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AGENDA AND SUPPORTING PAPERS FOR SPECIAL MEETING

31 OCTOBER 2019

- DATE: 31 October 2019
- TIME: 10.30 a.m.
- VENUE: Council Chambers
West Coast Regional Council Offices
388 Main South Road
Paroa
- AGENDA:
1. Adoption of Audited Annual Report
(to be tabled)
 2. Approval of Council's Submission on
the Government's Freshwater Package
 3. Appointment of Council Members to the Te
Tai Poutini Committee

THE WEST COAST REGIONAL COUNCIL

Prepared for: Special Meeting 31 October 2019
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 29 October 2019
Subject: Adoption of Audited Annual Report 2019

Council is required pursuant to Section 98 of the Local Government Act 2002 to prepare and adopt an audited Annual Report for the year to 30 June 2019, before or on 31 October 2019.

Indications are that Council auditors Audit NZ will issue an audit report on 31 October 2019, which will enable Council to comply with the abovementioned S 98 of the Local Government Act 2002.

Councillors Challenger and Ewen and Chair Allan Birchfield will be familiar with the results being reported but newly elected Councillors Cummings, Magner, Hill and Coll McLaughlin will not be.

Summarised Financials

	Actual	Budgeted
Cost of Services	\$13,326,536	\$13,197,898
Revenue	\$12,913,916	\$12,646,136
Operating Surplus/ - Deficit	-\$412,620	-\$551,762
Revaluation of Infrastructure	\$11,417,464	\$3,693,931
Total Comprehensive Net result	\$11,004,844	\$3,142,169

Comments

1. Council budgeted deficit of \$551,762 for the 18/19 year included \$700,000 opex regarding the Greymouth Floodwall upgrade which didn't occur as expected during the year (now expected to take place 19/20).
2. Actual revenues of \$12,913,916 included \$546,000 of Crown payments relating to the 26 March 2019 flood events that are not matched to opex (the Milton stopbank rebuild at Lower Waiho being on capital account).
3. 18/19 results reflect a difficult year financially for WCRC, with VCS returns, Investment Portfolio returns and Consents & Compliance Group revenue recoveries all being substantially less than budgeted.
4. Our Infrastructure (River, Drainage & Coastal protection) was revalued @ 31 December by \$11.4 million.
5. The Chair and Chief Executive are required on 31 October 2019 to provide to our auditors;
 - a. Statement of Compliance & Responsibility (refer page 6 for details) (I will table copies at the meeting).
 - b. A Letter of Representation. (I will table copies at the meeting).
6. The audit certificate to be issued by Audit NZ on 31 October 2019 will contain what is known as an "except for" qualification. This qualification results from our 49% Associate Pest Control Research Limited Partnership receiving an audit qualification.

RECOMMENDATION

That Council adopt the 2019 audited Annual Report pursuant to Section 98 of the local Government Act 2002.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Special Council Meeting – 31 October 2019
Prepared by: Lillie Sadler – Planning Team Leader
Date: 30 October 2019
Subject: Action for healthy waterways submission

Action for Healthy Waterways Package

The Ministry for the Environment (MFE) released the "Action for Healthy Waterways Package", also known as the "Essential Freshwater Package", on 5 September 2019 for submissions. The Package comprises:

- An amended Draft National Policy Statement for Freshwater Management
- New proposed National Environmental Standards for Freshwater
- Draft Stock Exclusion Section 360 Regulations
- Action for healthy waterways: A discussion document on national direction for freshwater
- A summary of the discussion document.

All documents can be found at <https://www.mfe.govt.nz/consultation/action-for-healthy-waterways>

The Package is being driven by the Government's view that although many people, including farmers and growers, are already taking action to reduce their impact on freshwater, their efforts are undermined by those who are not. The Government considers that urgent action is required to stop our water getting worse, so that water quality is materially improving within five years. The health and wellbeing of water is put first, then drinking water, then other uses.

