

**AGENDA AND SUPPORTING PAPERS
FOR COUNCIL'S MARCH MEETINGS**

**TO BE HELD IN THE OFFICES OF THE WEST COAST REGIONAL COUNCIL
388 MAIN SOUTH ROAD, GREYMOUTH**

TUESDAY, 8 MARCH 2016

The programme for the day is:

10.30 a.m:

Resource Management Committee Meeting

On completion of RMC Meeting:

Pest Plant Plan Workshop

On completion of Workshop:

Council Meeting

RESOURCE MANAGEMENT COMMITTEE

THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Tuesday, 8 March 2016**

P. EWEN
CHAIRPERSON

M. MEEHAN
Planning and Environmental Manager

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THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE
HELD ON 9 FEBRUARY 2016, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.34 A.M.****PRESENT:**

P. Ewen (Chairman), A. Robb, A. Birchfield, P. McDonnell, T. Archer, N. Clementson, S. Challenger (arrived 11.45), J. Douglas

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), M. Meehan (Planning & Environmental Manager), R. Mallinson (Corporate Services Manager), T. Jellyman (Minutes Clerk)

1. APOLOGIES

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

PRESENTATION

The Chairman welcomed Mr Mark Davies and Mrs Robyn Roberts from DoC to the meeting. Mr Davies spoke of the new 45-kilometre Pike29 Memorial Track which will be constructed from Blackball to Punakaiki. The Great Walk track is to be constructed through the Paparoa National Park. He stated that the National Park will extend by 3971 hectares to include the Pike River area as a memorial to the 29 men killed in the 2010 mining disaster. The new track will include part of the existing Croesus Track and the Pororari River Track. Mr Davies stated that DoC has worked closely with the Pike River Families Group Committee and Government representatives throughout the development of this project with input from Grey District and Buller District Councils and the Ministry of Business, Innovation and Employment. He stated that The Committee is very supportive of the enduring memorial for the families who lost loved ones in the mining disaster and the economic benefit it will provide to the West Coast community. Mr Davies advised that the Great Walk will include an eight-kilometre side track to the Pike River Mine where there will be an information centre at the amenities area, and a discreet memorial at the mine portal. He stated that the new track will be to Great Walk standards and will include two new 20-bed huts on the Moonlight Range and in the Pororari Valley. This will be open to walkers and mountain bikers and will be a three day / two night walk and is designed to be two way. The project is funded by additional funding specifically for this project. Mr Davies stated that a feasibility study has been completed and DoC is currently in a detailed planning phase at the moment. He stated the resource consents will be sought in a few months' time. Mr Davies advised that the Pike and White Knight catchments have now been formally added to the Paparoa National Park. Mr Davies stated the track will be a dual track with both cycling and walking. He advised that all of Solid Energy's assets will be transferred to DoC. Mr Davies advised that DoC has now started community engagement and public engagement will go through to around June 2016 with a draft plan ready around this time. Formal hearings are scheduled for around July 2016 with approval hoped for around Christmas. Mr Davies stated that he is hopeful of work commencing in the summer of 2016 / 17. He stated that the huts will be built first in order to give workers a base to work from with six crews working to construct the track. Mrs Roberts spoke to the meeting and advised that the DoC notified their intention to review the Plan in November. She stated that since then a lot of planning and organisation work has been done. Public meetings will be held all around the West Coast with consultation going on for the next six weeks. She explained the consultation process to the meeting and stated that there has been a lot of good input from interested parties to date. Mr Davies confirmed that people will be able to drive to the mine portal if they wish. Cr Robb asked if the stand at the Reefton A&P Show was well received. Mrs Roberts advised that over 100 visited the stand with some people coming back several times. She advised that some people completed the online survey at this time and she felt that the day was a huge success and there was no negative feedback at all. Mr Davies advised

that it is estimated that there will be between 3,500 and 5000 walkers a year, this equates to 10,000 bed nights for visitors coming to the region to walk the track. He stated that the Great Walk Track will be built to the same standard as the Milford Track. Extensive discussion took place with Mr Davies and Mrs Roberts answering questions from Councillors. Cr Ewen thanked Mr Davies and Mrs Roberts for their presentation.

3. MINUTES

Moved (Robb / Archer) *that the minutes of the previous Resource Management Committee meeting dated 9 November 2015, be confirmed as correct.*

Carried

Matters Arising

Crs Clementson and Archer asked if there has been any feedback from MfE regarding sea level rise and air quality in Reefton. Management confirmed there has not been any updates at this stage but the cost benefit analysis for air quality in Reefton was received last week. M. Meehan advised that the deadline of September 2016 to meet the current NES of three exceedances is still not achievable without making huge changes. He stated that other airsheds in New Zealand are unlikely to meet the NES as well and it is likely that the NES will change.

4. CHAIRMAN'S REPORT

Cr Ewen reported that it has been a fairly quiet period. He asked several questions.

Moved (Ewen / Birchfield)

Carried

5. REPORTS

5.1 PLANNING AND ENVIRONMENTAL GROUP

5.1.1 HYDROLOGY & FLOOD WARNING UPDATE

M. Meehan spoke to this report and took it as read.

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

Carried

5.1.6 BATHING BEACH WATER QUALITY SAMPLING UPDATE

M. Meehan spoke to this report and advised that there have been two results that have gone into the medium – high risk category. He stated one was in the Taylorville Swimming Hole on the Grey River and the other in the Seven Mile Creek at Rapahoe.

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

Carried

5.2.1 CONSENTS MONTHLY REPORT

C. Ingle spoke to this report and advised that 19 non notified resource consents were granted during the reporting period. He advised that three changes for reviews of consent conditions were granted and one notified and one limited notified resource consent was granted during the reporting period. C. Ingle reported that the hearing of submissions for Westland District Council's application for the Hokitika sewage oxidation ponds consent application will be held on 23 February.

Moved (Clementson / McDonnell) *that the February 2016 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

M. Meehan spoke to this report and advised that 113 site visits were made during the reporting period. He stated that 23 alluvial gold mining visits were carried out. 61 dairy farm inspections were carried out, 44 farms were compliant and 16 had minor non-compliant issues with one awaiting sample results. M. Meehan reported that one formal warning was issued and two abatement notices were issued during the reporting period. Cr Challenger commented that there seems to be quite a few mining work programmes coming in at the moment. M. Meehan answered various questions from Councillors.

Moved (Robb / Challenger)

1. *That the February 2016 report of the Compliance Group be received.*
2. *That the joint bond for RC11230 & RC09084 is released.*

Carried

6.0 GENERAL BUSINESS

C. Ingle stated that there has been a Blue Skies document put out about New Zealand's Resource Management System. This document has been put out by LGNZ with regard to the RMA which is now 25 years old. C. Ingle advised that he has been asked by LGNZ Policy Analyst to provide some feedback from a regional council point of view. He stated that this is looking at the Local Government Act, the Land Transport Management Act and the RMA and seeing if combining this into a single piece of legislation may work better, or not. C. Ingle stated the Biosecurity Act and Civil Defence legislation is also relevant. C. Ingle advised that feedback from regional councils is that the plan agility is the biggest problem at the moment. C. Ingle stated that he focussed his feedback on this area mainly. It was agreed that C. Ingle would inform LGNZ that the comments are from him and not those of the West Coast Regional Council.

The meeting closed at 12.24 p.m.

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Chairman

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Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 8 March 2016
Prepared by: Michael Meehan - Planning and Environment Manager
Date: 26 February 2016
Subject: **PLANNING AND ENVIRONMENT MANAGERS REPORT**

Proposed Land and Water Plan Change

Staff are in the final stages of the pre consultation process, and will submit a draft plan for notification to the May 2016 Resource Management Committee meeting.

Consultation Document on Marine Protection Areas Act

The Ministry for the Environment seeks feedback on "*A New Marine Protected Areas Act: Consultation Document*". The proposal is to replace the Marine Reserves Act with the new Marine Protected Areas (MPA) Act, to improve management of marine reserves. The Government is concerned that the current approach to marine protection is not the most effective for managing our marine environment. It is complex, inflexible, and consultation and decision-making processes are overly long, costly and cumbersome.

A new MPA Act will have objectives, four categories of reserves with different levels of protection, opportunities for some uses of reserves, two processes for identifying and assessing applications for new marine reserves, and ministerial decision-making involving relevant government departments.

The proposal for a new MPA Act appears generally positive. Attached is a submission outlining support in principle, and three concerns about how the new Act would apply in the West Coast coastal marine area.

Submissions close on 11 March 2016.

