provide an update on the Interim Decision released by the Environment Court on Variation 1 – Wetlands.

Background

The Environment Court has released a second interim decision on Variation 1 on the Proposed Land and Riverbed Management Plan (Wetlands). This interim decision focuses on the planning evidence given at the hearings held during August and October 2011.

Decision Outcomes

There have been a number of positive outcomes for the Council as a result of this interim decision. These include:

- There are no changes imposed on Chapter 4 (Land Management) or Chapter 5 (Lake and Riverbed Management) as Chapter 5A is now specific to activities in wetlands on either land or in the beds of lakes or rivers;
- The wording adopted by the Court for Chapter 5A, including that for the introduction, objective and policies is concise and generally reasonably practical;
- Policies 5A.3.1 and 5A.3.2 (Schedule 1 and Schedule 2 respectively) now focus on 'controlling activities', requiring values to be protected and then requiring natural character and eco-systems to be sustained. This policy moves away from other more protective wording sought, recognising that natural character and eco-system values can be sustained not only by protecting all of the wetland, but by alternative measures or controls;
- New Policy 5A.3.3 confirms that a Schedule 2 wetland is only significant if it meets the criteria in Appendix 8;
- Council discretion has been retained in determining whether an ecological assessment is required with a resource consent for any wetland not identified in Schedule 1 or 2. Council officers will be able to decide whether the unscheduled wetland area may have significant values warranting further assessment. In addition, it will not be a requirement for a further report under section 92 of the RMA but a decision that a standard application requirement needs to be completed;
- The ecological context amendments sought for Appendix 8 have been made with the inclusion of the word 'important' at the beginning of each of the criteria. This now imposes a key threshold level when determining significance;
- Amendment to the representativeness criteria in Appendix 8 with the inclusion of the words 'typical of' now requires the need to have indigenous species dominance, and most of the expected species and tiers of wetland vegetation types to be present to determine significance as opposed to more than just one or two typical pre-1840 species present.

Process from here

The Court has asked for further clarification regarding the rules relating to wetlands identified in Schedule 1 and 2, and is seeking further mediation be undertaken by the end of February. If required, a further hearing has been scheduled for the week commencing 2 April 2012.

RECOMMENDATION

That Council receives this Report

Michael Meehan
Planning and Environmental Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 7 February 2012
 Prepared by: Stefan Beaumont, Hydrologist
 Date: 26 January 2012
 Subject: **HYDROLOGY & FLOOD WARNING UPDATE**

Data Requests

3 water level/flow, 1 rainfall.

Flood Warning

There was one flood event for the reporting period. The Grey River at Dobson reached a level of 3928 mm on 14 January 2012.

Site	Time of peak	Peak level	Warning Issued	Alarm threshold
Grey Rv @ Dobson	14/01/2012 07:45	3928mm	14/01/2012 01:30	3400mm

Mount Frederick Repeater Interference Issue

Since December 2011 an interference issue has arisen affecting the Northern flood warning sites (Buller River and Karamea River). The source of this interference is a 900 MHz broadband site that is operating 20 – 30 m away from the Council repeater location on Mount Frederick. The interference has resulted in data that would normally come through the Mount Frederick repeater not being received at Council.

Site visits have been undertaken by a radio technician, Radio Spectrum Management (the government body in charge of radio licences and regulations) and the owner of the broadband site to investigate a solution to the current problem. To date no long term solution is available.

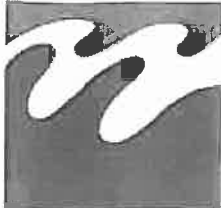
Until a solution is found Council flood duty officers are required to contact the owner of the broadband site to have it switched off prior to Metservice predicted heavy rain events. This means that outside of heavy rain events no data is available to the community via Council's website. It also means that the day to day running of the network is not possible (i.e. checking sensors/battery voltage and communications with sites as part of a normal day to day operation of a flood warning system).

Attached to this report is a letter to the Radio Spectrum Management outlining Council's concerns. At the time of submitting this report Council had not received a response.

RECOMMENDATION

That the report is received

Michael Meehan
Planning and Environment Manager



THE WEST COAST
REGIONAL COUNCIL

19 January 2012

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The West Coast, New Zealand
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Radio Spectrum
33 Bowen Street
Wellington 6011

Enquiries to: Michael Meehan

Attention: Grant Wheaten

Dear Grant

RADIO INTERFERENCE ON MOUNT FREDERICK

I am writing to express concern over the current interference we are experiencing at the Mount Frederick repeater site. This is a site the Council has used for some 20 years without any problems until recently, when permission was granted for a broadband repeater to be installed in close proximity to this site.

The broadband repeater has caused interference which has got progressively worse over time. Currently the level of interference is such that we can no longer receive reliable data from our northern hydrological sites. Investigations have been reasonably inconclusive in regard to finding the reason for interference. However what is clear, is that when the broadband site is turned off our site is able to operate normally.

You have notified us via email (attached) to say you have invoked Condition 6.4 of the General Licences. I understand that this will mean that if all technical options are exhausted then the broadband equipment will be required to relocate to ensure the interference ceases.

This has, and is still having a significant impact on one of Council's core flood warning functions. This function is an essential life and property saving service which the community relies heavily on. It is possible that lives could be lost, and property seriously affected, should the system fail and warnings not issued to the community in the lead up to such events.

Following advice from Radio Spectrum Management, when a heavy rain warning is issued, Council asks that the broadband site is turned off. The owner of the site has cooperated with these requests so far. However, this is not a long term or viable solution and still carries an unnecessary risk to the community in the event that a rain event occurs without warning, causing rivers to rise rapidly.

Council is unable to monitor its sites to ensure they are operating normally, which may result in a site malfunctioning and not being picked up until a heavy rain warning event occurs and the broadband site is turned off. This would result in the community not receiving warning or information on the predicted level of flow they can expect. This is essential information to the community when making civil defence decisions that affect life and property.

This matter will be discussed at the upcoming Council meeting on 7 February 2012, please provide a response from Radio Spectrum Management as to how you plan to address this situation by **26 January 2012**.

Should you wish to discuss this matter further please do not hesitate to contact me on 03 769 9093.

Yours faithfully

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke at the end.

Michael Meehan
Planning and Environment Manager

Michael Meehan

From: Grant Wheaton [Grant.Wheaton@med.govt.nz]
Sent: Tuesday, 10 January 2012 11:22 AM
To: Michael Meehan
Subject: RE: Mt Frederic - Interference to E185

Hi Mike

As per my phone message this morning there is a bit of a delay in progressing the issue as John is away on holiday and I am not able to talk to him till Thursday re the next set of testing aimed at locating the source of the problem.

As such I have invoked 6.4 of the general licence for "Short range devices".

<http://www.rsm.govt.nz/cms/licensees/types-of-licence/general-user-licences/short-range-devices>

6. General conditions applying to all transmissions under this licence

1. The frequency ranges, peak power of transmissions within those frequency ranges, and designated uses of frequencies are those prescribed in this licence. All transmissions in a given frequency range must comply with any special conditions relating to that frequency range.
2. Transmitters, and persons supplying or using transmitters, must comply with the requirements of Regulations 32 to 37 of the Radiocommunications Regulations 2001.
3. Frequency use is on a shared basis and the chief executive does not accept liability under any circumstances for any loss or damage of any kind occasioned by the unavailability of frequencies or interference to reception.
4. Should interference occur to services licensed pursuant to a radio licence or a spectrum licence, the chief executive reserves the right to require and ensure that any transmission or any emission pursuant to this General User Radio Licence change frequency, reduce power, or cease operation.
5. Transmissions that are broadcasting, as defined in the Broadcasting Act 1989, are not permitted.

The rules of engagement for this are:

1. If the WRC predict a weather event the WRC may contact us and ask for the 924MHz IP service to be switched off for the duration of the event. Please specify time and date of the period.
2. We will instruct Zelan, Mark Kersten, 0800 89 4151 027 4422566 mark@zelan.co.nz to follow the instruction.

Off the record, Mark has agreed to take a call from your team to this effect and act on it accordingly. If there are any issues please let us know.

I see that there is a WX event around Thursday this week.

Does this fit the WRCs requirements at this point Mike?

I stress this is only a temporary measure until a technical resolution is found. We will need J V Electronics, John Van Dissel's co-operation to further this.

Regards

Grant Wheaton
03 9626241

20/01/2012

Prepared for: Resource Management Committee
 Prepared by: Colin Dall - Consents & Compliance Manager
 Date: 27 January 2012

Subject: CONSENTS MONTHLY REPORT

CONSENTS

Consents Site Visits from 1 December 2011 – 25 January 2012

DATE	NAME, ACTIVITY & LOCATION	PURPOSE
19/12/11	RC10021[v1] – A Gillman, Gravel extraction, Hokitika River	To assess the gravel resource with a view to increasing the volume allowed to be extracted by the Consent Holder.
10/01/12	RC12009 – AG & HJ Dawson, River diversion in the CMA, New River	Site visited with Wayne Moen, Rivers & Drainage Engineer, to view river erosion and discuss best options for protection and to supply consent forms.
20/01/12	RC11262 – M Moynihan, Discharge dairy effluent, Kokatahi	To inspect the discharge point into Whites Creek at Kokatahi.
20/01/12	RC11259 - Garry Cooper, Alluvial gold mining, Duffers Creek	To inspect the site to gain a better understanding of the proposed alluvial gold mining operation.
24/01/12	RC12010 - Flowery Creek Forest Ltd, Flipping, Stafford	To discuss setback distances from Flowery Creek and unnamed tributaries of Kapitea Creek.
25/01/12	RC11081 - Roberts Mining Ltd, Alluvial gold mining, Rimu	To investigate a proposed gold mining operation to discuss margin setback distances from property boundaries.