In addition to the existing Freshwater Management Unit processes and freshwater accounting requirements of the 2017 NPSFM, the new or amended parts of the NPS, NES and Regulations that will affect the West Coast are:

Amended National Policy Statement for Freshwater Management

- Some NPS policies must be added to the Regional Policy Statement through a Schedule 1 process, and decisions must be released by the end of 2025. **Supported**
- All NPS Policies to be implemented in plans by 2025 – reduced from 2030. RMA reforms are being made alongside the Package to use specialist panels with reduced appeal opportunity and associated costs; **Supported**
- Te Mana o te Wai - iwi and hapū values are strengthened; **Supported**
- Additional monitoring requirements for nitrogen, phosphorous, sediment, fish and macroinvertebrate numbers, lake macrophytes (native or invasive plants), river ecosystem metabolism and dissolved oxygen; **Partially supported**
- Higher standards for swimming in summer – four of our contact recreation sites fail this standard; **Supported**
- Protection of threatened indigenous freshwater species, and provision for fish passage; **Supported**
- The loss or further degradation of natural inland wetlands is avoided, including mapping those of a certain size, and monitoring them; **Generally not supported**
- Regional Plans must avoid the infilling of stream beds; **Partially supported**
- Regional plans must set environmental flows and limits on takes; **Generally supported**
- Councils must undertake annual reporting. **Supported**

Proposed National Environmental Standards for Freshwater

- Stringent rules for activities occurring in, or affecting, natural inland wetlands activities; **Not supported**
- Consents required for feed lots, and rules for sacrifice paddocks and intensive winter grazing – 50m setbacks from waterbodies, CMA and water; **Partially supported**
- Rules for fish passage; **Generally supported**
- Freshwater farm management plans required for all farms; **Generally supported**

Proposed Stock Exclusion Regulations

- Apply to waterways over 1 metre wide, it does not apply to steep land – most of the West Coast farmland is 'low slope'; **Partially supported (1m setback not 5m)**
- Landowners may seek an exemption, for example, where a river cannot feasibly be fenced, or an extension to the timeframes for excluding stock from waterways; **Supported (asking for wider exemption criteria)**
- Stock crossings are required, for example, with a culvert or bridge, unless the crossing is no more than twice a month; **Generally supported (exemptions required)**
- Different timeframes for fencing depending on type of stock and waterbody:
 - Wetlands - July 2021 for wetlands in plans, 1 July 2023 for all other wetlands;
 - Rivers – 1 July 2021 for dairy cattle and pigs, 1 July 2023 for beef cattle and deer.
 - Farms that use feed crops, break feed or are irrigated - July 2021 regardless of stock type;
 - Any new pastoral system – fencing required immediately;
 - If an existing fence does not comply, it can remain until 2025. If an existing fence does not comply but it meets the minimum 2 metre average, that is, it is not less than 1 metre at any point, the setback requirements do not apply until 2035;
 - Farm plans will set requirements for managing discharges to drains and waterways smaller than 1 metre wide, where they are unique to the farm. **Generally supported (exemptions required)**

Submissions closed on 17 October 2019 but an extension has been given until 31 October 2019. The draft submission is attached.

RECOMMENDATIONS

1. *That the report is received.*
2. *That the Council approves the Action for Healthy Waterways submission.*

Hadley Mills
Planning, Science and Innovation Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 31 October 2019
Prepared by: Michael Meehan – Chief Executive
Date: 30 October 2019
Subject: **Appointment of Council Members to the Tai Poutini Plan Committee**

The Tai Poutini Plan Committee is a requirement of the Local Government Commission Order in Council made on 5 November 2018 (attached).

The following clause requires West Coast Regional Council to make appointments to this committee until such time as the combined district plan becomes fully operative:

8 (5) (b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council;

The Chairman is appointed by title with one other elected member nominated onto the committee.

RECOMMENDATION

That the Chairman and one other elected member are appointed to the Tai Poutini Plan Committee.