RECOMMENDATION

1. *That the report is received.*
2. *That Council approve the attached submission on the Marine Protected Areas (MPA) Act.*

Michael Meehan
Planning and Environment Manager

New MPA Act
Ministry for the Environment
P O Box 10362
Wellington 6143

Submission – Marine Protected Areas Act Consultation Document

Dear Sir/Madam

Thank you for the opportunity to submit on the proposal for a new Marine Protected Area (MPA) Act. The West Coast Regional Council (the WCRC or the Council) supports in principle the outline for a new MPA Act as described in the consultation document. The proposal will enable a wider range of activities such as commercial recreational and tourism activities (by concession) to occur in MPA's than under the current Marine Reserves Act, as well as providing more specific and tailored levels of protection.

The Council also supports the objectives, especially Objective 1, for a representative and adaptable network of MPA's.

The processes for proposing and assessing prospective new MPA's appear thorough, requiring sufficient information on natural values and economic impacts. The two options for collaborative and board of inquiry processes will provide flexibility for different situations.

The Council has three concerns about what the MPA Act proposal will mean in the West Coast coastal marine area:

1. There is uncertainty about whether small-scale, low impact beach mining will be able to be undertaken on the foreshore in the long-term. The document outlines that no new MPA's will be established where there are current exploration, prospecting or mining permits, for the life of the permit, unless the permit holder agrees. This will enable the current, numerous permits held over West Coast foreshore areas to continue to be utilised for the short to medium term. However, the consultation document does not discuss what will happen after these permits expire. Hobby and small-scale mining on West Coast beaches has minimal environmental effects, and the new MPA Act should provide for these activities to be undertaken in the long term under new mining permits, subject to compliance with regional coastal plan rule conditions or resource consent conditions.
2. It is unclear if existing marine reserves will be monitored and reviewed under the new Act. The consultation document states that *"All 44 existing marine reserves will transition into the new MPA Act....No change will occur to the levels of protection afforded to any marine reserve....Any specific provisions already in place will remain."* The new MPA Act will enable monitoring and review of new MPA's to be undertaken to ensure that the network of MPA's is functioning, and to assess whether any changes need to be made. However, it is unclear whether the transitional provisions will enable existing marine reserves to be monitored and reviewed under the new legislation. The Orders in Council for the five West Coast marine reserves do not allow, for example, commercial recreation and tourism activities to utilise the marine reserves. The WCRC considers that these existing marine reserves should be brought under the new management approach of the MPA Act to provide a responsive and flexible management system for them, and achieve a balance of protection and appropriate use. The Orders in Council could be amended to enable nil and low-impact activities to be undertaken in the West Coast marine reserves. The Region has recently experienced numerous job losses, and needs new activities such as these to help contribute to economic recovery.
3. The Council is unclear about the meaning of the sentence underlined: *"The new MPA Act will provide for MPAs in the territorial sea to be recognised in regional coastal plans. Decision-makers under the RMA will be required to take MPAs into account when making decisions on proposed activities....Over time, RMA decision-makers will be able to consider whether the MPA network provides sufficient protection for elements of the marine environment affected by the application before them."* It reads as though some responsibility for assessing the effectiveness of the MPA network will be passed to regional councils. We suggest that the Ministry checks the intent of this statement, and ensures that the drafting of provisions relating to regional councils in the new MPA Act is consistent with functions in the RMA.

This ends the Council's submission. If you wish to discuss any matters raised, please contact me.

Yours faithfully

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 8 March 2016
 Prepared by: Lillie Sadler
 Date: 25 February 2016
 Subject: **Submission on Resource Legislation Amendment Bill 2015**

Purpose

This report summarises the Resource Legislation Amendment Bill 2015 (the Bill) and the West Coast Councils' joint submission on it, and seeks the West Coast Regional Council's approval of the submission.

Background

The Resource Legislation Amendment Bill is the second phase of the Government's resource management reform programme, and it proposes changes primarily to the Resource Management Act (RMA), as well as minor changes to the Conservation, Reserves, Public Works, and EEZ and Continental Shelf Acts. Reports from the OECD, Local Government New Zealand, the Rules Reduction Taskforce, and the Productivity Commission all highlight problems with cumbersome planning processes, and the time and cost of consenting. The Bill aims to create a more efficient and equitable resource management system.

Main changes in the Bill

The main changes in the Bill of relevance to the Regional Council are:

- Inclusion in section 6 of the RMA Matters of National Importance, to manage significant risks from natural hazards;
- Removal of regional and district councils' functions relating to the use, storage and transportation of hazardous substances;
- New functions added for regional and district councils to develop objectives, policies and methods to ensure that sufficient residential and business development capacity meets long-term demand;
- The requirement for councils to use a standardised national planning template (NPT);
- Two alternative, optional planning processes provided – collaborative and streamlined;
- The ability to allow minor or temporary non-compliances of permitted rules where neighbour approval is obtained;
- A 10-day, fast-track consent processing option;
- Amendments to consent notification requirements;
- The ability for councils to strike out vexatious and frivolous submissions, and submissions lacking a reasonable or relevant case;
- Mandatory participation in Alternative Dispute Resolution process prior to Environment Court proceedings.

Submission on the Bill

In line with the aim of greater efficiency in resource management processes, staff at the four West Coast Councils have prepared a joint submission on the Bill. The Regional Council co-ordinated the process, a copy of the submission is attached to this report.

The principle or intent of most of the amendments submitted on are supported. Some of the changes should provide more flexible planning and consenting processes, reducing costs to councils and ratepayers. Removing provisions that are duplicated in other legislation is also supported. The management of hazardous substances under the HASNO Act is an example of this.

Other changes are unclear, or create uncertainty about how they will work in practice. For example, the new function for regional councils to develop objectives and policies ensuring that sufficient residential and business development capacity meets future demand needs more clarity on how it is to be implemented, in relation to regional councils' other core functions under section 30 of the RMA. Additionally, the scope of the NPT to include any objectives and policies, and the lack of provision for consultation

with local authorities on the NPT content, raises questions about how much local input will be provided for in the NPT.

The joint submission supports a number of comments made by Local Government New Zealand (LGNZ) when the Bill was first released.

Several amendments that were suggested by LGNZ prior to the Bill being released are not included, for example, adding economic growth and development/social and economic wellbeing to section 6 of the RMA. This, along with some other matters, are sought to be added in the Bill.

Joint submission approval

Buller District Council approved the joint submission at their meeting on 24 February 2016. The next Grey District Council meeting is 14 March 2016, which is the day submissions close, their Planning Manager has approved the submission by delegated authority to enable it to be lodged in time.

At the Westland District Council meeting on 25 February 2016 the Council sought three minor changes to the submission. Regional Council staff agree with these minor changes, and these have been made to the attached copy of the submission. The Buller District Council are seeking delegated approval for the three amendments.

RECOMMENDATION

That the West Coast Regional Council approves the attached joint submission prepared by the four West Coast Councils on the Resource Legislation Amendment Bill 2015.

Michael Meehan
Planning and Environmental Manager



17 February 2016

Committee Secretariat
Local Government and Environment
Parliament Buildings
WELLINGTON 6160

Dear Sir/Madam

SUBMISSION ON RESOURCE LEGISLATION AMENDMENT BILL

The four West Coast Councils: the West Coast Regional Council, and the Buller, Grey, and Westland District Councils (the Councils or the West Coast Councils), wish to thank the Local Government and Environment Select Committee for the opportunity to make a submission on the Resource Legislation Amendment Bill. Attached is a joint submission from the Councils. The West Coast Regional Council is the contact for service.

Yours faithfully

A handwritten signature in black ink, appearing to read "Michael Meehan".

Michael Meehan
Planning and Environment Manager

Submission from the West Coast Regional Council, and the Buller, Grey and Westland District Councils on the Resource Legislation Amendment Bill

Introduction

The Buller, Grey, and Westland District Councils, and the West Coast Regional Council (the Councils) support in principle the intent of the Bill to create a more efficient and equitable resource management system, through better integration, and proportional and flexible processes. Increased options for planning processes, and the reduced requirements for consents, for example, will assist the West Coast Councils to carry out their functions in a timely and cost-effective way.

A number of other proposed amendments will be helpful to the West Coast Councils to reduce duplication between district and regional councils, and reduce the costs of administering and participating in certain processes. The Councils support changes such as removing functions relating to hazardous substances, mandatory participation in alternative dispute resolution processes, and giving councils the ability to strike out frivolous or vexatious submissions.

Not all of the proposed amendments will necessarily make consent and plan processes more efficient. The implications of some of the changes are unclear and create uncertainty for the West Coast Councils. For example, the scope of the NPT to include any objectives and policies, and the lack of provision for consultation with local authorities on the content, raises questions about how much local input will be provided for in the NPT.