Non-Notified Resource Consents Granted from 1 December 2011 – 25 January 2012

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RC09170 G & J Powell trading as WestStone	To disturb the dry bed of the Grey River at the Cobden Bridge site for the purpose of extracting gravel.
RC10129 Rossburn Farms Ltd	To discharge treated dairy effluent to land and water (Orwell Creek) near DS473, Ahaura.
RC11119 Solid Energy New Zealand Ltd	To take and use surface water from Whirlwind, Herbert and Webb Streams and 2 points on the Waimangaroa River for the purpose of hydroelectricity generation. To discharge water to water ("St Pats Dam") for the purpose of hydroelectricity generation.
RC11153 New Zealand Transport Agency	To disturb the bed of the Wainihinihi River upstream and downstream of the SH73 Culvert to undertake stream training works. To divert water, Wainihinihi River upstream and downstream of the SH73 Culvert. To discharge sediment to water from stream training works, Wainihinihi River upstream and downstream of the SH73 Culvert. To alter the foreshore/seabed while undertaking stream training works, Fox River. To divert water in the Coastal Marine Area, Fox River.

	To discharge sediment to the Coastal Marine Area associated with stream training works, Fox River.
RC11168 Avery Bros Ltd	To disturb the dry bed and the wet bed (below water level in the gravel beach) of the Buller River at the SH67 Bridge downstream of the site known as Tredenicks Point for the purpose of gravel extraction.
RC11182 Westland District Council	To undertake earthworks and vegetation disturbance in Erosion Prone Areas One and Two associated with the construction of a cycleway between Kumara and Milltown. To undertake earthworks and vegetation disturbance within the riparian margins of several waterways associated with the construction of 8 bridges for a cycleway between Kumara and Milltown. To disturb the bed of several waterways associated with the construction of 8 bridges for a cycleway between Kumara and Milltown. To temporarily divert water during the construction of 8 bridges for a cycleway between Kumara and Milltown. To discharge sediment to water, incidental to the construction of 8 bridges for a cycleway between Kumara and Milltown.
RC11195 LK Kelly	To disturb the bed of Potters Creek (discharges into Lake Mapourika) associated with the construction of rock spurs and rock armouring. To divert flow of Potters Creek.
RC11196 BR Morgan	To disturb the Coastal Marine Area (CMA) to maintain the outlet for Patten Stream. To divert Patten Stream for the purposes of constructing and maintaining coastal protection works. To disturb (excavate/move) and deposit natural material (predominantly sand and gravel) within the CMA and remove natural material from the CMA to construct and maintain a coastal erosion protection bund between Nikau and the Mokihinui River. To occupy space in the CMA between Nikau and the Mokihinui River. To undertake earthworks within 50 metres of the CMA associated with the construction and maintenance of a coastal erosion protection bund.
RC11201 West Coast Regional Council	To disturb (excavate/move) and deposit natural material within the Coastal Marine Area (CMA) to construct and maintain a coastal erosion protection bund adjacent to the Mokihinui Township. To occupy space in the CMA adjacent to the Mokihinui Township. To undertake earthworks within 50 metres of the CMA associated with the construction and maintenance of a coastal erosion protection bund adjacent to the Mokihinui Township.
RC11203 Kokomo Ahaura Ltd	To disturb the bed of Orwell Creek associated with stream training works. To disturb the dry bed and the wet bed of Orwell Creek for the purpose of gravel extraction. To divert flow of Orwell Creek.
RC11219 Clayton Farms Ltd	To disturb the bed of the Little Grey River associated with the construction of a bridge.
RC11227 Solid Energy New Zealand Ltd	To discharge contaminants (including dust from coal stockpiling and handling, vehicle emissions and other fugitive emissions) to air associated with the operation of a coal loadout facility at Ikamatua. To discharge stormwater containing contaminants (sediment, coal fines and flocculant) to surface and groundwater associated with the operation of a coal loadout facility at Ikamatua.

	To take surface water from a historic dredge pond associated with the operation of a coal loadout facility at Ikamatua.
RC11231 West Coast Regional Council	To place rock spurs on the bed of the Taramakau River. To undertake dry bed gravel extraction, Taramakau River. To permanently divert water from rock spurs, Taramakau River.
RC11232 KF & LM Leslie	To undertake earthworks associated with flipping of farmland, Reefton. To discharge sediment (from flipping of farmland) to land where it may enter water, Reefton.
RC11235 Natural Stones of New Zealand Ltd	To disturb (excavate, remove and redeposit sand) within the Coastal Marine Area associated with a black sand (gold) mining operation between the mouths of the Wanganui and Poerua Rivers. To occupy space within the Common Marine and Coastal Area associated with a black sand (gold) mining operation between the mouths of the Wanganui and Poerua Rivers.
RC11239 P Kirkwood & K Jenkins	To discharge treated domestic sewage effluent to land from a dwelling on Sec 1 - 2 SO 14442.
RC11240 Grey District Council	To disturb the bed of Watson Creek for the purpose of constructing a culvert. To divert water of Watson Creek associated with the construction of a culvert.
RC11241 Grey District Council	To disturb the bed of Mill Creek for the purpose of constructing a culvert. To divert water of Mill Creek associated with the construction of a culvert.
RC11242 Riverheights Partnership	To discharge treated dairy effluent to land, groundwater, and surface water (a farm drain) near DS180, Waitaha Valley.
RC11246 Transpower New Zealand Ltd	To discharge contaminants to air and land from the wet abrasive blasting and preparation (for protective coating) of a support structure (Tower 44) of the Inangahua - Westport B transmission line.
RC11247 South Westland Salmon	To discharge contaminants (excess fish food and fish waste) to land where they may enter water via seepage from a settling pond, Paringa.
RC11250 West Coast Regional Council	To disturb the bed of the Waitangitaona River associated with the extension of a rock groyne. To divert flow of the Waitangitaona River.
RC11253 Arnold Contracting Ltd	To disturb the dry bed of the Waitangitaona River for the purpose of extracting gravel.
RC11254 West Coast Regional Council	To disturb the dry bed of the Karamea River at four sites (1 upstream and 3 downstream of the SH67 Bridge) for the purpose of extracting gravel.
RC11260 C Fairhall	To discharge treated domestic sewage effluent to land from a dwelling on Lot 1 DP 3813, Dobson.
RC11264 Matt and Carmel O'Regan Family Trust	To disturb the bed of Brown Creek associated with the installation of rock protection and removal of gravel. To divert flow of Brown Creek.
RC11265 MBD Contracting Ltd	To disturb the dry bed of the Taramakau River downstream of the William Stewart Bridge for the purpose of extracting gravel.
RC12003 Fergusons Farms Ltd	To disturb the bed of Granite Creek (Mikonui) to undertake stream training works. To undertake dry bed gravel extraction, Granite Creek.

RC12005 Henry Adams Contracting Ltd	To divert water as a result of stream training works, Granite Creek. To disturb the dry bed of the Hokitika River upstream of the Kaniere Bridge for the purpose of extracting gravel. To disturb the dry bed of the Hokitika River at the Kaniere-Kowhitirangi road, site 'A', for the purpose of extracting gravel. To disturb the dry bed of the Hokitika River at the Kaniere-Kowhitirangi road, site 'B', for the purpose of extracting gravel.
RC12008 FN & FP Turner Family Trust	To undertake vegetation removal and earthworks within the Greymouth Earthworks Control Area, Greymouth.
WS1152 G Browne	To erect a whitebait stand in the Common Marine and Coastal Area. (Waitaha River) To occupy space in the Common Marine and Coastal Area. (Waitaha River)

Changes to Consent Conditions Granted from 1 December 2011 – 25 January 2012

CONSENT NO, HOLDER & LOCATION	PURPOSE OF CHANGE
RC03175 Solid Energy New Zealand Ltd Cypress Mine	To allow alternative locations for the discharge of contaminants to water associated with water treatment.
RC03175 Solid Energy New Zealand Ltd Cypress Mine	To change conditions for water take from St Pat's Dam.
RC05078 Dempster Ltd Callaghans	To change conditions relating to the extension to the alluvial gold mining areas.
RC05217 Solid Energy New Zealand Ltd Strongman Mine	To change conditions relating to the sampling locations within Doherty Creek.
RC06154 Westland District Council Hokitika Oxidation Ponds	To amend and cancel redundant conditions.
RC09028 Solid Energy New Zealand Ltd Millerton Mine	To change conditions relating to the sampling requirements.
RC10021 A Gillman Hokitika River	To increase volume of gravel extracted.
RC10217 Solid Energy New Zealand Ltd Burkes Creek, Reefton	To allow change to the construction method for creek diversion.
RC11113 Department of Conservation South Westland 1080 Operational Areas	To remove the requirement to check the Okuru Valley 4WD Route and Thomas Valley Route for bait and Possum carcasses.
RC11239 Kirkwood & Jenkins Morris Road, Buller	To change conditions relating to the type of septic tank.
WS676 G McKenzie Mokihinui River	To allow the concreted portion of the whitebait stand to remain permanently.

No Limited Notified or Notified Resource Consents were granted from 1 December 2011 – 25 January 2012.

Notified Consents Updates & Other Matters

The evidence of the Council and Buller District Council for the appeals against the consents granted to Meridian Energy Limited by the Councils for its proposed Mokihinui Hydro Scheme was filed with the Environment Court.

The Consents & Compliance Manager attended two mediation meetings in Westport for the appeals against the consents granted to Buller Coal Limited by the Council and Buller District Council for its proposed Escarpment Mine on the Denniston Plateau.

Public Enquiries

42 written public enquiries were responded to during the reporting period. 36 (85.7%) were answered on the same day, 5 (11.9%) the following day, and the remaining 1 (2.4%) no more than 10 working days later.