Michael Meehan
Chief Executive



Local Government Commission
Mana Kāwanatanga ā Rohe

**Reorganisation Scheme for the Transfer of Certain District Planning Obligations
of the West Coast District Councils to the West Coast Regional Council for Discharge
through a new Joint Committee and the Making of a Combined District Plan**

1. Reorganisation Scheme

This Reorganisation Scheme:

- (a) completes the final reorganisation proposal given effect to by the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 made on 5 November 2018;
- (b) is prepared under Part 4 of Schedule 3 of the Local Government Act 2002; and
- (c) is prepared to promote good local government in a way that meets the needs and preferences of affected communities.

2. Commencement

In accordance with clauses 2 and 3 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, this Reorganisation Scheme comes into effect on the date that is 28 days after the date on which an Order in Council that gives effect to the Reorganisation Scheme under section 25(4)(a) of the Act is notified in the *New Zealand Gazette*.

3. Interpretation

The following terms have their meaning in this Reorganisation Scheme as follows:

Act means the Local Government Act 2002

combined district plan means a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA

party means each of the four West Coast councils, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio

RMA means the Resource Management Act 1991

four West Coast councils means the Buller, Grey and Westland district councils and the West Coast Regional Council

4. Affected local authorities continue in existence

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

- (a) The four West Coast councils as presently constituted and with their current boundaries, continue in existence; and
- (b) The four West Coast councils as referred to in clause 4(a), with the exception of their district plan statutory obligations transferred by clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, continue to have all their current roles, powers and responsibilities by or under law.

5. Areas of interest of iwi and hapū in West Coast

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 there are no changes to the extent to which areas of interest for Ngai Tahu and Te Rūnanga o Ngati Waewae and Te Rūnanga o Makaawhio in particular, are included in Buller, Grey and Westland districts.

6. Transfer of Statutory Obligations

By clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

- (a) The obligations of each of Buller, Grey and Westland district councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of the district plan, are transferred to the West Coast Regional Council;
- (b) The transferred obligations under subclause 6(a) for the preparation, notification, adoption, periodic amendment and review of new district plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA; and
- (c) Subclause 6(b) will not prevent the preparation, notification, adoption, periodic amendment and review of a document that meets the requirements of both the combined district plan and a regional plan, or a regional policy statement, or both, under section 80 of the RMA.

7. Further provisions of Reorganisation Scheme

The following further provisions of this Reorganisation Scheme complete (and are prepared and issued in accordance with) the final proposal given effect to by the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

8. Establishment of Tai Poutini Plan Committee

- (1) A joint committee is created between the four West Coast councils and local iwi known as the **Tai Poutini Plan Committee**.
- (2) The Tai Poutini Plan Committee is a permanent joint committee and is not subject to powers of discharge or reconstitution by the four West Coast councils under the Act.
- (3) The West Coast Regional Council must delegate to the Tai Poutini Plan Committee its combined district plan obligations under clause 6(1) of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.
- (4) The purpose and terms of reference for the Tai Poutini Plan Committee are to:
 - (a) prepare and notify a combined district plan;
 - (b) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the draft combined district plan;
 - (c) adopt a final combined district plan;
 - (d) monitor implementation of the combined district plan and the need for any amendments; and
 - (e) undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.
- (5) The initial membership of the Tai Poutini Plan Committee, until at least such time as the combined district plan becomes fully operative, comprises:

- (a) an independent chairperson;
- (b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council;
- (c) the mayor of Buller District and one other elected member from and appointed by Buller District Council;
- (d) the mayor of Grey District and one other elected member from and appointed by Grey District Council;
- (e) the mayor of Westland District and one other elected member from and appointed by Westland District Council;
- (f) one representative appointed by Te Rūnanga o Ngati Waewae; and
- (g) one representative appointed by Te Rūnanga o Makaawhio.