The West Coast Councils are also uncertain about how several other proposed amendments would work in practice. These include the new function for regional councils in relation to ensuring sufficient development capacity regarding residential and business land to meet future demand, disregarding adverse effects covered by objectives and policies in plans, and permitting activities with marginal non-compliance of plan rules. While the Councils support the principle or intent of some changes, they may not be straightforward to implement, and could become inefficient and costly for councils.

It is disappointing that some changes previously outlined to be in the Bill that would improve council's resource management processes have been left out. For example, there is no proposed provision in section 6 of the RMA recognising the importance of economic growth/social and economic wellbeing. Excluding these provisions has 'watered down' the ability of the Bill to achieve its intended purpose. The West Coast Councils seek the inclusion of these, and several other matters, to the RMA.

In line with the aim of greater efficiency in resource management processes, the West Coast Councils are making a joint submission on the Bill. This saves each Council the time and staff resources of having to fully assess the impacts of the new Bill and write individual submissions. The West Coast Councils share the same view on most of the submission points made. A small number of submissions are relevant to either the District Councils or the Regional Council.

The Councils have considered the Local Government New Zealand (LGNZ) submission points on the matters raised in this submission, and where we agree with LGNZ, this is stated.

Structure

The structure of this joint submission follows the layout of the Bill, with submission points made on some of the proposed amendments that commence the day after royal assent, and some of the changes commencing six months and five years after royal assent.

These are followed by a section with amendments to the RMA that are not included in the proposed Bill but are sought by the four West Coast Councils. These cover some of the matters that were raised by Local Government New Zealand in their position paper circulated to local authorities prior to the Bill being released for submissions in late 2015.

The following table has the Council's specific submission points.

JOINT SUBMISSION FROM THE FOUR WEST COAST COUNCILS ON THE RESOURCE LEGISLATION AMENDMENT BILL

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
<p>Amendments commencing the day after Royal assent Resource Management Act Part 2 Purpose and principles s6 Matters of national importance Add new clause (h): "the management of significant risks from natural hazards."</p>	<p>Support</p>	<p>This will provide much needed direction, and will assist the West Coast Councils in working together on hazard issues. Natural hazards are becoming a core work area on the West Coast in terms of flooding, wind events, coastal erosion and earthquake risk.</p> <p>We <u>strongly</u> encourage the road-testing of a NPS or NES for natural hazards ahead of it being gazetted, with both a regional council and a territorial authority. This will identify ambiguities and ensure it is fit for purpose when released for implementation. Franz Josef is a town subject to several major hazards that has been discussed with MfE staff as being suitable to road test any policy developed.</p> <p>Any guidance prepared for implementing a NPS or NES for natural hazards should be made available as close as possible to when the NPS or NES is released. Guidance on some previous NPS's has been released several years after the NPS has taken effect, and this is unhelpful as councils usually have to start implementing an NPS or NES straight away. Delayed release of implementation guidance can add costs to local authorities where they have to undertake additional work, or alter their work programmes, to be consistent with the guidance.</p> <p>The West Coast Councils support the Local Government New Zealand (LGNZ) view that careful consideration is needed to ensure appropriate wording of this provision, particularly with use of the term "significant".</p>
<p>S6 Matters of national importance</p>		<p>The West Coast Councils are disappointed that earlier suggestions to add economic growth and development/social and economic wellbeing to section 6 are not included in the Bill. These are considered part of achieving the purpose of the RMA. It is important that the purpose of the Act is confirmed through the addition of <i>economic growth</i> to the matters of national importance, to reinforce consideration of the provisions for economic and social wellbeing. The Councils seek the inclusion of these matters in section 6 of the RMA.</p>

Summary of proposed amendment	Support/ Oppose/ Neutral	Reason/ comment
<p>Part 3 Duties and restrictions</p> <p>s12 Restrictions on use of coastal marine area Add provision to enable regional councils to remove structures in accordance with s19(3) to (3C) of the Takutai Moana Act, unless they are permitted by a consent.</p>	Support	The proposed amendment gives regional councils the legal authorisation to remove, or require the removal of, abandoned structures in the CMA, where necessary. This option may be more cost-effective for regional councils rather than going through the inquiry process under the Marine and Coastal Area (Takutai Moana) Act 2011 and vesting the structure with the Crown.
<p>New s18A Procedures New section added with procedural principles including that councils must use timely, efficient, consistent, cost-effective processes; that policy statements and plans must be clear, concise, and relevant; that collaboration must be promoted between councils on common resource management issues.</p>	Support	<p>These principles are common sense and reflect the agreed approach of the West Coast Councils as we review our RMA documents. The proposed principles are formalised through the West Coast Economic Development Strategy and the Triennial agreement between West Coast Councils.</p> <p>We agree with the submission from LGNZ that a subsection should be added to these provisions to reflect the existing section 17(2) provisions, which ensure that the principles are not of themselves enforceable against any person.</p>
<p>Part 4 Functions, Powers, and Duties</p> <p>s30 & 31 Functions of regional councils and territorial authorities Add new sub clause 30(1)(ba) and 31(1)(aa): a new function for regional councils and territorial authorities: the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to residential and business land to meet the expected long-term demands of the region.</p> <p>Add new sub clause to s30 and s31 explaining the definition of development capacity: in relation to residential and business land, means the capacity of the land for development, taking into account the following factors: (a) the zoning of the land; and (b) the provision of adequate infrastructure, existing or likely to exist, to support the development of the land, having regard to— (i) the relevant proposed and operative policy statements and plans for the region; and (ii) the relevant proposed and operative plans for the district; and (iii) any relevant management plans and strategies prepared under other Acts; and</p>	<p>Support the amendments to Section 31</p> <p>Support in part the amendments to Section 30</p>	<p>The West Coast Councils agree in principle with the new function for territorial authorities. It appears to fit well with their role of long term land use planning which they already do.</p> <p>We are uncertain about how the proposed new role will work for regional councils. If the purpose of the changes is to encourage holistic planning across both regional and district responsibilities then this seems like a good idea in principle. However, more clarity is needed on the intention of the new role for regional councils. Regional Councils already provide advice and information to territorial authorities on matters such as available allocative water resources, water quality, water standards, soil types, and land stability, to assist them with land use planning for long-term demands. If the purpose of the new role for regional councils is that it is implemented in relation to regional councils' other core functions under section 30, then this should be made clear in the new subclause.</p> <p>The Councils agree with the LGNZ submission that care needs to be taken with wording and definitions to ensure that the territorial authority and regional council roles are not duplicated. The differentiation of tasks to implement these new roles may not be as 'straightforward' in more rural</p>

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
<p>(c) the rules and methods in the operative plans that govern the capacity of the land for development; and</p> <p>(d) other constraints on the development of the land, including natural and physical constraints.</p>	Neutral	<p>areas as it would be in urban areas.</p>
<p>S30(1)(c)(v) and (1)(d)(v), and S31(1)(b)(ii) are repealed, removing the function of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.</p>	Support	<p>This amendment removes the duplicating role of territorial authorities to control the use and storage of hazardous substances, which is more appropriately dealt with under the HASNO Act.</p> <p>The storage, use, and transport of hazardous substances are not core functions of regional councils, and do not fit well with their functions for earthworks and discharges.</p> <p>Additionally, these functions do not fit well with regional councils' functions for disturbance and discharges in the coastal marine area.</p>
<p>S32 Requirements for preparing and publishing evaluation reports</p> <p>New clause added: S32(4)(A): If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—</p> <p>(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and</p> <p>(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.</p>	Support in part	<p>The West Coast Councils agree in principle with including in Section 32 evaluation reports a "summary" of the outcomes of discussions on matters sought by iwi authorities to be included in councils' proposed policy statements or plans.</p> <p>The Councils are mindful of the need for plan documents to be concise and consider that as consultation around proposed plans will occur over time and positions and understandings of the various parties will shift during those discussions, that providing a summary of all discussions will not add value to the final evaluation assessment.</p> <p>We suggest altering subclause (a) to refer to "summarise the final position on the proposal" and subclause (b) to refer to the "response to the final position and advice".</p>
<p>S34 Delegation of powers and functions to employees and other persons</p> <p>New clause 34A(1A): If council is considering appointing a hearing commissioner for a hearing on a proposed policy statement, plan, or plan change, they must consult tangata whenua on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori, and the perspectives of local hapu. If council considers it appropriate, they must appoint such a commissioner.</p>	Neutral	<p>The Councils agree with the LGNZ submission that the current open ended timeframes for a response from tangata whenua could cause delay. It may be that this provision could be covered within the new proposed Iwi Participation Agreements (s58L). This would allow councils to reach agreement on when a specific commissioner is likely to be required.</p>