RECOMMENDATION

That the February 2012 report of the Consents Group be received.

Colin Dall

Consents & Compliance Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
 Prepared by: Colin Dall – Consents & Compliance Manager and Phil McKinnel – Compliance Team Leader
 Date: 26 January 2012
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 98 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits	Fully Compliant (%)
Resource consent monitoring	21	33
Dairy shed inspections	66	88
Mining compliance & bond release	13	46

These totals include 46 visits in response to complaints.

Specific Issues

Dairy Effluent Discharges: 66 dairy sheds were inspected during the reporting period, 7 of which were rated as "significantly non-compliant". The main issues noted during the inspections were:

- Non compliant discharges from pond systems
- Lack of storage
- Lack of maintenance of effluent ponds

Rockies Mine, Stockton Plateau: Council staff received a number of calls over the last reporting period in relation to the Rockies Mine and discharges from the mine site. Subsequently, a site visit was undertaken to identify any issues that may be impacting on receiving waters.

No obvious issues were identified while on site, however, more monitoring will be undertaken at the site in the next reporting period. The resource consents for the site are in the process of being replaced and the consent process will deal with any issues associated with acid-producing material that is present on site.

Solid Energy New Zealand Limited (SENZ):

Stockton Mine: Compliance staff visited the mine during the last reporting period to view the Mine Creek area that had recently been affected by higher sediment levels. During this visit it was found a temporary haul road had been constructed across a number of small drainage channels and the discharges from these channels were contributing to the sediment loading in Mine Creek during moderate to heavy rainfall events.

Regular monitoring of the water quality site S6 by SENZ had detected a number of non-compliances. However, the increased sediment levels do not appear to have impacted water quality in the Ngakawau River. Furthermore, Mine Creek has significantly degraded water quality in terms of pH and macroinvertebrate life. Therefore, the increase in sediment levels during high flows is considered to have no more than a minor effect on Mine Creek.

SENZ has begun installing larger sediment retention structures in Mine Creek in line with the appropriate permitted activity rules.

A formal warning will be issued to the Company for the non-compliances.

Spring Creek Mine: A formal warning was issued to SENZ in relation to a discharge from the lamella thickener (water treatment plant) at its Rapahoe Coal Handling Facility. A lack of maintenance on a

pump was identified as a contributing factor to a dirty discharge that occurred when the pump broke down.

Reddale Mine (Reefton): SENZ has reviewed the monitoring required at the site. All monitoring is being undertaken as required, except that it had not been reported to the Council. This issue has now been rectified.

Alluvial Gold Mining: There continues to be an increase in alluvial gold mining activity.

Council staff have experienced a number of problems with new miners around their knowledge and appreciation of consent requirements, including the importance of providing accurate work programmes and complying with those programmes. Compliance staff endeavour to educate miners as far as practicable in what is required to maintain compliance with their resource consents or the relevant permitted activity rules.

Complaints/Incidents between 1 December 2011 and 20 January 2012.

The following 59 complaints/incidents were received during the reporting period:

Activity	Description	Location	Action/Outcome
Carcass Dumping	Complaint about dead sheep dumped on property boundary on Rutherglen Road.	Paroa	Phone call made to landowner and sheep removed and disposed of.
Coal Mining	Notification of pH decrease in Rudolph Creek.	Stockton	Still under investigation.
Coal Mining	Notification of exceedance of sediment trigger limit in Mangatini Stream.	Stockton	Investigation found incident to be related to heavy rain event.
Coal Mining	Notification of exceedances of water quality limits in Mine Creek.	Stockton	Investigation found a range of factors that have led to non compliances. Formal Warning to be issued.
Coal Mining	Notification of exceedances in Rudolph Creek.	Stockton	Investigation has shown no relation to Solid Energy activities. Investigation is continuing.
Whitebaiting	Stand still in place post-season.	Ohinemaka River	Follow up call needed after having requested its removal.
Whitebaiting	Stand still in place post-season.	Okuru River	Removed.
Whitebaiting	Stand still in place post-season.	Turnbull River	Uncertainty over ownership of stand. Further investigation required.
Whitebaiting	Stand still in place post-season.	Moeraki River	Follow up call needed after having requested its removal.
Whitebaiting	Stand still in place post-season.	Jacobs River	Follow up call needed after having requested its removal.
Whitebaiting	Stand still in place post-season.	Moeraki River	Follow up call needed after having requested its removal.

Gold Mining	Complaint regarding earthworks outside of consented area.	Notown	Site visited and a letter of direction sent to Consent Holder for another issue found on site.
Sediment Discharge	Complaint about Fairdown Stream running dirty as the result of earthworks being undertaken in the area.	Fairdown	Investigation undertaken and letter of direction issued with relevant permitted activity rules enclosed.
Dairy Discharge	Sump overflow on dairy farm.	Kowhitirangi	Overflow contained and cleaned up.
Earthworks	Complaint about earthworks on the beach.	Hokitika	Infrastructure being maintaining, which is permitted. Contractor advised to inform the Council next time work is carried out.
Dairy Discharge	Complaint regarding dairy effluent in seawater at Nine Mile Beach.	Okari	Inspection of neighbouring dairy farms and Nine Mile Beach carried out. No evidence found to suggest any unauthorised discharges.
Riverbed Disturbance	Complaint regarding a digger working in Rough and Tumble Creek.	Mawheraiti	Site visited. Emergency works being carried out for BDC.
Air Discharge	Complaint about burning rubbish at Jacks Road.	Greymouth	Site visit undertaken and parties spoken to.
Air Discharge	Complaint about burning rubbish.	Westport	Offenders spoken to by BDC and advised of the rules.
Whitebaiting	Stand still in place post-season.	Mokihinui River	Owner given an extension for removal until 31 January 2012.
Whitebaiting	Stand still in place post-season.	Mokihinui River	No response from owner, follow up required.
Whitebaiting	Stand still in place post-season.	Mokihinui River	No response from owner, follow up required.
Whitebaiting	Stand still in place post-season.	Mokihinui River	Removed.
Whitebaiting	Stand still in place post-season.	Mokihinui River	No response from owner, follow up required.
Whitebaiting	Stand still in place post-season.	Mokihinui River	Removed.
Earthworks	Complaint about earthworks causing flooding downstream in Fairdown Stream.	Fairdown	Severe rainfall in area contributed to increase in runoff and flooding.
Stormwater	Complaint regarding increased stormwater runoff onto private property from new subdivision.	Hokitika	Still under investigation.
Stormwater	Complaint about flooding from changes in drainage on Keogans Road.	Hokitika	Still under investigation

Sedimentation of Riverbed	Complaint about humping and hollowing leading to build up of sediment in creek.	Goldsborough	Still under investigation.
Odour	Complaint regarding smell coming from panel beaters.	Hokitika	Still under investigation.
Earthworks	Complaint regarding works in the bed of a river.	Ross	Abatement notice issued and rules explained to landowner.
Stock Crossing	Complaint about stock crossing.	Ross	Still under investigation.
Animal Control	Complaint about bee hives causing a nuisance.	Okuru	Complainant advised that beehives are not an issue that falls under the Council's jurisdiction.
Coal Mining	Notification from SENZ regarding a pump failure that had caused a discharge of coal fines to Seven Mile Creek.	Rapahoe	Formal warning issued.
Coal Mining	Notification from SENZ regarding exceedences at Mangatini Stream and Mine Creek.	Stockton	Investigations have shown both incidents to be related to a storm event.
Earthworks	Complaint about works in the bed of a creek causing sediment issues.	Paroa	Site visited and consent conditions explained to the contractor.
Earthworks	Complaint about works in the bed of a river.	Blackwater	Complaint was centered around a boundary dispute - civil matter.
Subdivision	Complaint about earthworks associated with subdivision.	Kaniere	Formal warning issued.
Earthworks	Complaint about earthworks interfering with drainage.	Camerons	Site visited and advice given to landowner.
Sandblasting	Complaint about drift from sandblasting operation.	Greymouth	Site visited. Steps have been taken to improve discharge. Monitoring of activity to be increased.
Odour	Complaint about odour emanating from sewage ponds.	Greymouth	Still under investigation.
Coal Mining	Notification from Solid Energy regarding decrease in water quality at S28 Rudolph Stream.	Stockton	Investigations have found no contribution from SENZ activities. Investigations into the source of contamination are ongoing.
Coal Mining	Complaint about water quality issues associated with Rockies Mine.	Granity	Still under investigation.
Earthworks	Complaint about sediment entering a waterway from earthworks.	Chesterfield	Site visited. Contractor undertaking bank reinstatement works under permitted activity rule.
Coal Mining	Complaint about discharge from mine.	Granity	Site visited – further investigation required.

Dairy	Complaint about large amount of dairy effluent in the Crooked River.	Rotomanu	Site visited. Algal growth on riverbed had been mistaken as effluent in low flow conditions.
Hydrocarbon Spill	Complaint about diesel spill in Carew Creek.	Lake Brunner	Investigation undertaken and source found to be a small diesel drum leak. No adverse effects noted.
Coal Mining	Complaint about discharge from mine.	Reefton.	No issues observed at the time of inspection.
Gravel Extraction	Complaint about discharge from gravel extraction activities.	Reefton	Consent conditions explained to Consent Holder.
Gold Mining	Complaint about unauthorised gold mining activities.	New River	Abatement notice issued.
Dumping	Complaint about dog poo being disposed of in a waterway.	Cobden	Still under investigation.
Wastewater Treatment	Notification from GDC about an overflow from sewage ponds.	Greymouth	Site visited. Issue resolved after guidance and assistance from Compliance staff.
Burning	Complaint about plastic being burnt in a 44 gallon drum.	Barrytown	Site visited. Offender given verbal warning and explanation of relevant rules.
Burning	Complaint about plastic being burnt in a 44 gallon drum.	Inangahua	Still under investigation.
Gold Mining	Complaint about unauthorised gold mining activities.	Rimu	Abatement notice issued.
Dairy	Complaint about management of dairy effluent.	Mokihinui	Site visited. Complaint unsubstantiated.