9. Independent chairperson of Tai Poutini Plan Committee

- (1) There shall be an independent chairperson of the Tai Poutini Plan Committee who is a permanent member of the Committee.
- (2) The first independent chairperson of the Tai Poutini Plan Committee appointed by the Local Government Commission is Robert Rex Williams.
- (3) Subject to clause 9(5), the term of appointment of the first independent chairperson of the Tai Poutini Plan Committee is until at least such time as the combined district plan becomes fully operative.
- (4) Any subsequent appointment of an independent chairperson and their term of appointment will be made by the Tai Poutini Plan Committee.
- (5) Clauses 1 to 4A of Schedule 7 of the Act apply to the Tai Poutini Plan Committee in relation to the independent chairperson as if it were a local authority.

10. Sub-committees of Tai Poutini Plan Committee

- (1) In the conduct of the Tai Poutini Plan Committee business as set out in this Reorganisation Scheme, the Tai Poutini Plan Committee may appoint subcommittees, including to hear and consider submissions received on the draft combined district plan.
- (2) Any such subcommittee is appointed for the purpose and for the period identified by the Tai Poutini Plan Committee and is then discharged.
- (3) The Tai Poutini Plan Committee may appoint to any subcommittee a person who is not a member of a local authority if, in the opinion of the Committee, that person has the skills, attributes or knowledge that will assist the work of the subcommittee.

11. Procedure for Tai Poutini Plan Committee

- (1) To the extent consistent with the provisions of this Reorganisation Scheme:
 - (a) The Tai Poutini Plan Committee must adopt its own standing orders governing matters relating to Tai Poutini Plan Committee meetings and how these are conducted, and clauses 19, 20, 25A, 27 and 28 of Schedule 7 of the Act apply to the Tai Poutini Plan Committee as if it were a local authority; and
 - (b) The Tai Poutini Plan Committee may from time to time enter and, as necessary, amend a further deed of agreement governing the workings of the Committee including (but not limited to) matters such as meeting venue, media publicity

regarding Committee decision-making, and provision of administrative support for the Committee.

- (2) At the meetings of the Tai Poutini Plan Committee:
- (a) the quorum consists of at least one member of four of the six parties to the Tai Poutini Plan Committee;
 - (b) voting is to be by majority of the members in attendance (whether in person or by audio link or audiovisual link);
 - (c) each party to the Tai Poutini Plan Committee may, for a specified meeting or meetings, appoint a deputy member in place of (as appropriate) that district's mayor, the chairperson of West Coast Regional Council or a member they have otherwise appointed who may perform all the functions, responsibilities, duties, and powers of the member for that meeting or meetings. The party must give notice to the other members (or the chairperson) of the appointment of a deputy for a specified member prior to the meeting or meetings concerned;
 - (d) in any case where the independent chairperson is unable to attend a meeting or meetings, the Tai Poutini Plan Committee may, for the specified meeting or meetings, appoint one of the members present to preside at that meeting who may perform all the functions, responsibilities, duties, and powers of the independent chairperson for that meeting; and
 - (e) the independent chairperson does not have a casting vote.
- (3) Except as otherwise provided in this Reorganisation Scheme the provisions of Schedule 7 of the Act will apply (with all necessary changes) to the Committee and its meetings as if the Tai Poutini Plan Committee were a joint committee constituted under that Schedule 7.

12. Technical Advisory Team

- (1) The West Coast District Plan Technical Advisory Team (the **Technical Advisory Team**) is established and will provide technical advice to the Tai Poutini Plan Committee as requested by the Committee.
- (2) Membership of the Technical Advisory Team will be agreed by the Tai Poutini Plan Committee as needed from time to time following nominations by the parties comprising the Committee.

13. Funding

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:

- (a) Subject to clause 13(b), the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by the West Coast Regional Council by a rate set in relation to all rateable land within the West Coast Region.
- (b) The Tai Poutini Plan Committee may agree that the relevant West Coast district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative combined district plan which will have only, or predominantly, a localised impact.

14. Clauses 45 and 46 of Part 4 of Schedule 3 of the Act not to apply

As provided for in the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018 clauses 45 and 46 of Part 4 of Schedule 3 of the Act do not apply to this Reorganisation Scheme.