Summary of proposed amendment	Supporting/ Oppose/ Neutral	Reason/ comment
<p>New s34B: Provides for councils to fix a fee for a hearings commissioner. Must use special consultative procedure, and must publish and maintain on an Internet site accessible to the public, an up-to-date record of any fee fixed.</p>	<p>Oppose in part</p>	<p>The Councils are unsure how this provision will work in practice. We are not opposed to the idea in principle, but are unclear as to what it will actually achieve, and whether it is a worthwhile addition. Implementing it may be overly onerous and does not provide, for example, for the ability to recover costs for a consent with many procedural issues.</p> <p>The Councils support providing for a fixed hourly or per day rate, which may achieve the intent of these provisions. Requiring fixed fees for hearings commissioners may otherwise lead councils to set high fixed fees to ensure that all hearings costs are recovered, which potentially creates additional unnecessary costs on consent applicants. Fixing the hourly or per day rate that hearing commissioners can charge may be a better way to handle this.</p> <p>We ask that the Select Committee review the proposed provision, and amend it to provide flexibility so it is cost-effective for councils and consent applicants.</p>
<p>S35 Duty to gather information, monitor, and keep records New clause 35(2)(ca): Monitor the efficiency and effectiveness of council processes, including matters such as timeliness, cost, and the overall satisfaction of the persons or bodies in respect of whom the functions are performed.</p>	<p>Support in principle</p>	<p>The West Coast Councils agree in principle that councils should be monitoring the efficiency and effectiveness of their processes to ensure that they are meeting the needs of their community. However, we think that the proposed amendment is not the best way to achieve this.</p> <p>The Councils are concerned that these provisions could create duplication of information collected as part of the NMS, or other Council consultation rounds such as the Long Term and Annual Plan and plan monitoring and development.</p> <p>The Councils are concerned that the provisions may lead to a requirement for Council to undertake and fund regular satisfaction surveys which are then "benchmark" against other Council. It is our view that the expense of this process and associated benchmarking will not lead to any meaningful comparison.</p> <p>Our Councils have been actively investigating transferring, delegating or sharing various resource management functions. The existing provisions of s35 and s33 allow reviews of the efficiencies and effectiveness of these processes to occur.</p> <p>We seek that the new clause be removed.</p>

Summary of proposed amendment	Support/ Oppose/ Neutral	Reason/ comment
<p>S36 Administrative charges New clause s36(1)(cc): councils may fix charges for monitoring permitted activities, if council is empowered to do this by a NES.</p>	Support	The Councils agree with the LGNZ submission – we support in principle councils charging for permitted activities to recover actual and reasonable costs.
<p>Part 5: Standards, policy statements and plans: National instruments</p>		
<p>Subpart 1 – National Instruments</p>		
<p>S43 Regulations prescribing national environmental standards S43(3) replaced with a clause that regulations made under an NES may apply generally, or in a specified district or region, or any other specified part of New Zealand.</p>	Support	The Councils support subclauses (b) and (c), that regulations can apply to specific areas, rather than nationally. This recognises that certain issues may be particular to certain area/s and that a national solution is not always needed or appropriate.
<p>S43A Contents of national environmental standards New clause 43A(8): An NES may empower a consent authority to charge for monitoring permitted activities specified in the standard; and specify how consent authorities must perform their functions in order to achieve the standard.</p>	Support (8)(a) Oppose (8)(b) in part	<p>The Councils support in principle being able to charge for monitoring activities permitted by an NES.</p> <p>Although the provision of guidance to councils on what methodology would achieve the intent of the National Environmental Standard may be useful, we agree with the LGNZ submission that it is uncertain what subclause (b) might involve in practice.</p> <p>Any methodology that councils have to follow to perform their NES functions must be cost effective, and allow for the detail and scope of any monitoring required to be altered in relation to the scale of receiving environment of the activity. We seek that subclause (b) be amended to provide for these matters.</p>
<p>New S45A Contents of national policy statements Clause (2)(f) and (g) provides that NPS's may direct local authorities on the collection and publication of specific information relating to achieving the objectives of the NPS; and Direct local authorities on monitoring and reporting on their progress in relation to giving effect to any of the NPS provisions, and directions specifying standards, methods or requirements for any monitoring or reporting.</p>	Neutral	<p>Regarding clauses (2)(f) and (g), the West Coast Councils are not opposed to updating the Ministry for the Environment on their progress with implementing relevant NPS's. This already occurs, and is potentially a useful process to ensure that councils' approaches and timeframes for implementation are appropriate, where practical.</p> <p>The Councils are concerned that any information collecting, monitoring or reporting requirements in future NPS's may place extra work and costs on the Councils for no obvious benefit, when there are no significant, cumulative or irreversible adverse environmental impacts. For example, the low level of development in the West Coast coastal marine area (CMA) means that little monitoring is currently needed; monitoring is undertaken in response to complaints, or consent compliance monitoring of medium to larger-scale</p>

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
	Neutral	<p>activities. Monitoring or reporting required of local authorities in a NPS makes councils the operating arm of central government, and is considered an unnecessary cost-shifting exercise. It is the role of local authorities to ensure that relevant NPS's are implemented, but it is central government's role if they wish to monitor and report on how NPS's are being given effect to.</p> <p>We agree with the LGNZ submission that clauses 45A(2)(f) and (g) create a separate information and monitoring regime to that applicable to policy statements and plans generally, and they have the potential to be onerous and costly for local authorities to give effect to.</p> <p>We seek confirmation, either in the Bill or in another process, that any information collection, monitoring or reporting required of councils is fit for purpose.</p>
<p>New S55A Combined process for national policy statement and national environmental standard New section enables the Minister to prepare a NPS and NES using a combined process as per the processes outlined in section 44 and 46.</p>	Neutral	<p>We agree with the LGNZ submission, that in the absence of knowing what the National Planning Template (NPT) might look like it is difficult to provide comment, however it appears that there is capacity for overlap and uncertainty with implementing the proposed amendment.</p>
<p>S58 Contents of NZ coastal policy statements New clauses 58(2) and (3): New section 45A applies to the NZCPS.</p>	Neutral	<p>See reasons above on clauses (2)(f) and (g) of the new Section 45A.</p>
<p>New Sections 58B to 58J: National planning template 58B: Purpose of a national planning template applies to RPS's as well as plans. 58C: Contents: "may specify" any of the matters in s45A (applies as if the template were an NPS); timeframes for councils to give effect to the whole or part of the template; 58D: Preparation of NPT 58E: Approval of NPT 58F: Publication of NPT 58G: Amending, replacing, revoking a NPT 58H(2): Local authority recognition of NPT: Local authority must amend a planning document if the NPT directs so, to include specific provisions that are in the NPT. (3)(a) don't need to use Schedule 1; (b) make the changes within the time specified in the NPT or within 1 year from the NPT being gazetted;</p>	Neutral	<p>The West Coast Councils support the concept of a NPT to achieve consistency between councils. We also support a NPT that reflects procedural principles such as efficiency, consistency, relevance, clarity, and conciseness (referred to in the proposed new Section 18A).</p> <p>Adding new NPS's and NES's into the NPT could create efficiencies in councils' processes, as each council will not individually have to change their plan as a result of national direction. Adding new NPS and NES provisions to a NPT should also assist with achieving the outcomes of the national directives.</p> <p>It will be inefficient to insert all of the objectives, policies, and rules from NPS's and NES's in a NPT where they are not all relevant to every council, district, or region. For example, the West Coast does not have the same water issues as other drier, more heavily allocated regions and catchments. Objectives and policies for freshwater management in a NPT that are</p>