Formal Enforcement Action

The following five abatement notices were issued during the reporting period:

Activity	Location
Unauthorised works in the bed of a creek.	Ross
Unauthorised discharge of contaminants (dairy effluent) to land where it may enter water.	Harihari
Inadequate effluent management – Consent Holder instructed to install appropriate infrastructure in order to comply with its resource consent.	Harihari
Unauthorised earthworks associated with gold mining activities (2 notices – 1 to the Consent Holder and the other to the contractor).	New River

Two formal warnings were also issued during the last reporting period – one for an unauthorised discharge of sediment into a creek in Runanga and the other for a breach of regional rules relating to land use activity in Hokitika.

The sentencing hearing for the Council's prosecution against Mr Derek Newton for unauthorised river works in the Taramakau River took place on 20 January 2012.

Work Programmes

The Council received the following two work programmes during the last reporting period, both of which were processed in the 20 day timeframe.

Date	Mining Authorisation	Holder	Location
12/12/11	RC04137	Whyte Gold Ltd	Quinn's Terrace
16/1/12	RC08109	Mathew Mills	Atarau

Bonds Received & Bond Releases

The following two bonds were received during the reporting period:

Mining Authorisation	Holder	Location	Amount
RC07152	B A & J S Stewart	Rotomanu	\$3,000
RC11186	Teronick Mining Ltd	Cronadun	\$6,000

SENZ has provided a replacement bond for its Stockton Mine site upon expiry of the previous bond for the site.

The following bond is recommended for release.

Mining Authorisation	Holder	Location	Amount
RC04169	Burdon Mining Partnership	Blackwater	\$5,000

OIL SPILL RESPONSE

The Council is continuing to provide support to the Rena operation in Tauranga, with two Council staff from Vector Control Services on constant rotation in a role that is overseeing the cleanup team on Motiti Island.

RECOMMENDATION

1. That the February 2012 report of the Compliance Group be received.
2. That Council release the bond held for Resource Consent RC04169.

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, 7TH February 2012** commencing on completion of the Resource Management Committee Meeting.

A.R. SCARLETT
CHAIRPERSON

C. INGLE
CHIEF EXECUTIVE OFFICER

<u>AGENDA NUMBER</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
1.		APOLOGIES
2.		PUBLIC FORUM
3.		MINUTES
	1 – 6	3.1 Minutes of Council Meeting 13 December 2011
4.		REPORTS
	7 – 8	4.1 Planning & Environmental Manager's Report on Engineering Operations
	9 – 10	4.1.2 Lower Waiho Rating District Rates
	11 – 13	4.2 Corporate Services Manager's Report
5.		CHAIRMAN'S REPORT
6.0	14 – 19	CHIEF EXECUTIVE'S REPORT
7.		GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 13 DECEMBER 2011,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH,
COMMENCING AT 10.56 A.M.**

PRESENT:

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

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), C. Dall (Consents & Compliance Manager), T. Jellyman (Minutes Clerk)

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. CONFIRMATION OF MINUTES

Moved (Davidson / Robb) *that the minutes of the Council Meeting dated 7 November 2011, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS:

4.1 ENGINEERING OPERATIONS REPORT

C. Ingle spoke to his report advising that the works in the Whataroa rating district has been completed and works in the Waitangitona rating district have been tendered out.

C. Ingle reported that during the flood event on 21 November an aerial inspection was done to ascertain where damage was occurring particularly in terms of rating district infrastructure and also from a general hazards point of view. C. Ingle advised that survey work is being done in the Coal Creek rating district to establish the flood levels on Coal Creek to Greymouth section of the Grey River. C. Ingle reported that members of the Coal Creek rating district have not wanted to do any work but this recent flood event may change this. Cr Davidson asked if there are any critical areas of concern that need protection works in the future that were revealed during the aerial inspection. C. Ingle responded that there was nothing that anyone was surprised about and his concerns were about road links and advising people early enough that certain regions of road would go under water. C. Ingle some of these issues are for the Police to deal with such as the woman and baby who was trapped when flood waters were over both sides of the road. C. Ingle feels that these types of problems can be worked through with the Police and district councils. C. Ingle advised that these types of problems were on noted during the Queensland floods, where the greatest chance of loss of life is when people attempt to cross a road where it is underwater and they get swept away. He advised that guider posts could be put in where people can see the level of water or to make sure that roads are closed early enough so that people don't get isolated.

C. Ingle reported that he was initially informed that demand for rock in council quarries had slowed but since the flood there has been a renewed demand in the Grey Valley area. He advised that there is blasting underway at Blackball and Kiwi quarries now but the rest of the region rock demand is under control and there are adequate supplies to meet demand. C. Ingle advised that tenders have been sent out for quarry work for drilling and blasting. He stated that the successful tenderer would be awarded with a two year contract for work in the four main quarries based on a price per tonne. Cr Davidson stated that it is important that there are adequate supplies of rock over the Christmas period.

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

Carried

4.1.2 ADOPTION OF MINUTES FROM THE RATING DISTRICT ANNUAL MEETINGS

C. Ingle spoke to this report. Cr Archer stated that he noted in some cases some of the recommendations from the rating committees to council for adoption; do not necessarily support the staff recommendations. Cr Archer wondered if there were any matters in the individual rating district minutes where there is a difference in the staff recommendation compared to the resolution that is a concern to staff that needs to be brought to council's attention. C. Ingle responded that the ones he is aware of are at the minor end of the scale. He advised that the Southside Hokitika rating district is an example where they get 50% funding from NZTA, they have a stockpile of rock handy and were asked to strike a rate of \$5,000 but the rating district agreed to \$2,000. Cr Archer stated that this is not a large sum of money and some instances some of the decisions on rate strikes are greater than the initial recommendation. C. Ingle stated that this happened with the Karamea rating district. C. Ingle advised that from the meetings he attended and reports from staff he does not have any concerns regarding under funding other than Coal Creek. Cr Archer asked if there were concerns would council expect to hear about them prior to setting the rate and adopting the minutes. C. Ingle responded that there will be a workshop after today's meeting and it will be about receiving minutes and then setting rates and what happens in between. C. Ingle advised that at the moment the minutes are being received and setting of rates is not being done at the moment.

Moved (Birchfield / Cummings) *that minutes be received and adopted.*

Carried

4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to this report and advised that the investment portfolio has bounced back from its substantial loss in the first quarter with a much smaller loss in the three months to the end of October. R. Mallinson advised that Council's Fund Managers have since reduced our exposure to global equities due to the ongoing European debt crisis. He advised that there are positive budget variances amounting to \$61,000 in general rate funded activities. R. Mallinson reported that the overall surplus was over \$500,000 for the first four months of the year. Cr Scarlett asked R. Mallinson if council advisers feel that council should be moving into more fixed interest rather than equities. R. Mallinson advised that although the Fund Managers have reduced our weighting in equities they believe that the equity fundamental is very sound and they do not wish to jump ship completely from equities.

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

Carried

4.2.2 AUDIT MANAGEMENT REPORT FOR YEAR TO 30 JUNE 2011

R. Mallinson advised that Mr John Mackey from Audit NZ was unable to attend today's meeting, he would answer any questions Councillors might have.

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

Carried

4.2.3 FOUR MONTH REVIEW – 1 JULY 2011 - 31 OCTOBER 2011

R. Mallinson spoke to this report and took it as read. He stated that there has been a very solid performance across the board. Cr Archer stated that this is a very good report and management and staff should be congratulated.

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

Carried

5.0 MEETING WITH THE AUDITOR GENERAL

Cr Scarlett stated that this is the report that he put to council last month but it was carried over as people wanted to have a further think about it. Cr Scarlett stated that this report is borne out of the fact that the Auditor General (AG) has made recommendations that most councils have followed them. Cr Scarlett stated that the report is self explanatory and he invited discussion on the report. Cr Cummings asked how many councils have followed these recommendations. Cr Scarlett responded that Waikato Regional Council is the latest council to consider this because they had a policy where Councillors made the decision and they have opted for a committee of staff that makes a decision on a prosecution through the CEO and report back to the council. Cr Scarlett stated this change is in the interest of the general public. He stated that it is about perception that if an elected member is a farmer or a miner or whatever industry they are involved in and a prosecution comes up then it could be considered bias and by elected members not making prosecution decisions then it is a completely transparent and fair process. Cr Cummings stated that this is the same as the hospital where they put all the people in charge who don't know anything about a hospital so they can make a really good and informed decision. Cr Scarlett responded that it is a bit like a company, the Board of Directors are there to set policy and the Board don't employ people, apart from the CEO and they don't discipline people. Cr Scarlett advised that this is similar situation at council where councilors are policy setter and they don't prosecute people, as this is a staff function.

Cr Davidson stated prosecutions are a recommendation from staff and council consider all the facts then make a decision. Cr Davidson feels that by councilors looking at prosecutions this is a safety net and is another way of looking at the accused persons position to see if they are a recidivist offender and council can then make a decision. Cr Davidson stated that he does not like going against a recommendation from staff, as they are the people on the ground. Cr Davidson stated that councilors might look at prosecutions from a more compassionate viewpoint in some cases. Cr Davidson would like the status quo to remain and would like Council to review this again in 12 months time.

Cr Robb stated that he believes that councilors are elected to govern and he sees prosecution decisions as a day to day management role. Cr Robb stated that councilors are there to ensure that their role as governance is done properly and if policy isn't being adhered to then it is up to council to do something about it. Cr Robb stated he is comfortable with the recommendation.