Summary of proposed amendment	Support / Oppose / Neutral	Reason / comment
<p>(c) give public notice of the changes.</p> <p>(5) councils must make other amendments using First Schedule process, within the timeframe specified or within 5 years of gazettal of the NPT.</p> <p>(7) Timeframes if a proposed plan or RPS is not yet operative.</p> <p>58I: First NPT to be made within 2 years of royal assent of Act</p> <p>58J: Councils must make plans and RPS's available on the Internet within 1 year after the NPT is gazetted.</p>	<p>Neutral</p>	<p>appropriate for dryer regions with widespread over allocation issues may not be appropriate for the West Coast. This could result in additional cost to ratepayers. We seek that the NPT provisions provide for regional/local circumstances.</p> <p>In the absence of knowing what a NPT might look like, the West Coast Councils have some concerns around the NPT addressing procedural matters. There are some areas where this could be appropriate/useful, but we have seen examples where national direction has made things more onerous and costly on the West Coast, rather than making the process easier and more efficient. If the NPT has statements such as "Councils shall use the most efficient method to..." then this adds no value to RMA plans. It would be expected that all councils are doing the best they can with the resources they have available.</p> <p>We agree with the LGNZ submission that the new NPT provisions are very wide open as drafted, and could mean that virtually any plan provisions are included in the NPT. It creates a lot of uncertainty about what objectives and policies will be added from other sources, apart from NPS's. Enabling the Minister to include objectives and policies in a NPT potentially removes the role of plans to reflect the natural resource issues of a region, and local community aspirations and input into plan development.</p> <p>There is no requirement in section 58 for the Minister to consult with local authorities about the content of a NPT. Councils should be thoroughly consulted on the proposed content of any new standards, regardless of requirements for consultation on the NPT.</p> <p>We seek that a clause be added to Section 58D requiring the Minister to consult with councils when preparing a NPT, to ensure that the NPT is relevant to all councils.</p>
<p>New Subpart 2 - Iwi participation arrangements</p> <p>New section 58L: Within 30 working days of a general election, councils must invite iwi authorities to enter into 1 or more iwi participation arrangements outlining ways that tangata whenua will participate in First Schedule plan processes, unless these arrangements already exist. Iwi authority must reply within 60 w. days if they want to enter into an arrangement.</p>	<p>Support in part</p>	<p>The West Coast Councils agree in principle with councils inviting iwi to enter into a participation arrangement. A formalised agreement of when and how councils will engage with iwi in relation to resource management matters will be beneficial to all parties.</p> <p>We agree with the LGNZ submission that the 30 working day period after the</p>

Summary of proposed amendment	Support/ Oppose/ Neutral	Reason/ comment
<p>58M: Contents of iwi arrangements: Must be recorded in writing, identify parties, record agreement on...</p> <p>58N: Need to complete the arrangement within 6 months of the invitation being accepted. Councils need to offer ADR to iwi if cannot agree on the arrangement.</p> <p>58O: Parties who cannot agree can ask the Minister for assistance</p>		<p>general election to invite iwi to enter into an agreement is not long enough, as a considerable amount of work must be done in the period straight after an election. The invitation timeframe should be extended to 60 working days.</p> <p>We support the option of parties being able to ask the Minister for assistance where parties cannot agree. It would be helpful if this is extended to providing guidance for councils, to help avoid situations where the parties cannot agree.</p>
<p>Part 5 – Standards, policy statements and plans</p> <p>S62: Contents of regional policy statements Remove s62(1)(i)(ii), the requirement to specify obj, policies and methods in a regional policy statement to control the use of land to prevent or mitigate adv effects from the storage, use, disposal or transportation of hazardous substances.</p> <p>S65: Preparation of other regional plans Remove s65(3)(c) to consider preparing a regional plan to manage adv effects from the storage, use, disposal or transportation of hazardous substances, and replace with “any risks from natural hazards”.</p>	<p>Support</p> <p>Support</p>	<p>The storage, use, disposal (notwithstanding discharges to land or water), and transportation of hazardous substances are not core functions of regional councils. It is appropriate to remove these requirements from the RMA. Note that these have not been included within the Proposed West Coast Regional Policy Statement apart from stating who is responsible for which role.</p>
<p>S69: Rules relating to water quality Add clause (4), from the commencement of this new subclause, Schedule 3 no longer applies to fresh water.</p>	<p>Oppose</p>	<p>The West Coast Councils do not know why this amendment is proposed. If the intent is that the water quality standards in the National Objectives Framework (NOF) under the NPS for Freshwater Management will replace the Contact Recreation (CR) and Aquatic Ecology (AE) standards in Schedule 3, this is not a good reason for removing the Schedule 3 standards for freshwater.</p> <p>In our experience the CR and AE standards for freshwater are good ‘backstop’ measures. They are very useful for consent and compliance work, and are often incorporated in our resource consent conditions. They are not prescriptive and provide flexibility to interpret and apply them to manage activities affecting freshwater quality, based on site-specific factors. The NOF standards are not a complete alternative as they are very specific and only cover a narrow range of aspects of freshwater quality. The WCRC has not heard of any problems or complaints with applying the CR and AE for freshwater.</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
	Neutral	<p>Policy 8.3.1 of the Regional Land and Water Plan refers to the Schedule 3 CR and AE water classes for freshwater. If the proposed amendment is adopted, the WCRC will have to change Policy 8.3.1 in the Plan, and potentially vary numerous resource consent conditions. We consider that this is an unnecessary change to have to make, and it will be a cost to ratepayers and consent holders for no great benefit.</p> <p>We seek that the proposed clause (4) be removed.</p>
<p>S80: Combined regional and district documents New clause 80(6A) and (6B)</p>	Support	<p>Councils should be able to consider the best method to achieve the efficient management of the Region, and the ability to combine plans where efficient is supported.</p>
<p>New sub-part 4 – Collaborative planning process New s80A Use of collaborative planning process If a local authority gives public notice that they will use a collaborative planning process, only some parts of the First Schedule apply.</p>	Support	<p>Having an alternative process gives councils flexibility to choose which is the most appropriate and cost-effective process to utilise, depending on the issues and likelihood of collaboration being successful. We agree with the LGNZ submission supporting that this provision is, and remains, optional for councils.</p>
<p>New sub-part 5 – streamlined planning process New S80B Purpose, scope, and definitions If a streamlined planning process applies by direction from the Minister responsible, it does not go through the Environment Court, and only certain parts of the First Schedule process apply i.e. consult on a draft.</p> <p>S80C Application to responsible Minister for direction Councils can apply to the relevant Minister/s to issue a direction to use the streamlined planning process if it meets the criteria listed in clause (2): urgency, implements a national direction, unintended consequences, significant community need, or a combined document.</p>	Support	<p>The West Coast Councils support this as an optional process.</p> <p>We agree with the LGNZ submission that some clauses and terms are unclear. For example, the implications of the definition of "national direction" are unclear. It seems to indicate that there must be a specific direction, as opposed to some other provision in the document.</p>
<p>Sub-part 7 – Legal effect of rules s86A-86G: Legal effect of rules</p>		<p>As a new, additional matter, the West Coast Councils seek that sections 86A-86G be amended so that they apply to objectives and policies as well as rules. Both objectives and policies should have legal effect at notification.</p>

Summary of proposed amendment	Support/Neutral/Oppose	Reason/comment
		<p>This removes ambiguity and ensures that the legal status of objectives, policies and rules is consistent.</p> <p>The Councils also suggest that a clause be added to s86B(3) - types of plan rules that have immediate effect – enabling proposed rules that avoid increasing the risk of a natural hazard to have immediate legal effect. This would be consistent with making natural hazards a matter of national importance in section 6.</p>
<p>Part 6 Resource Consents S104 Consideration of applications Decision makers can take into account measures to ensure positive effects that offset any adverse effects.</p>	Support	We support the specific inclusion of provisions in relation to offsets during the consideration of any positive and negative effects of an activity.
<p>S108 Conditions of consent Conditions imposed must relate to an adverse effect or rule in the relevant plan unless agreed by the applicant.</p>	Support in part	<p>We support in principle the provision that conditions must be imposed for a resource management purpose. However, in practice it is not so straightforward. Standardised administrative conditions relating to payment of monitoring charges and lapse dates etc add clarity to consents that may be lost if this information is included in a cover letter. General conditions on resource consents, for example, that there must be a copy of the consent on site, may also be caught under this proposed amendment.</p> <p>It is a potential issue if councils cannot include a condition that monitoring costs are to be paid by a consent holder. It is common practice for territorial authorities to withhold signing off a s224(c) subdivision certificate until the final monitoring invoice has been paid, to ensure that all of council's reasonable costs are promptly recovered.</p> <p>We ask that the Committee reconsider this amendment to take into account the issues raised.</p>
<p>Part 11 Environment Court New S268A Mandatory participation in alternative dispute resolution processes Each party to proceedings must participate in mediation. Parties can apply to not participate, and the Court can grant leave if it considers it is not appropriate for a party to participate.</p>	Strongly support	Agree with the LGNZ submission that this provision is a worthwhile improvement to the RMA. We are aware of a recent situation where the Environment Court referred parties to mediation, however the appellant refused this option. There was no good reason why the appellant should not attempt mediation, however forcing the matter to a Court hearing means mounting costs for the Council involved and ratepayers, over a relatively minor problem that could be satisfactorily resolved through mediation at a

Summary of proposed amendment	Supporter/ Opposer/ Neutral	Reason/ comment
<p>New s277A Powers of Environment Court in relation to evidence heard on appeal by way of rehearing Court has the discretion to rehear all or part of the evidence received by the local authority or panel whose decision is the subject of appeal. Court must rehear evidence if it believes that earlier recording of evidence may be incomplete. A party may introduce new evidence with leave of the Court, only if the Court considers that the new evidence was not able to be produced at the Council hearing.</p>	Support	<p>lesser cost to all parties.</p> <p>We further agree with the LGNZ submission that it could be useful to have specific sanctions for not taking part in mediation. It may be appropriate to prevent a party from continuing to participate in the Court process if he or she fails to take part in mediation.</p> <p>These changes appear sensible and provide an opportunity for an appeal to not be fully reheard, where a council has been thorough and complete in their analysis of submissions, recommendations, and decisions. This will allow for a streamlined process reducing time and costs.</p>
<p>Part 14 Miscellaneous provisions New ss360D Regulations that permit or prohibit certain rules New section enables the Governor-General, on the recommendation of the Minister, to make regulations permitting specified land uses or prohibiting local authorities from making specified rules. The Minister must not recommend the making of regulations unless the Minister considers it is necessary or desirable.</p>	Oppose in part	<p>While we note that there are some safeguards in the new provision, we agree with the LGNZ submission that there is the potential for short term interference with planning processes.</p> <p>We ask that the Select Committee assess what the benefits of this new section are for local authorities, and how it fits with planning requirements and processes in the First Schedule and other parts of the RMA.</p>
<p>Amendments commencing 6 months after Royal assent</p>		
<p>Part 3 Duties and Restrictions New S2AB Meaning of public notice Requires that public notices must be published on an Internet site that is accessible to the public, and publish a summary of the notice in local newspapers with details of the Internet site.</p>	Support	This will reduce consent costs for applicants.
<p>Part 5 Functions, powers, duties of local authorities New s41D Striking out submissions An authority conducting a hearing may direct that a submission be struck out if at least 1 of the listed criteria apply, including:</p>	Support	The Councils have often received generalised submissions on proposed plans that make broad statements. There have been subsequent appeals which have placed additional costs to ratepayers to resolve without any added value

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/Comment
<p>Frivolous or vexatious, no reasonable or relevant case, an abuse of the hearing process to allow the submission to be taken further. An authority must strike out a submission if it relates to a resource consent subject to criteria. The authority must record its reasons for striking out a submission, and a submitter can object.</p>	<p>Neutral</p>	<p>to the plan, or consent process.</p> <p>Care will need to be taken to justify striking out a submission, as objections can be made. The Councils agree with the submission of LGNZ that provisions for extending the processing times to resolve any objection are necessary.</p> <p>We also agree with LGNZ that the use of "must" in clause (2) is too restrictive. Whilst we appreciate the ability to strike out vexatious submissions, it is not necessary for each lay submitter to provide technical evidence, especially if this information is provided by Council and/or the applicant. Any decision maker will apply appropriate weight to the evidence when making a decision. The pre hearing and evidence circulation process may also provide an opportunity to manage and remove any uninformed submissions from lay people. Requiring all submissions to include evidence removes the ability of landowners to participate in consent processes that may affect them.</p> <p>Agree that the reasons for striking out a submission must be recorded. The term "must" should be retained in clause (3)(b).</p> <p>Replace "must" with "may" in clause (2).</p>
<p>Part 6 Resource consents New s87AAB – 87AAD Fast-track applications Provides for a 'fast-track' process for consent applications to be completed within a 10 day period.</p>	<p>Partly support</p>	<p>The Councils support in principle the concept of a "fast-track" application process. However, the "fast track" consents option should not have a specific status as controlled activities only. For example, a gravel extraction consent which is a Restricted Discretionary Activity in the WRC's Land and Water Plan could be processed as a "fast-track" application. On the other hand, for some of the WRC's controlled activities, for example, existing hydro generation schemes, these should not be "fast tracked". Each Council should be able to identify what activities they think would be appropriate to be "fast tracked".</p> <p>The instant inclusion of controlled activities as 'fast track' may be a potential disincentive to include activities of this status within plans which is understood to not be the intent. Controlled activities with specific engineering requirements for instance, will place burdens on departments of smaller territorial authorities such as those on the West Coast, leading to additional</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		<p>administration costs.</p> <p>Remove the requirement for only controlled activities to be fast-tracked.</p> <p>Agree with LGNZ that the definition of "boundary rule" needs to clarify whether this includes recession planes.</p>
<p>New s87BA Boundary activities approved by neighbours on affected boundaries are permitted activities</p> <p>New s87BB Activities meeting certain requirements are permitted activities An activity with a marginal or temporary non-compliance of a rule is a permitted activity if it results in no additional adv environmental effects, adv effects on a person are less than minor, and the council notifies the applicant.</p>	<p>Support in principle</p>	<p>We support the intent of this rule, it confirms the use of "de minimis" where appropriate. This amendment will reduce time and costs of unnecessary consent processing, and will result in efficient and effective resource use.</p> <p>We have some concerns about how it will work in practice. For instance, if needed, who will monitor activities where it is permitted because neighbours approvals are provided? Clarification is sought on this.</p> <p>Will it encourage poor plan making? If an activity has the scale of effects described within the proposed provisions, then it would be more efficient for plan provisions to have been drafted to allow this to have been a permitted activity. If these activities were not included in plans as permitted activities this is because communities wanted there to be some level of control on their effects.</p> <p>Will these provisions make negotiations during the plan making stage more difficult as environmental organisations seek tougher rules to counter what may be perceived as a loosening of regulatory control?</p> <p>Greater clarification is needed about the process for implementing the new provisions. For example, regarding Section 87BB(3)(c), is there an obligation that councils seek out information to make a decision on whether a proposal meets the new provisions? If councils need information, can they request it? What will be the costs, and who pays?</p>
<p>S95-95B Notification of consent applications These sections are replaced with amended text relating to public notification of consent applications.</p>	<p>Support in part</p>	<p>While the Councils agree that providing clarification on the parameters for notification and limited notification is useful, they have the following concerns regarding the wording of the proposed changes:</p> <ol style="list-style-type: none"> 1. Agree with LGNZ that these changes represent a significant departure from the current public involvement in the consent process. The section is confusing with overly complicated wording.

Summary of proposed amendment	Support/ Oppose/ Neutral	Reason/ Comment
		<p>2. Restricted-discretionary and discretionary activities are considered too high a status to automatically exclude public notification. Specifically, the threshold of discretionary status is inappropriate at Step 2. There are instances where these activities will affect parties further afield than directly adjoining properties. Precedent effects or redesign, even for a residential dwelling, can create effects on the environment that require public notification. Extra steps and recording means extra costs for applicants.</p> <p>3. It is considered that these provisions may discourage the use of controlled and discretionary activity status.</p>
<p>S95D Consent authority decides if adverse effects are likely to be more than minor Add new subclause (ca): When considering effects, must disregard the adverse effects if already taken into account by the objectives and policies of that plan.</p>	Oppose	<p>The new provision is confusing – do the objectives and policies not consider and address most effects on the environment? How is this workable? We agree with LGNZ that the provision as drafted leaves significant uncertainty about how the objectives and policies should be applied.</p>
<p>New S95DA Persons eligible to be considered affected persons for purpose of limited notification Subdivisions other than non-complying will be considered to have an effect on specific parties only : NZ Fire Service, Utility Owner, Medical Officer of Health, Civil Defence. Land use other than non-complying, subdivisions and boundary activity: only affects adjacent and infrastructure owner.</p>	Oppose	<p>Both subdivisions and land uses with discretionary and restricted discretionary status can create effects on land that is not adjacent. Statutory bodies such as Heritage NZ or tangata whenua may be affected. Extra steps add extra cost.</p>
<p>S120 Right to appeal New clause (1A)(i) removes the right to appeal on a consent granted for a boundary activity, a subdivision other than non-complying, or a controlled, restricted discretionary, or discretionary residential activity on a single allotment.</p>	Neutral	<p>This will reduce potential costs for council's administration of consents. However, we agree with the LGNZ submission that it will erode the ability for full participation in the consent process.</p>
<p>New S357AB Objection under s357(1)(f) or (g) may be considered by hearings commissioner A consent applicant who objects to a resource consent decision may request that their objection be heard by a hearings commissioner. The consent authority must arrange for a hearings commissioner who is not a member of the consent authority.</p>	Partly support	<p>We agree with the provision in principle, but question who meets the costs.</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
<p>Schedule 1 Preparation, change, and review of policy statements and plans</p> <p>New section 10A Application to Minister for extension of time Councils must apply in writing to the Minister for an extension of time if they are unable to meet the timeframe for releasing decisions (of two years from the date of notification). Must give reasons, and the period of extension requested. The Minister can decline or agree to the request. If an extension is granted, the council must give public notice of it. This new section applies instead of s37 for extensions.</p>	Support	We agree with providing an option for councils to seek an extension of time to release decisions on proposed plans. While councils would like to release decisions in as short a time as possible to reduce costs, there are any number of unforeseen circumstances arising that can delay the process.
<p>Amendments commencing 5 years after Royal assent</p> <p>S108 Conditions of resource consents Repeal clauses (2)(a), (9), and (10).</p>	Strongly oppose	<p>If financial contributions are removed from section 108 of the RMA, and the Local Government Act, how will contributions be assessed, specifically contributions for reserves? This will mean a significant loss of revenue for the West Coast District Councils. Funding for reserves will have to come from rates or existing budgets. We agree with LGNZ that special provision needs to be made for vesting reserves.</p> <p>Providing for financial contributions as an alternative to physical works allows Councils, especially those with small ratepayer bases such as those on the West Coast, to partially fund infrastructure works where there is also a benefit to the wider community. An example of this is a 50% cost share in the upgrade of a road formation. Removing this ability may place additional cost burden on applicants.</p>
<p>Amendments to Reserves Act 1977</p> <p>S14B Administer body may authorise exchange of recreation reserve land for other land New section enable administering bodies to exchange recreation reserve land in certain circumstances.</p>	Neutral	Support the idea of aligning these processes, however there may be an easier way to do this.
<p>Amendments to Conservation Act 1987</p> <p>S17S Contents of applications (for concessions) New section lists information that must be included in an application for a concession.</p>	Support	We note that there is a lot of crossover with resource consent application requirements. It will be efficient if this provision enables applicants to prepare one set of reports that can be used for both consent and concession processes. It will be inefficient if it means that applicants must prepare different sets of information.