Cr Chinn stated that this is the Auditor General's view regarding prosecutions decisions and Cr Chinn's view is that he agrees with Cr Davidson. Cr Chinn stated that when the recommendation from staff for prosecutions is considered by Councillors, this gives another tier to look at the issue; and staff come and staff go and he feels with council making the final decision this is the safest way and fairest way. Cr Chinn stated that councilors are elected by the majority of people to make sound decisions, he does not go along the Auditor General's report. Cr Chinn stated that he would be voting against the recommendation.

Cr Archer stated that he is disappointed that the reason for deferment of this item last month appeared to be as a result of a threat by a councilor. Cr Archer stated that this concerns him greatly as he understood that the supposed reasoning to defer the matter was to enable further research but as yet councilors have not been provided with any research results other than vague opposition to the proposal. Cr Archer referred to recommendation number eight from the Auditor General's report which is based on decision making for prosecutions to be free from perceived political bias. Cr Archer stated that most of the prosecutions that have come before council relate to water quality or possible effects on water quality. Cr Archer stated that all councilors received a copy of the document produced by the Auditor General and in the document there are very clear explanations on the meaning of bias and predetermination. Cr Archer stated that based on case law with the document, the question that needs to be determined is "would a fair minded observer reasonably think that a member of the decision making body might not bring an impartial mind to the decision in the sense that he or she might unfairly

regard with favour or disfavour the case of the party". Cr Archer stated that document goes on to say that statements or conduct indicate that you have predetermined the matter before hearing all relevant information, that is you have a closed mind. Cr Archer stated that the document also spells out that predetermination can be that your position is so fixed that you are unwilling to fairly consider the views of others or that you are not prepared to be persuaded by further evidence or argument. Cr Archer stated it is not necessary for actual bias to occur but the issue is one of a perception of bias by others. Cr Archer stated that over the last four years there has been much discussion and deliberation on recommendations made by council management for prosecutions. Cr Archer stated that almost all of this discussion has been made during the public excluded part of council meetings and as such this discussion that occurred is confidential. Cr Archer stated that there have been some viewpoints aired in open meetings such as one Councilor in particular being and stating, "I am not in favour of prosecutions". Cr Archer stated that another incident during a workshop he was alarmed to hear from another councilor that in his view he could see no reason why dairy farmers could not discharge their effluent to water or miners could not release their sediment ponds as they used to do. Cr Archer stated that whether we like it or not, councilors are elected to protect the environment, the environmental values which exist. Cr Archer stated that comments such as this smack of bias and predetermination and a refusal to have an open mind to apply all the legislative tools which the law provides. Cr Archer stated that council has heard from some councilors that prosecutions should only be applied as a last resort yet when questioned some councilors do not know under what circumstances a last resort has been reached. Cr Archer stated that in his view a last resort situation arises when visits and inspections have been undertaken, where there is written infringement notices issued, abatement notice issued and not complied with. Cr Archer stated that this situation justifies prosecutions because there is nowhere else to go. Cr Archer noted that recently council has adopted the Alternative Environmental Justice Policy, which is another tool to undertake and meet council's enforcement role. Cr Archer stated that there has been some discussions on concerns about rescinding the policy if the delegation made by the Chief Executive do not reflect council's views. Cr Archer added that any delegations could be rescinded by a report from the Chief Executive or Chair or a Notice of Motion of a majority of Councillors. Cr Archer stated that his preferred position would be to delegate the authority outlined to both the Chief Executive and the respective second tier manager, requiring the decision to be unanimous and to be recorded in writing. Cr Archer summarised his comments by saying that he supports the recommendation made by the Auditor General, and now before council is the Chairman's Report and recommendation. Cr Archer stated that he intends to move an amendment to the recommendations requiring a unanimous decision of the Chief Executive and the second tier manager by way of delegation. Cr Archer stated that it is his regrettable opinion that there are some councilors who at least portray some degree of bias, have predetermined outcomes and do not have an open mind in undertaking these matters. Cr Archer stated that on this basis there seems to be no other option than to delegate the authority to competent, professional and high skilled managers to make such decisions on councilors behalf as Cr Archer sees councilor's role as setting policy matters in this regard. Cr Archer supports the recommendations, as amended.

Cr Birchfield stated that he would be voting against the recommendations. He stated that when people vote for councilors they expect that they will be involved in the running of the council. Cr Birchfield stated that the money councilors are paid is to run the council, not to stand back and for the staff to do the hard decisions.

Cr Cummings stated that staff change from time to time and today he would be quite comfortable with letting the CEO have a go at doing this sort of thing, Cr Cummings stated that he has seen other managers and CEO's here and he wouldn't delegate them to do much at all. Cr Cummings stated that council is very fortunate at the moment, but staff do come and go.

Cr Davidson responded to Cr Archer's comments and stated that Judges do not make decisions on perception, it is facts, and he looks at it objectively. Cr Davidson stated that he votes on how he sees the facts and he feels that you cannot make a decision on perception; you have got to have the facts.

Cr Archer responded that he would have thought that Cr Davidson would have been well aware given his experience on resource management matters in the past that it in many cases there are perceived conflicts of interest whereby Commissioners' actually stand down because there is a perception of bias. Cr Archer believes that the same thing applies here. Cr Archer stated that in the four years that he has been involved with Council, every single prosecution that has gone before the courts has been upheld by the courts and he feels that this is a pretty justifiable reason for matters going to court. Cr Archer stated that he would invite those councilors who voted against those decisions to have a look in the mirror and reflect back on their views and reasons on why they choose to vote the way they did. Cr Scarlett stated that if a prosecution comes before this council, it is recommended by staff that the prosecution proceed which cites a dairy farmer and there are dairy farmers sitting on this council and they decide, with good and just reasons, decide not to go ahead with prosecution then it is possible that the public will say "of

course council would do that because it is stacked with dairy farmers". Cr Scarlett stated that the same could be said if it were a miner that was to be prosecuted. Cr Scarlett said this is all about perception from the public and this is what the Auditor General is saying, that perception is very important in terms of justice and in terms of how the council is viewed in the eyes of the public. Cr Scarlett stated that in his view if prosecution decisions are made by independent persons such as a CEO and a second tier manager then there is not the kind of bias that the public might see in the council. Cr Birchfield asked why not. Cr Scarlett responded that management are probably not in the industry that is being prosecuted. Cr Birchfield stated that everyone is subject to some sort of bias. Cr Scarlett did not agree with Cr Birchfield.

Cr Robb stated that Councilors make policy and they employ the people that carry out the policy and he is comfortable with his own ability, and he has faith in all the people here that we have the ability to choose the right top person to employ the next level of people to carry out the policy. Cr Robb stated that Councilors biggest role is to make sure all the policies are carried out and that work is done according to the policies that Council sets. Cr Robb stated that council has a more than capable Chief Executive at the moment who has a very a good management team around him and if this was to change then council is responsible for employing the Chief Executive and they have to make sure that they get that right as it is key to councilors position. Cr Cummings stated that the district council have been in the position where they have employed the wrong people and it has cost a lot of money to get out of it. Cr Scarlett stated that if you went through life contemplating making the wrong decision you would be paralysed and do nothing. Cr Scarlett stated that you have to back yourself and that Cr Robb is right, it is about a council appointing someone who is competent. Cr Cummings stated how do you know if someone is competent. Cr Scarlett stated that a good council does make good decisions and there are remedies available if a wrong decision is made. Cr Cummings suggested disbanding the council and let the Chief Executive run the council and save money. Cr Scarlett explained to Cr Cummings that this is not how democracy works and this would be a dictatorship that people would not accept. Cr Birchfield agrees with Cr Cummings as he feels that they are paid to run the council and they are giving away their responsibilities. Cr Birchfield stated that he couldn't think of any other job where you are paid this amount of money to do a job and then delegate responsibilities away. Cr Birchfield stated that when people vote for you they expect you to be actively involved in running the council. Cr Birchfield stated that the Auditor General is an unelected career bureaucrat and she will be gone next year or the year after. He stated that a previous Auditor General went to jail for fraud so we shouldn't be letting these people dictate to take away our democratic role. Cr Scarlett stated that Crown Law also supports the Auditor General. Cr Birchfield stated that he does not care about this; he stated that councilors are elected to run the council and people expect councilors to run the council. He stated that councilors can be trusted to make prosecution decisions in spite of what people will say, councilors are good honest people and are quite able to make an unbiased decision and this role should not be given away.

Cr Chinn stated that if a recommendation came from staff to prosecute a district council, perhaps the Grey District Council, the staff are ratepayers of the grey district council and so it would be the same as being a dairy farmer. Cr Scarlett advised that these types of matters would be addressed in the Delegations Manual. Cr Scarlett stated that Cr Chinn is stretching a fairly long bow with this argument as it is so rare and can be solved as the prosecutions that council deal with are usually dairy farmers, miners and the odd beekeeper. Cr Cummings mentioned the leachate that was going into the creek where this was putrid and there was no prosecution. Cr Archer called a Point of Order as the matter that Cr Cummings is talking about was in the public excluded part of the meeting and it is not appropriate that it be raised in an open meeting.

Cr Scarlett stated that everyone has read the Auditor General's report and would understand where she is coming from. Cr Scarlett stated that if all of the discussion is finished it is time to make a decision.

Cr Archer moved an amendment to the recommendation, seconded by Cr Robb:

1. *"That Council delegates to the Chief Executive and the respective second tier manager, the power to initiate or withdraw a prosecution for an offence, under Section 338 of the Resource Management Act, provided that the Chief Executive reports the exercise of this delegation to Council. Such decisions shall be unanimous and recorded in writing".*
2. *That Council requests a report from the Chief Executive that applies the self-assessment audit tool in respect of this Council's policies, processes and activities.*

Cr Scarlett put the motion. The motion was lost. Cr's Robb, Archer and Scarlett were in favour. Cr's Chinn, Birchfield, Davidson and Cummings were against.