Summary of proposed amendment	Support/Neutral/Oppose?	Reason/comment
<p>Comments on amendments not in the Bill</p> <p>The following are some of the amendments suggested by Local Government New Zealand in late 2015, prior to the Bill being released for public submissions. They are not included in the proposed Bill. This next section of the submission lists additional amendments sought by the West Coast Councils.</p>		<p>Given the high percentage of DoC land on the West Coast, there may be more opportunities to streamline consent and concession processes than just what is proposed. For example, with the Escarpment mine on the West Coast, DoC are effectively a third council in terms of access arrangement conditions and monitoring requirements. We ask the Committee to consider if there are other parts of the Conservation Act and its related legislation that can be made the same or similar to RMA processes, to reduce duplication and improve efficiencies in processes.</p>
<p>Resource consents</p> <p>Introduce a new provision into the RMA which states that consent applications (not the resultant consent that may be issued) will lapse automatically after two years if there is a lack of action on the part of the applicant.</p>	<p>Agree</p>	<p>This will avoid natural resources being 'parked' for later use. It would be useful to have a clear, easy to use provision that says councils can lapse an application. The existing provisions allow certain actions if consent applicants don't respond to requests for info, however they add time and costs to processing applications and are not always the most practical or user-friendly way forward. Some councils have had situations where:</p> <ul style="list-style-type: none"> a) a consent applicant has lodged an application to 'reserve' a particular site that they wanted to utilise at a later stage, potentially limiting other prospective applicants from being able to apply to use that site. b) an application was lodged eight years ago to renew an existing consent, and the applicant placed the renewal application on hold and continues to operate under their existing consent conditions. <p>We also seek that a lapsing provision for consent applications can be applied retrospectively, in relation to applications lodged prior to the previous amendments requiring resolution within 6 months.</p>
<p>Plan making - Approval of regional coastal plans</p>		

Summary of proposed amendment	Support/ Oppose/ Neutral	Reason/ comment
Remove the requirement for regional coastal plans to be approved by the Minister of Conservation.	Agree	This requirement has added lengthy time delays for the WCRC to be able to make its Coastal Plan and changes to the Coastal Plan operative, with no value added from the Minister's approval. Making the proposed RMA change is timely as councils are currently developing their second generation coastal plans. The requirement should be removed in time to have effect for these second generation coastal plans.
Compliance and enforcement under the RMA		
Allow the Environment Court to issue an enforcement order to change or cancel a resource consent as a result of ongoing or repeated non-compliance.	Agree	This could be a useful tool.
Remove the need for a police officer to be present to execute a search warrant.	Neutral	The Councils have not executed many search warrants, we note that it ties a police officer up for the entire time the search warrant is required. This would impact on police resources, especially given the proposed changes for policing on the West Coast.
Remove the need for exhibits to be retained in the custody of a police officer;	Agree	
Make it unlawful to provide insurance against RMA fines, in a similar manner to Health and Safety legislation;	Agree	Agree in the case where operators who may be fined a substantial amount but only end up paying a lesser amount as their insurance covers most of the fine.
Increase infringement fees, and introduce higher infringement fees for corporate offenders;	Agree	This has been examined in the past, the infringement fines have not kept pace with inflation etc. There is also a huge gap between the punitive action of an infringement notice and what would come out of an environment court proceeding.
Increase the penalties for someone who commits an offence under section 338(3) – the current maximum is too low to be an effective deterrent or for councils to incur an expense in prosecuting;	Agree	

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting - 8 March 2016
 Prepared by: Stefan Beaumont - Hydrologist
 Date: 26 February 2016
 Subject: **HYDROLOGY & FLOOD WARNING UPDATE**

Flood Warning

There were two moderate floods in the Hokitika River during the reporting period. The 17 February 2016 event produced heavy coastal rain and surface flooding in Hokitika, with around 200mm of rain falling in 12 hours around the Hokitika area.

Site	Time of peak	Peak level	Warning Issued	Alarm threshold
Hokitika River @ Gorge	18/02/2016 17:50	3944mm	18/02/2016 14:50	3750mm
Hokitika River @ Gorge	17/02/2016 10:50	4067mm	17/02/2016 04:55	3750mm
Waiho Rv @ SH6	17/02/2016 08:45	8468mm	17/02/2016 05:00	8000mm

RECOMMENDATION

That the report is received

Michael Meehan
Planning and Environment Manager

Prepared for: Resource Management Committee Meeting March 2016
 Prepared by: Emma Chaney, Senior Resource Science Technician
 Date: 25 February 2016
 Subject: **BATHING BEACH WATER QUALITY SAMPLING UPDATE**

The West Coast Regional Council carries out regular sampling for faecal indicator bacteria (*E.coli* or Enterococci) at popular contact recreation sites over the summer period, from November through to March. Sampling is currently undertaken at 20 locations, twice per month. The table below presents the results of sampling for the 2015 -16 summer season.

All samples in the first round of February sampling were within the very low risk threshold for recreational water quality.

SITE	Nov	Nov	Dec	Dec	Jan	Jan	Feb
Carters Beach at campground beach access	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
North Beach at tip head road steps	😬*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Buller River at Shingle Beach	😊*●	😊*●	😬*●	😊*●	😊*●	😊*●	😊*●
Buller River at Marrs Beach	😊*●	😊*●	😬*●	😬*●	😊*●	😊*●	😊*●
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 Street West end	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Blaketown Beach at South Tiphead	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Lake Brunner at Cashmere Bay Boat Ramp	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Lake Brunner at Iveagh Bay	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Lake Brunner at Moana	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Karoro Beach at Surf Club	😊*●	😊*●	😬*●	😊*●	😊*●	😊*●	😊*●
Hokitika Beach at Hokitika	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Kaniere River at Kaniere Kokatahi Rd	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
Lake Mahinapua at Shanghai Bay	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
L. Kaniere @ Sunny Bight jetty	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
L. Kaniere @ Hans Bay boat ramp	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●
L. Kaniere @ Hans Bay jetty	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●	😊*●

Rainfall past 24hrs	Rainfall past week	
*	●	0-10 mm
●	●	10-30 mm
*●	●	30-60 mm
*●	●	>60 mm
😊		< 260 E. coli; < 140 Ent
😬		260-550 E. coli; 140-280 Ent
😡		> 550 E. coli; > 280 Ent

RECOMMENDATION

That this report be received.

Michael Meehan
 Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
 Prepared by: Karen Glover - Consents & Compliance Administration Officer
 Date: 24 February 2016
Subject: CONSENTS MONTHLY REPORT

Consents Site Visits 28 January – 23 February 2016

DATE	NAME, ACTIVITY & LOCATION	PURPOSE
04-02-16	RC01285-V1 & RC-2014-0129 – RJ Banks & RJ Banks, Gold mining, Reefton	To assess the application for an increased disturbed mining area and the application for the diversion of Stony Batter Creek.
10-02-16	RC-2016-0014 - Kagal Farm Ltd, Dairy discharge, Karamea	Site visit to discuss application required for new application for discharge of dairy effluent to land where it may enter water.
10-02-16	RC to be lodged – Galway Farm Ltd, Riverbed disturbance, Karamea	Site visit to discuss application to clear waterway/drain.
19-02-16	RC03053 – A Goodwin, Septic tank, Nelson Creek	To assess the Resource Consent to see if it can be surrendered.