Cr Archer moved the second recommendation.

Moved (Archer / Scarlett)

That Council requests a report from the Chief Executive that applies the self-assessment audit tool in respect of this Council's policies, processes and activities.

Cr Scarlett put the motion. The motion was lost. Cr's Robb, Archer and Scarlett were in favour. Cr's Chinn, Birchfield, Davidson and Cummings were against.

Carried

6.0 CHIEF EXECUTIVES REPORT

C. Ingle spoke to his report and stated that this month's report is fairly short.

C. Ingle reported that he has been approached by MAF to assist with Biosecurity emergencies in the event of a Foot and Mouth disease outbreak or an outbreak like the one, which affected kiwifruit in the North Island. C. Ingle advised that MAF have requested that three field staff, one supervisor and a vehicle be available to them should the need arise. C. Ingle advised that the staff would be paid for by MAF and this will be a similar arrangement to the one with Maritime NZ for staff involved with the Rena recovery.

C. Ingle advised that he has been busy with Long Term Plan work as he and managers are trying to get through as much of this as possible prior to Christmas.

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

Carried

7.0 CHAIRMANS REPORT (VERBAL)

Cr Scarlett reported that he attended the Regional Sector Group on the 18th of November and the Mayors and Chairs Forum on the 22nd of November. Cr Scarlett reported that now that the new government is in place and with the Greens being reasonably prominent he feels that water matters will come to the fore. Cr Scarlett feels that there will be a lot of emphasis on water. Cr Scarlett stated that he dealt with normal constituency matters as well during the reporting period.

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

Carried

GENERAL BUSINESS

There was no general business.

The meeting closed at 11. 40 a.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 7 February 2012
 Prepared by: W. Moen – River Engineer and Paulette Birchfield – Engineering Officer
 Date: 27 January 2012
 Subject: **ENGINEERING OPERATIONS REPORT**

RIVER AND DRAINAGE INSPECTIONS

- Taramakau RD - Inspection
- Coal Creek RD - Inspection
- Rough & Tumble Creek - Sturkenboom - Inspection
- Waitangitaona RD – Inspection
- Whataroa RD – Inspection
- Karamea RD – Inspection
- Grey River – C. Break – Inspection
- Grey River – K. Ferguson – Flood Damage Inspection
- Wanganui RD - Inspection

WORKS COMPLETED & WORKS TENDERED FORTaramakau Rating District

Council received three tenders for work involving the placing of 2,100 m³ of compacted hardfill and 1,900 tonnes of rockwork. The lowest tender being Henry Adams Contracting Ltd. at a price of \$33,702.00 (G.S.T Exclusive) was accepted.

Waitangitaona Rating District

Work involving the placing of 4,500 m³ of compacted hardfill, 2,358 tonnes of rock and 918 tonnes of rubble, has been completed by Westland Contractors Ltd at a cost of \$ 66,987.36 (G.S.T. Exclusive).

Wanganui Rating District

One tender was received for work involving the placing of 1,000 tonnes of rockwork. The lowest tender being Westland Contractors Ltd at a price of \$21,520.00 (G.S.T Exclusive) was accepted.

Karamea Rating District – Last Resort Stopbank Upgrade

Three tenders were received for work involving the placing of 6,400 m³ of compacted hardfill and installation of 1 culvert. The lowest tender being Ferguson Brothers Contracting Ltd. at a renegotiated price of \$87,457.00 (G.S.T Exclusive) was accepted.

FUTURE WORKS

Nelson Creek Rating District
 Coal Creek Rating District

Quarry Work Permitted Since 22 November 2011

Quarry	Contractor	Tonnage Requested	Permit Start	Permit Finish
Kiwi	GH Foster Contracting	1,000	22 November	9 December
Whataroa	Westland Contractors Ltd	2,000	5 December	17 December
Blackball	Paul Steegh Contracting Ltd	1,000	5 December	12 December
Blackball	MBD Contracting Ltd	900	12 December	23 December
Kiwi	Paul Steegh Contracting	400	16 December	23 December

Camelback	Westland Contractors Ltd	100 + 600 rubble	5 January	5 February
Kiwi	GH Foster Contracting Ltd	300	9 January	21 January
Camelback	Henry Adams Contracting Ltd	200	17 January	20 January

Approximate rock in quarry as at 25 January 2012 (in tonnes)

Quarry	Rock Available	Emergency Stockpile
Blackball	200	
Camelback	1,000	2,000
Inchbonnie	10,000	
Kiwi	500	NA
Whataroa	1,800	4,000
Okuru	1,500	-

RECOMMENDATION

That the report is received

Michael Meehan
Planning and Environment Manager

4.1.2

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 7 February 2012
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 27 January 2012
Subject: **LOWER WAIHO RATING DISTRICT RATES**

Councillors discussed various procedural matters relating to Rating Districts at a workshop following the December meeting.

Councillors also discussed concerns by some ratepayers with regard to the affordability of the Lower Waiho Rating District.

A letter was sent to all ratepayers in the Lower Waiho Rating District on 19 December inviting their comments regarding rating levels. A copy of that letter is attached.

Two responses were received, one from G Tripe and one from E Ewins & J Day. Neither were opposed to the change.

In view of concerns by a number of ratepayers about their ability to pay Lower Waiho Rating District rates at the level required to support a total rate take of \$100,000 + GST, it is recommended that Council reduce the 11/12 and 12 / 13 rate to \$50,000 + GST.

Any reduction of rating levels for 2011/12 (i.e. the existing rating year) can be achieved by Council remitting the second instalment of \$50,000 + GST.

RECOMMENDATION

- 1. That Council remits the second instalment of the Lower Waiho Rating District rates amounting to \$50,000 + GST. (This means that the rating income for the rating district for 2011/12 will amount to only \$50,000 + GST).*
- 2. That Council rate \$50,000 + GST for the 2012/13 rating year in the Long Term Plan.*

Robert Mallinson
Corporate Services Manager



388 Main South Road, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll Free 0508 800 118
Facsimile (03) 768 7133
Email info@wrc.govt.nz
www.wrc.govt.nz

10

19 December 2011

AIR SAFARIS & SERVICES (NZ)
LIMITED
COUNTER DELIVERY
LAKE TEKAPO POSTCENTRE
LAKE TEKAPO 7945

Our Reference: Lower Waiho Rating District

Enquiries to: Michael Meehan

Dear AIR SAFARIS & SERVICES (NZ) LIMITED

Lower Waiho Separate Rating Area Rating for 2011/12 and 2012/13

You will be aware that Council levied a rate of \$100,000 + GST for the 2011/12 year for the maintenance of the Lower Waiho flood protection works. There are 25 rateable properties included in the Lower Waiho Separate Rating Area (the rating district).

The rating district consultation meeting held on 13 October 2011 in Franz Josef decided to recommend to Council a rate strike of \$100,000 + GST for the 2012/13 year. Thirteen ratepayers were present at the consultation meeting and while the majority preferred the \$100,000 rate for next year, there were also many present who were opposed to it.

Since that meeting, Council has been approached by several Lower Waiho ratepayers with regard to their ability to sustain rates at this level.

Council is currently considering setting a rate of \$50,000 + GST for 2012/13 rather than the \$100,000 + GST discussed at the consultation meeting. The rating level for 2012/13 will be set as part of the Long Term Plan process. Your submissions on this Plan are welcomed.

Additionally, Council is considering reducing the rates for the current financial year to \$50,000, which would mean there would be no second rates instalment for the special rate. Council will decide at its February 2012 meeting whether it should reduce the special rate for 2011/12 from \$100,000 + GST to \$50,000 + GST.

Part of the reason for a more modest rate is that at the consultation meeting the attendees resolved to maintain existing works only, and the works report only forecasted works for this year of \$16,000. The rating district has a current balance of just over \$43,000 after crediting the first instalment of the 2011/12 year rate (\$50,000 GST exclusive). Obviously there is always a risk of unforeseen damage to the flood banks that may cost more than the existing balance. Should this occur Council would call an emergency meeting of the rating district committee.

If you want to comment on these matters, please write to or email myself and I will ensure that your comments are included for Councillor's consideration when they discuss this matter at the February Council meeting (there is no meeting in January).

My email address is mm@wrc.govt.nz

Yours faithfully

Michael Meehan
Planning & Environmental Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 30 January 2012

1. Financial Report

FOR THE SIX MONTHS ENDED 31 DECEMBER 2011				
	ACTUAL	YEAR TO DATE BUDGET	ACTUAL % ANNUAL BUDGET	ANNUAL BUDGET
REVENUES				
General Rates	990,566	990,000	50%	1,980,000
Rates Penalties	48,390	37,500	65%	75,000
Investment Income	-166,713	523,125	-16%	1,046,250
Regulatory	704,687	549,714	68%	1,033,727
Planning Processes	129,127	102,325	63%	204,650
Environmental Monitoring	0	0	0%	0
Emergency Management	31,167	25,000	62%	50,000
River, Drainage, Coastal Protection	766,741	611,279	63%	1,222,557
Regional % Share Controls	326,705	325,000	50%	650,000
VCS Business Unit	2,754,961	1,442,500	95%	2,885,000
	5,585,631	4,606,442	61%	9,147,184
EXPENDITURE				
Representation	177,346	192,772	46%	385,543
Regulatory Activities	1,081,867	925,526	60%	1,811,878
Planning Processes	396,399	364,079	54%	728,157
Environmental Monitoring	365,428	383,158	48%	766,316
Emergency Management	78,409	72,451	54%	144,902
River, Drainage, Coastal Protection	1,056,206	671,390	79%	1,342,779
Regional % Share Controls	439,961	407,262	54%	814,523
VCS Business Unit	1,588,341	1,156,000	69%	2,312,000
Portfolio Management	29,810	30,000	50%	60,000
	5,213,767	4,202,636	62%	8,366,098
SURPLUS / (DEFICIT)	371,864	403,806		781,086

BREAKDOWN OF SURPLUS (-DEFICIT)	Variance Actual V Budgeted YTD	ACTUAL	BUDGET Year to date	ANNUAL BUDGET
Rating Districts	-163,447	-32,068	131,379	262,758
Quarries	-124,800	-141,962	-17,162	-34,324
Regional % Share of AHB Programmes	-30,995	-113,256	-82,262	-164,523
Investment Income	-689,648	-196,523	493,125	986,250
VCS Business Unit	880,120	1,166,620	286,500	573,000
General Rates Funded Activities	93,628	-310,947	-407,775	-842,075
TOTAL	-31,942	371,864	403,806	781,086

Net Contributors to General Rates Funded Surplus (-Deficit)	Actual	Budet ytd	Annual Plan
<u>Net Variance</u>			
<u>Actual V YTD</u>			
Rates	566	990,000	1,980,000
Rates Penalties	10,890	48,390	75,000
Representation	15,426	-177,346	-385,543
Regulatory Activities	-1,368	-377,180	-778,151
Planning Activities	-5,519	-267,272	-523,507
River, Drainage, Coastal Protection (excl.	58,893	-115,435	-348,656
Environmental Monitoring	17,730	-365,428	-766,316
Emergency Management	209	-47,242	-94,902
	93,628	-310,947	-842,075

STATEMENT OF FINANCIAL POSITION @ 31 DECEMBER 2011

	@ 31/12/2011	@ 30/06/2011
CURRENT ASSETS		
Cash	104,481	35,009
Short term Deposit - Westpac	205,707	1,502,947
Accounts Receivable - Rates	337,464	286,950
Accounts Receivable - General Debtors	370,710	1,747,428
Prepayments	234,834	227,482
Sundry Receivables	352,715	233,453
Stock - VCS	20,786	143,635
Stock - Rock	195,825	31,886
Stock - Office Supplies	11,232	11,232
Accrued Rates Revenue	0	0
Unbilled Revenue	249,014	113,060
	<u>2,082,768</u>	<u>4,333,082</u>
Non Current Assets		
Investments	11,785,324	11,473,175
Investments-Catastrophe Fund	508,364	0
Fixed Assets	4,315,429	4,168,272
Infrastructural Assets	49,007,111	49,007,111
	<u>65,616,228</u>	<u>64,648,558</u>
TOTAL ASSETS	<u>67,698,996</u>	<u>68,981,640</u>
CURRENT LIABILITIES		
Bank Short Term Loan		0
Accounts Payable	440,934	1,310,545
GST	-3,868	0
Deposits and Bonds	503,647	590,305
Sundry Payables	383,172	480,466
Accrued Annual Leave, Payroll	283,756	294,522
Other Revenue in Advance		1,070,622
Rates Revenue in Advance	619,735	60,940
	<u>2,227,376</u>	<u>3,807,400</u>
NON CURRENT LIABILITIES		
Future Quarry restoration	60,000	60,000
Greymouth Floodwall	2,021,210	2,048,291
Inchbonnie	73,823	82,877
Punakaiki Loan	189,138	209,856
Office Equipment Leases	40,430	58,060
	<u>2,384,601</u>	<u>2,459,084</u>
TOTAL LIABILITIES	<u>4,611,977</u>	<u>6,266,484</u>
EQUITY		
Ratepayers Equity	18,577,120 }	18,577,120
Surplus Tsfrd.	371,864 }	
Rating District Equity Mvmts	37,390 }	
Rating Districts Equity	<u>1,502,810</u>	1,540,201
Tb Special Rate Balance	1,037	1,037
Revaluation	32,316,638	32,316,638
Quarry Account	379,160	379,160
Investment Growth Reserve	9,901,000	9,901,000
TOTAL EQUITY	<u>63,087,019</u>	<u>62,715,156</u>
LIABILITIES & EQUITY	<u>67,698,996</u>	<u>68,981,640</u>

2. Investment Portfolio

PORTFOLIO @ 31 December 2011 Summary & Reconciliation		Cash	Bonds	Australasian Equities	International Equities	Property Equities	Alternative Asset Classes	Total
Portfolio Value @ Start	01 July 2011	\$ 2,883,140	\$ 2,186,007	\$ 2,084,788	\$ 3,051,043	\$ 576,726	\$ 659,819	\$ 11,441,524
Contributions		\$ -						\$ -
Withdrawals		-\$ 257,109		-\$ 173	-\$ 274,370	\$ 0	\$ 31,652	-\$ 500,000
Realised Gains/(Losses)		-\$ 10,211	-\$ 722	-\$ 112,602	\$ 273,653	\$ 60,120	\$ 40,414	-\$ 250,653
Unrealised Gains/(Losses)		\$ 3,466	\$ 50,915	-\$ 54,370	-\$ 547,348	-\$ 72,732	-\$ 147,871	-\$ 767,940
Mgmt Fee								\$ -
Income		\$ 43,340	\$ 68,068	\$ 55,410	\$ 42,931	\$ 19,226	\$ 70,137	\$ 299,113
Changes Accrued Interest		\$ 8,336	\$ 6,622					\$ 14,958
Portfolio Value @ End Period	31 December 2011	\$ 2,670,961.92	\$ 2,310,891	\$ 1,973,054	\$ 2,545,910	\$ 583,341	\$ 654,151	\$ 10,738,308
ytd return for	6 months	1.96%	5.71%	-5.36%	-7.65%	1.15%	-5.93%	-1.85%

Asset Allocation %'s @ 31 December 2011	Benchmarks	Tactical asset allocation range	
Cash	25%	25%	10% - 50%
Bonds	22%	25%	10% - 50%
Australasian Equities	18%	15%	0% - 20%
International Equities	24%	15%	0% - 20%
Property Equities	5%	5%	0% - 10%
Alternative Asset Classes	6%	15%	0% - 20%
	100%	100%	

3. Total Investments.

This includes;

Westpac Catastrophe Fund Portfolio	\$508,364
Westpac General Portfolio (10/11 surplus)	\$1,015,364
Ministry Economic Development & DOC Bond Deposits	\$31,651
Forsyth Barr Ltd (as per above table)	\$10,738,309
Total	\$12,293,688

Investment Income/-Loss includes

Forsyth Barr Ltd -loss (as per above table)	-\$203,216
Westpac on-line saver	\$12,776
Westpac General Portfolio (invested 5/9/11)	\$15,364
Westpac Catastrophe Fund (invested 5/9/11)	\$8,364
Total	-\$166,713

4. General Comment

This financial report covers the six months to 31 December 2011.

Highlights

- Surplus of \$371,864
- Portfolio loss of \$203,000 for the period.
- Positive budget variances amounting to \$96,000 in general rate funded activities.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 7 February 2011
Prepared by: Chris Ingle – Chief Executive
Date: 26 January 2012
Subject: **CHIEF EXECUTIVES REPORT**

Meetings Attended

The key meetings I have attended since my last report include:

- Met with all West Coast District Council CEOs on 16 January.
- Local Government Shared Services meeting in Christchurch on 27 January.

Annual Leave

I took several days annual leave in between Christmas and New Year, and in the early part of January.

General comment

Despite there being a relatively slow start to the year, this has led to an opportunity to tidy up a few administrative loose ends (eg health and safety matters).

Good progress has also been made on drafting the Long Term Plan 2012, the performance framework of which is now ready for workshopping following the meeting.

Animal Health Board – Six Month Report

Please find attached the latest report from AHB showing their latest progress.

RECOMMENDATIONS

That this report be received.

Chris Ingle
Chief Executive

Animal Health Board; West Coast Programme Management Six Month Report - July to December 2011

To: Chris Ingle, Chief Executive, West Coast Regional Council
From: Danny Templeman, Regional Coordinator Northern South Island
Date: 19 January 2012

Introduction

From July 2011, the revised National Pest Management Strategy for bovine TB came into effect. The revised strategy aims to eradicate bovine tuberculosis (TB) from infected wildlife, primarily possums, in areas known to be high risk.

The Animal Health Board's (AHB's) West Coast team is working towards the national objectives of the amended National Pest Management Strategy (NPMS).