Non-Notified Resource Consents Granted 28 January – 23 February 2016

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RC-2015-0137 KiwiRail Holdings Limited	<p>To disturb the riparian margins of the Rolleston River to construct a wash water treatment system and river protection works (bund, rock armouring and groynes).</p> <p>To disturb the bed of the Rolleston River to construct a wash water treatment system and river protection works (bund, rock armouring and groynes).</p> <p>To disturb the riparian margins of the Rolleston River to undertake earthworks associated with rehabilitation of a wash water treatment system.</p> <p>To temporarily divert water in the Rolleston River to construct a wash water treatment system and river protection works.</p> <p>To permanently divert water from river protection structures in the Rolleston River.</p> <p>The incidental discharge of sediment to the Rolleston River for the purpose of constructing a wash water treatment system and river protection works.</p> <p>The ongoing discharge of water containing contaminants (coal fines and sand grit) to a wash water treatment system on land where it may enter water, Rolleston River.</p>

RC-2015-0153 Westland Milk Products	To discharge dairy by-product to land on Lot 3 DP 1648 SEC 72 SO 12249.
RC-2016-0008 CT Blok	To discharge treated onsite sewage wastewater to land at 7 Middle Paddock Road, Hokitika.
RC-2016-0013 ED Scheepers	To take and use ground water for the purposes of alluvial gold mining.
RC-2016-0014 Kagal Farm Limited	To discharge dairy effluent to land where it may enter surface water (Oparara River) and groundwater near DS871, Karamea.
RC-2016-0016 Peterson Family Trust	To discharge treated onsite sewage wastewater to land at 9 Fairburn Way, Charleston.
RC-2016-0017 PN & RG Perrott	To undertake earthworks within 50 metres of the Coastal Marine Area, Granity.

No Changes to or Reviews of Consent Conditions were granted 28 January – 23 February 2016.

Notified or Limited Notified Resource Consents granted 28 January – 23 February 2016

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RC-2015-0136 West Coast District Health Board	To discharge products of combustion to air from a coal and/or diesel fired boiler, Grey Base Hospital.

Notified Consents Updates

The hearing for the Westland District Council's application for the continued operation of the Hokitika Sewage Oxidation Ponds was postponed from Tuesday 23 February 2016 until Tuesday 8 March 2016.

Public Enquiries

55 written public enquiries were responded to during the reporting period. 41 (75%) were answered on the same day, and the remaining 14 (25%) within the next ten days. No LGOIMA requests were responded to in the reporting period.

RECOMMENDATION

That the March 2016 report of the Consents Group be received.

Chris Ingle
Chief Executive

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 8 March 2016
 Prepared by: Colin Helem - Senior Compliance Officer
 Date: 25 February 2016
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 70 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	4
Mining compliance & bond release	21
Complaint Related	15
Dairy Farm	30

Out of the 70 total site visits for the reporting period, 54 visits were compliant, 16 visits were non-compliant.

- **Mining visits**

Gold Mining: 16 alluvial gold mining inspections were carried out during the month. 1 of these inspections resulted in abatement notices being issued and further enforcement action is pending.

Coal Mining: 5 coal mining inspections were carried out during the month.

- **Dairy Farms**

30 dairy farm inspections were carried out, 28 farms were graded compliant, 2 farms were graded non-compliant due to minor issues.

Complaints/Incidents between 28 January 2016 & 25 February 2016

The following 15 complaints/incidents were received during the reporting period:

Activity	Description	Location	Action/Outcome	INC/Com p
Earthworks	Complaint alleging that earthworks is causing the discharge of sediment to a water body	Seddonville	The site was investigated and the complaint was unsubstantiated	Complaint
Discharge to water	Complaint regarding the discharge of sediment from a gold mining operation.	Waimea	The site was investigated and the operator was required to undertake remedial action. The operator and the consent holder were both formally warned for the discharge.	Complaint
Discharge to air	Complaint regarding the odour from a septic tank	Kaiata	The site was investigated and the property owner was required to have the tank cleaned out.	Complaint

Activity	Description	Location	Action/Outcome	INC/Com P
Discharge to water	Complaint regarding the discharge of dairy effluent to a water body	Waimea	The site was investigated and the complaint was unsubstantiated	Complaint
Flood protection work	Complaint received that gravel extracted from a creek has been stockpiled along the riparian margin to form a stop bank.	Waimea	The site has been investigated and the operator has been required to obtain resource consent for the work or to remove the gravel wall.	Complaint
Discharge to air	Complaint regarding the odour from the Hokitika town sewerage ponds.	Hokitika	The site was investigated and the complaint was unsubstantiated	Complaint
River diversion	Complaint received that a gold miner had diverted Waimea Creek.	Waimea	The site was investigated and it was found that the miner had excavated several hundred metres of the Waimea Creek bed. Abatement notices were issued requiring remedial action to be undertaken. Enforcement action is pending.	Complaint
Stormwater discharge	Complaint that storm water is causing ponding on another property	Hokitika	The site was investigated and the complaint was unsubstantiated.	Complaint
Stormwater discharge	Complaint that storm water is causing ponding on another property	Paroa	The complaint was unsubstantiated	Complaint
Fishing boat ran aground	The fishing boat Jay Penelope ran aground at Gillespie's Beach.	Gillespies Beach	The boat was refloated at high tide and towed off the beach without further problems.	Incident
Discharge to water	Complaint regarding the discharge of diesel into the Blaketown Lagoon	Blaketown	The spill was minor and had dissipated, so no remedial action was required.	Complaint
Stock access to water	Complaint regarding dairy animals accessing the Crooked River.	Rotomanu	The site was investigated and no dairy animals were found in the river at the time.	Complaint
Discharge to air	Complaint that someone is burning diesel and oil.	Ikamatua	The site was investigated and the complaint was unsubstantiated.	Complaint
Earthworks	Complaint that sediment from a ploughed paddock had discharged to a water body.	Karamea	The site was investigated and the complaint was unsubstantiated.	Complaint

Activity	Description	Location	Action/Outcome	INC/Com P
Discharge to water	Complaint regarding an old car wreck that has ended up in the Mahatahi River.	Bruce Bay	The site was investigated and a local farmer will remove the wreck from the river.	Complaint

Formal Enforcement Action

Two formal warnings were issued during the reporting period:

Activity	Location
Gold mining discharge of sediment: One notice issued to the operator and a second notice issued to the consent holder.	Waimea/Stafford

Two Abatement Notices were issued during the reporting period:

Activity	Location
Gold Mining: Unauthorised river excavation- diversion works. One notice to undertake immediate remedial action and a second notice issued to supply a remedial action plan and undertake the work outlined in the plan.	Waimea/Stafford

Restorative Justice

Roa Mining Company Ltd entered into a restorative justice process following information's being laid in the Environment Court relating to the deposition of material in the bed of a waterway. The restorative justice process identifies suitable actions to resolve the harm caused by the offence. In this case creek restoration was identified as a suitable action to resolve the harm caused. This resulted in enhancement work including riparian planting being undertaken. This process is now complete, with the information's formally withdrawn in the Environment Court.

Council offers restorative justice following the updating of the Councils Enforcement Policy. The restorative justice process allows first time offenders who are remorseful; to go through a process with a court appointed restorative justice coordinator to find a solution to redress the harm caused. All costs associated with the process are met by the offender.

This is the second case that has successfully gone through this process, currently there is one case moving through the process.

Meek vs McGregor Enforcement Order

Council was involved as second respondent in an enforcement order sought by Mr Meek against Mr McGregor. The case was resolved through mediation between the parties.

Mining Work Programmes and Bonds

The Council received the following 6 work programmes during the last reporting period. Three work programmes have been approved. The remaining work programmes have been recently received and require site visits for final approval.

Date	Mining Authorisation	Holder	Location
29/01/2016	RC09088	Hampton	Atarau
29/01/2016	RC10239	Ferguson	Grey Valley

03/02/2016	RC10243	LTM Mining	Nelson Creek
04/02/2016	RC2015-0143	Phoenix Mining Limited	Nelson Creek
15/02/2016	RC10253	Phoenix Mining Limited	Waimea/Stafford
18/02/2016	RC00323	Oceana Gold	Reefton

The following bond was received during the reporting period:

Mining Authorisation	Holder	Location	Amount
RC2015-0134	NZG	Mikonui	\$30,000

RECOMMENDATION

1. That the March 2016 report of the Compliance Group be received.

Michael Meehan
Planning and Environmental Manager