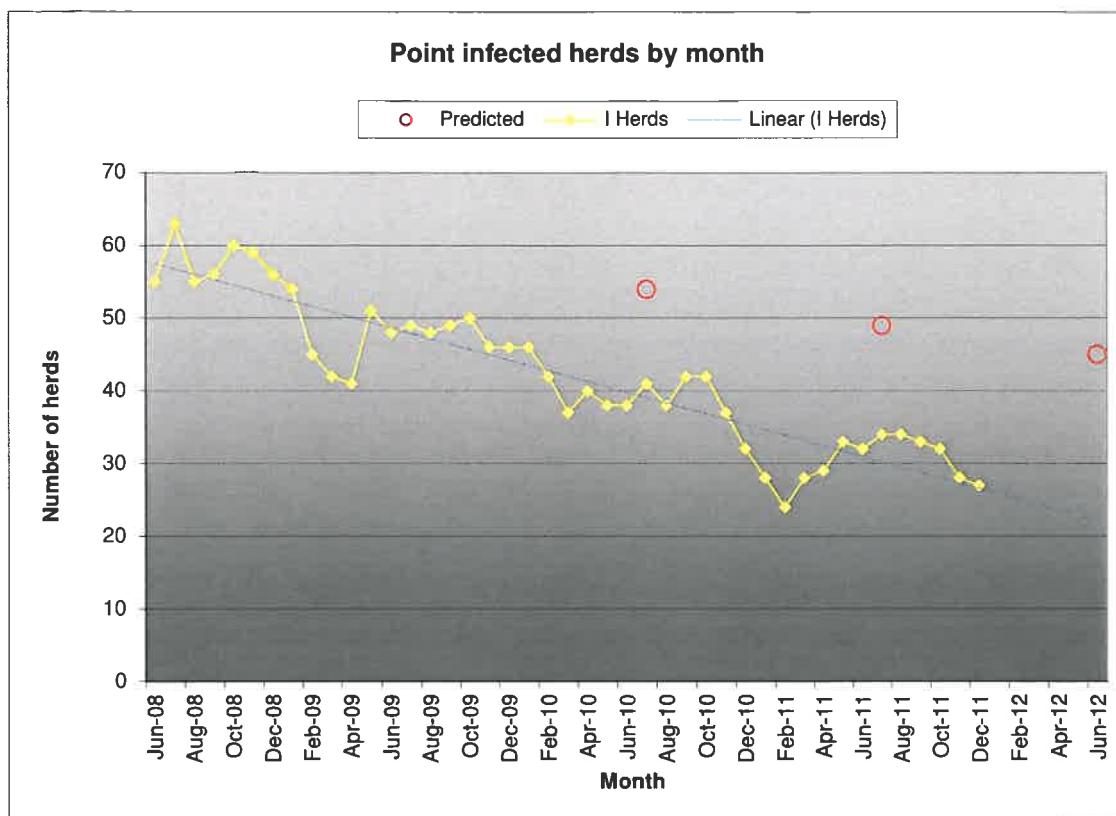
NPMS objectives are:

- Three primary objectives
 - Establish feasibility of eradication from wildlife populations by:
 - Eradication from two extensive bush areas
 - Continued freedom from TB in areas already eradicated
 - Eradicate TB from wildlife from at least 2.5 million ha of vector risk area (VRA) by June 2026
 - Prevent establishment of TB in possum populations in vector free areas (VFAs) during the strategy.
- Secondary objective
 - Maintain national TB infected annual period prevalence at lowest possible level and at no greater than 0.4%

A new National Operational Plan has been reviewed and approved by the Minister of Agriculture. This includes a new strategy for the management of infected herds, outlined on page two of this report.

Progress to objectives

- To date, the 2011/12 programme has been delivered within the design specifications.
- Ground control operations continue to be completed to a high standard. This is evident through monitoring and auditing control activities.
- As at 23 January 2012, the West Coast region has 26 infected herds, this equates to 18 dairy, seven beef breeding and one deer herd. It is pleasing to report that 16 of these infected herds have achieved one clear whole herd TB test, (to achieve a clear status infected herds must have completed at least two whole herd tests with a minimum of six months apart with no TB being diagnosed during the period).



The number of infected herds on the West Coast has declined in the six month period to December 2011. This number is likely to continue to drop over the next two months, as infected herd numbers fluctuate throughout the year, with a cyclical pattern identifiable - infected herd numbers are generally lowest during February and March.

Case Management

Infected herds on the West Coast are individually managed as part of the AHB's integrated approach to control TB. The majority of these infected herds sit at an infected status for less than one year.

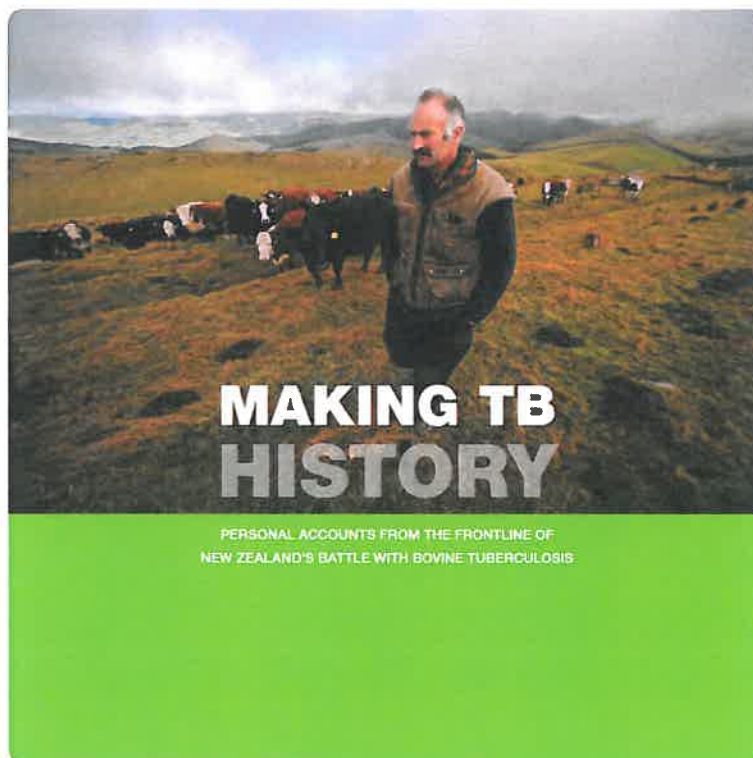
As part of the amendments to the National Operation Plan, parallel blood testing, which is used to identify infected animals that do not respond to skin tests, is being phased in for all breeding herds as part of their second clear whole herd test. This step has been introduced to minimise the risk of revoking movement restrictions while TB-positive animals still remain within a herd.

Regional Communication

The main focus of communication over the last six months has been:

- Reminding farmers of their obligations regarding stock movement and compliance around ear tagging, pre-movement and whole herd TB testing
- Communication and consultation to ensure that landowners are notified of annual ground maintenance work being undertaken in their area
- To correct misguided or inaccurate information by responding to a number of letters to the editor in the Greymouth Star.

Making TB History', an information booklet containing interviews, photos, and a DVD was officially launched by TBfree New Zealand in November 2011.



The purpose of the project is to create a resource that:

1. Educates farmers and the community about the impact of TB
2. Outlines the Animal Health Board's role and functions
3. Maintains funders' and stakeholder support for the TBfree New Zealand programme

The project involved interviewing farmers, veterinarians, TB testers and AHB staff from around New Zealand to record the human history associated with TB in New Zealand.

2011/12 Vector Operations

Overall objectives for vector operations on the West Coast:

- To prevent expansion of the TB VRA through maintenance of the VRA buffer.
 - The situation in the Upper Rakaia Catchment is being closely monitored. The Waitangitaona aerial was completed in September. This operation complemented the Department of Conservation activities in the area, and provides buffers to the kiwi and heron sanctuaries.
 - Maruia and Springs Junction operations strengthen the buffer between the West Coast and Tasman.
- To suppress the number of infected herds
 - Throughout the TB VRA prevention of herd infection is a priority. Ground control is centered on farmland and associated possum habit. This is supported by aerial operations, as required, to prevent possums resettling in these areas.

Key objectives for 2011/12 are expected to be achieved by:

- Carrying out a high number of audits to ensure that contractors carry out their contractual specifications
- Ensuring carcasses are recovered from pertinent areas for post mortem examination
- Maintaining effective buffers to protect TB free areas within the region.
- Progressing with intensive delivery of aerial operations
- Using trend monitors and concurrent surveys to direct and refine future operations.

AHB Vector operations on the West Coast for the 2011/12 year are summarised as follows:

	Approved Projects	Approved Hectares (Ha)
Possum control	286*	401,275
Possum surveys	1	1567
Pig surveys	0	0
Performance monitor	250	274,684
Trend monitor	4	22,822

* Possum control figures are inclusive of aerial operations

The following table details the total area and activity type of 2011/12 operations.

TMA	Possum Control (Ha)	Performance Monitors (Ha)	Possum Surveys (Ha)	Ad Hoc Survey (Ha)	Total Hectares
West Coast North (Buller)	15,669	15,669	0	15,000	46,337
West Coast Central (Grey)*	250,558	169,761	1567	15,000	436,887
West Coast South (South Westland)	135,048	112,076	0	15,000	262,124
Totals	401,275	297,506	1567	45,000	745,348

*Please note that all Buller South operations fall under the Grey TMA

Activities completed as at 31 December 2011

TMA	Possum Control (Ha)	Performance Monitors (Ha)	Possum Surveys (Ha)	Total Hectares
West Coast North (Buller)	0	2,822	0	2,822
West Coast Central (Grey)*	181,276	102,397	1567	285,241
West Coast South (South Westland)	89,291	54,917	0	144,208
Totals	270,567	160,136	1567	432,271

* Please note that all Buller South operations fall under the Grey TMA

Vector Operations summary as at 31 December 2011:

- As at 31 December 2011 69% of the West Coast programme has been delivered
- 9 Aerial Operations have been completed
- 129 ground control activities have been completed
- 115 ground control activities remain to be delivered in January -June
- 113 performance monitors have been completed
- Between July and December 2011 there has been 1 performance failure which was reworked and passed the remonitor.

2012/13 Tender Rounds

The tender rounds for the 2012-13 programme have been planned with the following timeline:

- 2 March: Tenders advertised
- 16 April: Tenders close
- 31 May: Tenders awarded
- 1 July 2012: First round of 2012/13 programme commences

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.			
20 – 2	8.1	Confirmation of Confidential Minutes 13 December 2011	
22	8.2	Overdue Debtors Report	
	8.3	Response to Presentation (if any)	
23 – 28	8.4	Chris Brooks – Overdue Rates	
	8.5.	In Committee Items to be Released to Media	

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.
8.1	Confirmation of Confidential Minutes 13 December 2011		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 tabled)		
8.3	Response to Presentation (if any)		
8.4	In Committee Items to be Released to Media		

I also move that:

- Chris Ingle
- Robert Mallinson
- Michael Meehan
- 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.